



# Western State Colorado University Student Handbook

POLICIES AND  
STANDARDS OF  
CONDUCT

**2012-2013**

**THIS IS THE APPROVED STUDENT HANDBOOK FOR 2012-13. THROUGHOUT THE ACADEMIC YEAR, THE UNIVERSITY RESERVES THE RIGHT TO MODIFY OR MAKE POLICY CHANGES TO THE STUDENT HANDBOOK. IF THERE ARE ANY CHANGES MADE TO THE 2012-13 STUDENT HANDBOOK, YOU WILL BE NOTIFIED ELECTRONICALLY. FOR MORE INFORMATION, PLEASE CONTACT THE OFFICE OF STUDENT AFFAIRS, TAYLOR HALL 301.**

## **INSTITUTIONAL MISSION**

Western State Colorado University fulfills its statutory mission by promoting intellectual maturity and personal growth in its students and graduates citizens prepared to assume constructive roles in local, national, and global communities. WSCU helps its students to develop the skills and commitments needed to continue learning for the rest of their lives and strives to elucidate the connections unifying academic domains which have traditionally existed separately: the sciences, the liberal arts, and professional programs. The University provides students with a solid foundation of skills in written and spoken communication, problem solving, critical thinking, and creativity. Our programs encourage a breadth and depth of knowledge, which will serve as a foundation for a professional career or graduate study, and an appreciation of values appropriate to a liberally educated individual. WSCU's distinctive character emerges from its unity among academic and professional disciplines, its high standards of scholarship, and its unique environment in the mountains of western Colorado.

### **I. PRINCIPLES FOR POLICIES AND STANDARDS OF CONDUCT**

#### **A. BASIS FOR UNIVERSITY POLICIES**

Matriculation at Western State Colorado University (WSCU) is a privilege, which carries certain responsibilities. WSCU expects its students to demonstrate honesty and integrity in all phases of their college life. The student voluntarily assumes obligations of performance and behavior reasonably imposed by the institution relevant to its lawful missions, processes, and functions.

Admission to WSCU implies an obligation to take advantage of the opportunities for academic and social achievement and to conduct oneself in a manner, which will reflect credit upon the University. WSCU, in turn, has broad responsibilities for the education of students, including accountability regarding their behavior.

The primary purpose of the University centers on academic functions. Rules and regulations have been designed to promote learning in all areas including student life. Courtesy and consideration for others should be an important part of our everyday lives, both on and off campus. WSCU accepts its responsibility for encouraging good citizenship and endeavors to lead students to higher and better ideals of character and public service.

WSCU expects that each student will obey federal, state, and municipal laws as well as University regulations. A violation of these laws and regulations can lead to disciplinary action being taken by the University. Any act, which interferes with the rights of others, disrupts or impairs the normal functioning of the University, damages or destroys property, or impairs health or safety is grounds for suspension or expulsion from WSCU. Students who interfere with the personal liberty of a fellow student, faculty, staff or visitor to the University are liable to immediate expulsion and to such other penalties as may be imposed by law. A student's behavior in the larger community can also be grounds for disciplinary action by the University. Conduct at all times should reveal mature judgment and a sense of moral, civil, and academic responsibility.

The President of Western State Colorado University or the President's designees may summarily suspend any student for the violation of generally accepted standards of conduct, pending a hearing of the case before the appropriate hearing board or hearing officer. Students should be aware that such misconduct may also subject them to any penalties which may be prescribed by municipal, state, or federal laws. The imposition of such additional penalties does not constitute double jeopardy, in as much as the University's punishment is not criminal.

Any member of the University community (i.e., students, faculty, staff) may bring charges of misconduct against a student or group of students. WSCU has three primary conduct lines of due process: (1) Misconduct on-campus (with the exclusion of residence halls or off-campus); To initiate a case you should communicate your allegations to the Office of Student Affairs; the Dean of Students serves as the final hearing authority; and (2) Misconduct in a residence hall will result in the line of due process

described as beginning with the Resident Advisor and ending with the Dean of Students as the final hearing authority; and (3) Academic misconduct will result in the line of due process described as beginning with the Department and final authority will be within the department of Academic Affairs.

**Please note:** Student Sexual Harassment and Assault procedures are set forth in Section VII, A. Title IX- Sexual Harassment and Discrimination policies and procedures have a separate and clearly defined protocol for the investigation and handling of complaints/grievances.

The discipline of students in the educational community is, in all but the case of irrevocable expulsion, a part of the teaching process. In the case of irrevocable expulsion for misconduct, the process is not punitive or deterrent in the criminal law sense, but rather the determination that the student is unqualified to continue as a member of the educational community and acts as a protection to that community. Even then, disciplinary process is not equivalent to the criminal law processes of federal and state criminal laws.

Campus judicial decisions are based on a “preponderance of evidence” in contrast to the criminal justice system whose burden of proof is “beyond a reasonable doubt.” “Preponderance of evidence” is defined as just enough testimony and evidence to make it more likely than not that the fact sought to be proven is true. This preponderance is based on the more convincing evidence and its probable truth or accuracy, and not on the amount of evidence.

Under the Colorado Trespass and Interference with Education Act it is a class 3 Misdemeanor to unlawfully deny to students, school officials, employees and invitees lawful freedom of movement on the campus, lawful use of the property or facilities of the University or lawful ingress or egress to the University’s physical facilities. It is unlawful for a person to willfully refuse or fail to leave the campus upon being requested to do so by the Dean of Students or the Dean’s designee, if such person is committing, threatens to commit or incites others to commit any act which would disrupt, impair or interfere with the University. See C.R.S. § 18-9-109 (2007).

## **B. OBLIGATIONS OF A STUDENT**

Attendance at a tax-supported educational institution of higher learning is not compulsory. The Federal Constitution protects the equality of opportunity of all qualified persons to attend. Whether this protected opportunity is called a qualified “right” or “privilege” is unimportant. It is optional and voluntary.

The voluntary attendance of a student in such institutions is a voluntary entrance into the academic community. By such entrance, the student voluntarily assumes obligations of performance and behavior reasonably imposed by the institution of choice relevant to its lawful missions, processes, and functions. Those obligations are generally much higher than those imposed on all citizens by civil and criminal law. So long as there is no invidious discrimination, no deprivation of due process, no abridgement of a right protected in the circumstances, and no capricious, clearly unreasonable or unlawful action employed, the institution may discipline students to secure compliance with these higher obligations as a teaching method or may sever the student from the academic community.

Institutions of higher education do not prosecute criminals; they discipline students who violate their rules. Even though some of those rules may parallel the laws of society in what they prohibit; neither the campus proceedings, the standards of proof required, nor the discipline imposed is even remotely similar in either nature or substance to criminal procedures, standards of proof, or punishment. Fundamental fairness is all that the law requires of the University. Courts recognize the inherent authority of colleges and universities to set these higher standards because our institutions are preparing the next generation of leaders for our society.

## **C. STUDENT CONDUCT**

A university is a unique institution requiring high standards of individual conduct in order to fulfill its mission. Its primary purpose is learning and the improvement of the mind; it requires reasoned and rational discourse and an environment conducive to contemplative study. As a result, some of its codes of

conduct are higher than those found in other institutions and it has a vested interest in the conduct of students who live off campus as well as those who live in university housing.

The University tries to make as few rules as it can and relies on the maturity of its students to guide good conduct. There are some rules needed, however, in order to live together in a safe educational community.

Students are expected to act as responsible adults and will be held accountable for their behavior. Students need to know the standards of the University and the judicial sanctions that will be imposed if they violate these standards. Listed below are some examples of violations of University standards and the penalties that will be imposed. This information is intended to provide guidelines, not prescriptions, and each individual case will be decided upon its own merits.

#### **D. JUDICIAL ACTION**

In the occasion that a state or federal court has accepted an accused student's plea of guilty to a criminal offense, or the accused student has been found guilty of such an offense; and the commission of the offense also clearly constitutes a violation of the University rules set forth herein or in the housing contract, the Hearing Officer or Board appointed by the Office of Student Affairs may adopt the judicial determination of guilt without conducting a fact-finding hearing concerning guilt or innocence. A hearing for the purpose of assessing sanction(s) shall be afforded the student, in any case, with the student having the right to present mitigating evidence. The University may choose to hear a case prior to its disposition in a court of law. The findings of the courts do not limit the University in assessing appropriate sanction(s) for violations of campus rules or policies.

#### **E. APPEALS REGARDING POLICIES**

It is reasonable to expect that some students will not agree with established policies; and means to implement change are available to students via student government representation and/or formal proposals for policy change to the University administration. However, until a particular policy is administratively altered, students are responsible to abide by published policies or risk being held accountable judicially for misconduct. There are no avenues for individuals to appeal a policy; only appeals to judicial sanctions as a result of misconduct or failure to comply with a policy will be heard. In the event of pending proposals for change of or exception to a policy, students are in the meantime responsible to comply fully with policies and judicial sanctions. (For information regarding appeals of judicial sanctions, refer to the Appeal Process {V.C}).

#### **F. ADMINISTRATIVE RESPONSIBILITY FOR SANCTIONS**

Appeals of judicial sanctions will not be heard unless his/her immediate administrator has assessed the student's case. For instance, in the particular case of housing related judicial processes, sanctions against students will be ultimately arbitrated and determined by the Assistant Directors of Residence Life. An appeal of this administrative judicial sanction must be submitted to the Director of Residence Life in accordance with the Appeals Process {V.C} guidelines.

Students are expected to behave responsibly and are accountable for their behavior. Students need to know the standards of the University and the judicial sanctions that will be imposed if they violate these standards.

## **II. POLICIES**

### **A. ACADEMIC POLICIES**

#### **1. ACADEMIC INTEGRITY**

As members of the academic community, students are expected to recognize and uphold standards of intellectual and academic integrity. The University assumes, as a basic and minimum standard of conduct in academic matters, that students will be honest and that they will

submit for credit only the products of their own efforts. Both the ideals of scholarship and the need for practices that are fair require that all dishonest work be rejected as a basis for academic credit. They also require that students refrain from any and all forms of dishonorable conduct in the course of their academic work. Dishonest work may include, but is not limited to, the following infractions:

- a. **Plagiarism** - Presenting another person's work as one's own, including paraphrasing or summarizing the works of another person without acknowledgment, including submitting another student's work as one's own. Plagiarism frequently involves a failure to acknowledge in the text, notes or footnotes the quotation of paragraphs, sentences, or even a few phrases written or spoken by someone else.
- b. **Cheating on examinations** - Involves giving or receiving unauthorized help before, during or after an examination. Examples of unauthorized help include the use of notes, texts, or crib sheets during an examination (unless specifically approved by their instructor).
- c. **Unauthorized Collaboration** - Submission for academic credit of a work product, or a part thereof, represented as being one's own, which has been developed in substantial collaboration with or without it is also a violation of academic honesty knowingly to provide such assistance. Collaborative work specifically authorized by an instructor is allowed.
- d. **Falsification** - It is a violation of academic honesty to misrepresent material or fabricate information in an academic exercise or assignment (e.g., false or misleading citation of sources, the falsification of the results of experiments or of computer data).
- e. **Multiple Submissions** - It is a violation of academic honesty to submit substantial portions of the same work for credit more than once without the explicit consent of the instructor(s) to whom the material is submitted for additional credit.

Violations of academic integrity may result in the following: an F grade or a zero for the assignment, an F for the course, withdrawal from the course, or suspension or expulsion from the University. Serious violations of academic integrity will be reported to the Office of Academic Affairs.

## 2. PROCEDURE FOR ACADEMIC DUE PROCESS FOR STUDENTS

It is the objective of these procedures to provide for the prompt and fair resolution of the types of problems described herein which students may experience at WSCU.

## 3. DEFINITIONS

- a. **Complaint:** An informal claim by an affected student that a faculty member or an academic administrator has violated, misinterpreted, or improperly exercised his/her professional duties. (See Step I below).
- b. **Complainant:** An affected student who makes a complaint.
- c. **Grievance:** A written allegation by an affected student that a faculty member or an academic administrator has violated, misinterpreted, or improperly exercised his/her professional duties. (Step II below). The grievance should include the possibility of a remedy.
- d. **Grievant:** An affected student who files a grievance.
- e. **Respondent(s):** The faculty member(s) and/or academic administrator(s) identified by the affected student as causing or contributing to the complaint or grievance.

- f. **Grievance Committee:** A committee, composed of one faculty member selected by the grievant, one faculty member selected by the respondent, and three faculty members selected by the Provost/Vice President for Academic Affairs (or assignees), the function of which is described in Step II below.
- g. **Time Limits:** When a number of days are specified herein, they shall be understood to exclude Saturdays, Sundays, holidays, University vacation days, and other days when the University is not in session and holding classes.
- h. **Academic Administrator:** Professional personnel of the University other than teaching faculty who are in positions to make academic decisions affecting students, including but not limited to Department Chairs, Deans, the Provost/Vice President for Academic Affairs, and the President.

#### 4. STEP I-THE INFORMAL COMPLAINT PROCEDURE

- a. The complainant shall discuss the problem with the respondent(s).
- b. If the problem is not mutually resolved at this time, the complainant shall confer with the immediate supervisor(s) of the respondent(s). (This usually will be the Chair(s) of the Department(s) to which the respondent(s) is assigned.)
- c. If satisfactory resolution is still not achieved, the complainant must confer with the Provost/Vice President for Academic Affairs.

#### 5. STEP II-THE FORMAL GRIEVANCE PROCEDURE

- a. If the complaint is not suitably resolved during Step I, the student has the right to file a grievance with the Provost/Vice President for Academic Affairs within six months of the time that the grievant could or should have known of the action which is the basis of the problem. This written allegation shall indicate what has already been done to resolve the complaint in accord with Step I. Preservation of relevant documents and of precise records of actions taken pursuant to Step I is advantageous.
- b. The grievance committee shall be formed under the supervision of the Provost/Vice President for Academic Affairs and a hearing shall be scheduled within fifteen days after that officer receives the written grievance from the grievant.
- c. The grievance committee shall hear testimony from the grievant, the respondent, and whomever else it deems appropriate.
- d. Within 15 days after completion of the hearing(s), the grievance committee shall submit its findings to the Provost/Vice President for Academic Affairs for implementation as deemed appropriate by that officer. A copy of the finding of the committee and of the implementing decision of the Provost/Vice President for Academic Affairs shall be given to the grievant and the respondent.
- e. The grievant may withdraw the grievance at any point in the proceedings by doing so in writing to the Provost/Vice President for Academic Affairs.
- f. The Provost/Vice President for Academic Affairs may grant an extension of the time limit for good cause.
- g. If the grievance has not been resolved satisfactorily after Step II, D. above, the grievant is advised that he/she may appeal to the President of Western State Colorado University, and ultimately, to the Board of Trustees.

## **6. GRIEVANCE COMMITTEE PROCEDURES**

- a. The grievance committee shall elect a chair from among its members.
- b. The chair of the grievance committee shall appoint a secretary, who shall keep minutes.
- c. The procedures of the hearing shall be at the reasonable discretion of the chair of the grievance committee.
- d. The chair of the grievance committee shall notify the grievant and the respondent of a mutually acceptable date, time and place of the scheduled hearing(s).
- e. The grievant and the respondent shall have full responsibility for preparing and presenting evidence to support their cases.
- f. No legal counsel shall be permitted at hearings.
- g. The grievance committee shall have access to all relevant information regarding the case, except for un-waived confidential information.
- h. If more than one grievant files an appeal for the same cause, the collective grievances may be heard by a single committee.

## **B. ADMINISTRATIVE WITHDRAWAL POLICY**

### **Reference Standard: Council for the Advancement of Standards in Higher Education (1999)**

Standards of Conduct form the basis for behavior in the academic community; the enforcement of such standards must protect the rights, health, and safety of members of that community in order that they may pursue their educational goals without undue interference.

### **Policy Statement**

WSCU may execute an administrative withdrawal when a student engages in behavior that poses a danger of causing harm to others or disrupts the learning environment.

### **Reason for Policy**

WSCU is concerned about the physical, mental, and emotional welfare of its students and in maintaining the health, safety and welfare of the University community. The University believes that all students have a responsibility for self-welfare, self-guardianship, and self-care. In addition, students are responsible for conducting themselves in a manner that is not violent or disruptive. When, in the judgment of the University, a student's behavior constitutes a disruption or danger to the living/learning environment which the University seeks to create, or presents a threat to the health or safety of others, the University will intervene. This policy addresses students whose behavior is disruptive or dangerous to others or which disrupts the learning environment of others.

### **Definitions**

Danger to others and destructive behavior is here defined to include, but is not limited to the following:

1. Assault or threatened assault of students, faculty, or staff
2. Excessive use of alcohol and/or drugs
3. Misuse of prescribed medications
4. Criminal activity

Such dangerous and disruptive behavior may be in the form of a single behavioral incident or somewhat less severe but persistent dangerousness or disruption over a more extended period.

### **Procedure for Dealing with Disruptive or Dangerous Behavior**

When a student's behavior is perceived to be dangerous or disruptive other members of the campus community, the matter shall be referred to the Vice President for Student Affairs. In the event that the Vice President for Student Affairs determines that the student's behavior is a potential danger or disruption others, the following procedure will be initiated:

1. The Vice President for Student Affairs, or in his/her absence, the Associate Vice President for Student Affairs (hereafter referred to as "designee"), will notify the student that an administrative withdrawal is under consideration. The University may, in its sole discretion, execute an immediate administrative withdrawal leave should circumstances warrant.
2. The Vice President for Student Affairs or designee will discuss with the student the implications of and procedures relating to an administrative withdrawal. A copy of this policy will be provided to the student. Whenever possible and appropriate, the Vice President for Student Affairs or designee will encourage the student to voluntarily withdraw, thereby eliminating the need to complete the process for an administrative withdrawal.
3. When an administrative withdrawal is being considered, the Vice President for Student Affairs or designee will convene a committee made up of representatives from the Crisis Prevention Team, which may include, but is not limited to, representatives from Campus Security Services, the Office of Residence Life, the Office of Academic Affairs, the Academic Resource Center, the Counseling Center and the Office of Human Resources. This committee will review the situation and make a recommendation.
4. During this review, the committee will consider the criteria for executing an administrative withdrawal, specifically whether the student engages in, or is judged to be likely to engage in, behavior that poses a danger of causing harm to others, or disrupts the learning environment. Whenever appropriate, the student will be permitted to provide additional information regarding the situation.
5. Following this review, the Vice President for Student Affairs or designee will make a final decision regarding the administrative withdrawal, and must provide written notice of this decision to the student. (A return receipt must be requested.)
6. A copy of the final decision regarding the administrative withdrawal and a copy of the written notice to the student of this decision will be immediately delivered to the President of the University.

#### **If an Administrative Withdrawal is Not Executed**

The committee may impose other conditions and/or requirements under which the student is allowed to remain at the University.

#### **If an Administrative Withdrawal is Executed**

The Vice President for Student Affairs or designee will inform the student, along with notice of the decision, as to the steps that must be taken if the student is allowed to and wishes to re-enroll (See request for re-enrollment). The duration of leave will be determined by Vice President for Student Affairs. The student must leave campus within the time frame set forth within the notification letter. The student must obtain permission in writing from the Vice President for Student Affairs or designee to visit the campus during the duration of the leave. The Vice President for Student Affairs or designee reserves the right to notify a parent, guardian or other person if notification is deemed appropriate. In addition, the parent, guardian or other person may be asked to make arrangements for the safe removal of the student from the University environment.

The refund policy, as outlined in the University Catalog, would be applicable when an Administrative Withdrawal is executed.

#### **Appeal**

The student may appeal the final decision by delivering a written request for an appeal to the President of Western State Colorado University. Such request must be received by the President's office within ten days of the date of receipt of the decision of the Vice President for Student Affairs. The student may request a meeting with President; however, it is at the President's sole discretion as to whether or not to meet with the student.

### **Request for Re-enrollment**

A formal request for re-enrollment must be submitted to the Office of the Registrar. The student's re-enrollment request will be reviewed by the Vice President for Student Affairs and the committee that recommended the administrative withdrawal. This group must approve the re-enrollment. The Vice President for Student Affairs reserves the right to require clearance by a health professional before the student is allowed to be considered for re-enrollment.

### **C. AIDS POLICY**

AIDS (Acquired Immune Deficiency Syndrome) describes an impairment of the body's immune system, the mechanism which helps people fight infection and disease. When this system is not functioning correctly, the individual becomes vulnerable to unusual infections and other illnesses, which are life-threatening.

Information distributed by the Centers for Disease Control, U.S. Department of Health and Human Services, states that casual contact with AIDS patients or persons who might be at risk for the illness does not place others at risk for getting the illness; that AIDS is spread by sexual contact, needle sharing, or less commonly, through blood or its components.

The University shall treat AIDS the same as any other disease that may be contracted by students. Individuals with AIDS or those who test positive for HIV antibody, whether or not they are symptomatic, may work at and/or enroll in courses at WSCU unless the student's personal physician, campus medical officials, or state or federal public health officials declare that the disease represents a substantial risk to the health and safety of other members of the community. In such instances, appropriate measures will be taken to protect the institution and the individual.

WSCU officials will maintain strict confidentiality with information regarding a patient's diagnosis as having AIDS, adhering to one's right to privacy, which is derived from the First Amendment to the United States Constitution. The duty to report such information is limited only to those situations in which there are specific government reporting requirements or a medical justification for the disclosure of that information.

The University is committed to providing the campus community with educational programming. For AIDS information contact the Colorado AIDS Project at 303.837.0166.

### **D. ALCOHOL and OTHER DRUG (AOD) SANCTION POLICY**

The following sanctions are in reference to policies concerning alcohol and other drugs (further referred to as AOD) as stated in the *Student Handbook*. These sanctions are mandatory minimum sanctions for AOD violations. Based on the severity of the infraction, the University reserves the right to impose any appropriate additional sanction(s). Violations of AOD Policy will be considered in a cumulative manner when assigning Tier Offenses by the hearing officers.

The AOD fines collected pursuant to AOD violations shall be used to fund alcohol and drug education and policy-related administrative costs.

Resident and off campus students are expected to adhere to the code of conduct established by WSCU. This applies to students in off-campus housing as well as students dwelling in on-campus housing. The University reserves the right to investigate and subsequently apply University discipline in off-campus situations, which may impact the University community.

Each student must assume full personal responsibility for his or her compliance with the Colorado State law, and with the WSCU policy on alcohol and other drugs. This policy has been designed to prevent the destructive consequences of illegal and excessive drinking and illegal drug use. WSCU accepts the

responsibility to enforce its own code of conduct and will impose sanctions on students violating any Code provision, on or off-campus.

WSCU will not tolerate the misuse of alcohol or other drugs, violation of Colorado State laws, or violation of University AOD policies. In certain instances, WSCU will cooperate fully with local law enforcement officials in instituting procedures for addressing students in the local neighborhood engaged in underage drinking, disorderly conduct, or public intoxication.

### **Tier One Offense**

Specific sanctions for violating the WSCU Alcohol policy for alcohol related offences will be as follows:

1. Written conduct warning.
2. Mandatory conduct hearing.
3. Mandatory conduct AOD fine of \$75.00.
4. Mandatory alcohol education via Alcohol Response-Ability course.
5. Mandatory parental notification for students under the age of 21.
6. Possible judicial probation.
7. Possible service learning hours assigned to WRAP/GCSAPP.

Sanctions 1-5 are mandatory for all alcohol related policy violations. Sanctions 6-7 are optional sanctions given severity of violation. Additional sanctions will be determined by the conduct hearing officer(s).

Students in violation of the AOD policy and under sanction will have three (3) weeks from the date of their conduct hearing to complete the sanctions. Students who do not complete their sanctions in the pre-determined three week period or fail to attend the conduct hearing may be subject to having a hold placed on their next WSCU class registration, additional service hours, additional fines, suspension of WSCU Student ID Card, and/or eviction from the residence halls/apartments as determined by the conduct hearing officer.

### **Tier Two Offense**

Students who violate the WSCU AOD policy, including first violation of illegal drugs and marijuana, alcohol for a second time, or any two cumulative violations during one academic year will be subject to the following sanctions:

1. Written conduct warning/probation.
2. Mandatory conduct hearing.
3. Mandatory AOD fine of \$125.00.
4. Mandatory parental notification for students under the age of 21.
5. Mandatory alcohol education CHOICES Class.
6. Mandatory SBIRT evaluation.
7. Possible service learning hours assigned to WRAP/GCSAPP.
8. Possible counseling, depending upon type and location, student may be responsible for paying the cost.

### **Tier Three Offense**

Students who violate the WSCU AOD policy for a third time, drugs and marijuana for a second time, or any three cumulative violations, during one academic year will be subject to the following sanctions:

1. Written judicial warning.
2. Conduct hearing.
3. Judicial probation/suspension.
4. Mandatory meeting with a designate from the Office of Student Affairs / Dean of Students.
5. Parental notification for students under the age of 21.
6. AOD fine of \$200.00
7. Counseling, depending upon type and location, student may be responsible for paying the cost.
8. Possible eviction from residence hall/apartment (on campus).

When applicable, a student's disciplinary record, including sanctions and disciplinary status, will be taken into account from one year to the next.

## **E. ANTI-DISCRIMINATION POLICY**

- I. Definitions.** The following definitions shall apply to this Policy.
  - A.** "Affiliate" means an entity at which members of the Campus Community work or study (including entities that accept student interns) and other third parties or service providers on campus or associated with the University through contracts, affiliation agreements, or otherwise.
  - B.** "Affirmative Action Officer" means the person appointed by the University to investigate complaints or grievances. When the President appoints another to fulfill the role of the Affirmative Action Officer with respect to a particular matter, Affirmative Action Officer shall be read to mean the person so appointed by the President. The contact information for the current Affirmative Action Officer is attached to this Policy as Exhibit 2.
  - C.** "Calendar day" and "day" mean any day of the year. "Working day" means a day on which the University holds regular class sessions or exams, and excludes Saturdays, Sundays, and University holidays. It includes summer session, even if a party is not enrolled, employed or volunteering during the summer, and periods of annual or other leave requested by the party.
  - D.** "Campus Community" means Students, Faculty, Professional Personnel, Classified Staff, and Volunteers, who are admitted or enrolled in the University, are participating in programs offered by the University, or who are employed by, or volunteering for the University.
  - E.** "Complaint" means a written or oral allegation of violation of this policy that has not been formally filed as a Grievance.
  - F.** "Complainant" means a person making a written or oral allegation of violation of this policy other than by filing a Grievance.
  - G.** "Deliver" or "Delivery" means hand delivery, signed receipt required, or certified mail, return receipt requested. The date of delivery shall be the date of mailing according to the records of the University or hand delivery as evidenced by a postal certification form or a receipt signed by the recipient. If the recipient does not accept a hand-delivery, a certification signed by the person who attempted to deliver the notice shall be conclusive evidence of the date of delivery.
  - H.** "Disciplinary action" means the process for and sanctions available for violations of University policy as set forth in the *Western State Colorado University Student Handbook* or any applicable Graduate Program Handbook or Catalog, the *Colorado State Personnel Board Rules and Director's Administrative Procedures*, or the University's *Handbook for Professional Personnel*.
  - I.** "Employee" means any member of the Classified Staff, Professional Personnel or Faculty and student employees.

- J. "Grievance" means a written allegation of discrimination or retaliation that is filed with the University in accordance with this policy. A sample Grievance form is attached as Exhibit 1 to this policy.
- K. "Grievant" means any member of the Campus Community who files a written Grievance.
- L. "Party" means Grievant(s) or Respondent(s).
- M. "Protected status" means race, color, national origin, gender (including pregnancy), religion, age, disability, veteran or marital status, or sexual orientation.
- N. "Remedial action" means any corrective, non-disciplinary action that is taken as a result of allegations of discrimination or retaliation and that is reasonably calculated to end present discrimination/retaliation, protect against future discrimination/retaliation, or remedy past discrimination/retaliation.
- O. "Respondent" means a member of the Campus Community against whom a Grievance or Complaint has been made or filed.
- P. "Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other unwelcome verbal and physical conduct based on sex when:
  1. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or education; or
  2. Submission to or rejection of such conduct is used as the basis for making employment or educational decisions about a person; or
  3. Such conduct has the purpose or effect of substantially and unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive working or educational environment. For such conduct to constitute sexual harassment in the teaching context, the behavior must also be persistent, pervasive, and not germane to the academic subject matter and affect a student's class participation, or ability to participate in or benefit from an education program, opportunity or activity, or create an intimidating, threatening or abusive educational environment.
- Q. "Supervisory-level employee" means any employee or student who supervises, evaluates or is responsible for the work of another employee or student.

## II. Prohibitions

- A. **Discrimination.** The University prohibits and will not tolerate discrimination that violates federal or state law or this policy. The University prohibits and does not discriminate on the basis of race, age, color, religion, national origin, gender, sexual orientation, veteran status, or disability. The University complies with Titles VI and VII of the Civil Rights Act of 1964, the Civil Rights Act of 1991, the Education Amendments of 1972 (Title IX), the Age Discrimination in Employment Act, the Rehabilitation Act of 1973, the Americans with Disabilities Act, Executive Order 11246, sections 24-34-301, C.R.S. *et seq.* and the Trustee Policy Manual.
- B. **Sexual Harassment.** Sexual harassment is a type of discrimination that is addressed by the University's specific Policy Prohibiting Sexual Harassment. The University prohibits and will not tolerate sexual harassment. Sexual harassment is neither legally protected expression,

nor the proper exercise of academic freedom. Complaints of sexual harassment shall be handled under the Policy Prohibiting Sexual Harassment and its related administrative procedures. Complaints of Sexual Harassment shall not be filed under the procedures outlined in this Anti-Discrimination Policy. Contact the Office of Human Resources, or the University's Title IX Officer, for more information related to the Policy Prohibiting Sexual Harassment and the complaint procedure.

- C. Retaliation. The University prohibits and will not tolerate retaliation against any person who opposes or reports a discriminatory practice which is forbidden by law or this policy or who has filed a Grievance, testified, assisted or participated in any manner in an investigation or proceeding conducted under this policy. Acts of retaliation may be the subject of a Complaint or Grievance under this policy.
- D. Penalties. Members of the Campus Community who engage in discrimination or retaliation against any member of the Campus Community or any employee of any Affiliate may be subject to remedial action or disciplinary action, up to and including termination of employment or expulsion from the University.

### **III. Discrimination By or Against Persons Outside of the Campus Community**

- A. Agreements with Affiliates must contain provisions requiring Affiliates to comply with the letter and the spirit of all applicable State and Federal laws respecting discrimination and unfair employment practices. Illegal discrimination or retaliation by an Affiliate or an Affiliate's employee affecting any member of the Campus Community may result in remedial actions up to and including termination of the Affiliate's agreement with the University. Such allegations shall be reported to the primary University representative/contact person identified in the agreement ("University Representative") or the Affirmative Action Officer. The University shall investigate the credibility of the allegations and promptly notify the Affiliate of any credible allegations and request appropriate action. The University also shall promptly take any necessary remedial actions as appropriate.
- B. Allegations by an Affiliate that a member of the Campus Community has engaged in illegal discrimination or retaliation against any employee of the Affiliate shall be reported to the University Representative identified in the agreement. The University shall promptly investigate the allegations and take any necessary remedial and/or disciplinary actions as appropriate.
- C. Allegations of illegal discrimination or retaliation made by applicants for employment shall be reported to the Director of Human Resources (or other presidential designee). The University shall promptly investigate the allegations and take any necessary remedial and/or disciplinary actions as appropriate.
- D. Allegations of illegal discrimination or retaliation made by undergraduate applicants for admission to the University shall be reported to the Vice President for Student Affairs (or other presidential designee). The University shall promptly investigate the allegations and take any necessary remedial and/or disciplinary actions as appropriate.
- E. Allegations of illegal discrimination or retaliation made by applicants for admission to graduate programs shall be reported to the Provost/Vice President for Academic Affairs (or other presidential designee). The University shall promptly investigate the allegations and take any necessary remedial and/or disciplinary actions as appropriate.

- F. Allegations that a member of the Board of Trustees has engaged in illegal discrimination or retaliation shall be reported to the Chair or, if the allegations are against the Chair, the Vice Chair of the Board of Trustees. Credible allegations shall be investigated by an independent investigator appointed by the Chair or Vice Chair, as appropriate. The independent investigator shall deliver a confidential written report to the Chair or Vice Chair, as appropriate. Necessary remedial actions shall be determined by the Chair or Vice Chair, as appropriate.

#### **IV. Procedure for Campus Community Discrimination Complaints and Grievances**

##### **A. Application**

This procedure applies to allegations of discrimination or retaliation made by any member of the Campus Community against any other member of the Campus Community.

##### **B. Time Limits**

1. In order to fall within the jurisdiction of this policy, a Complaint or Grievance must be initiated within ten (10) calendar days of the date on which alleged discrimination or retaliation occurred.
  - a. The Complainant/Grievant may choose to withdraw his/her Complaint/Grievance at any point.
  - b. The University will investigate all credible allegations of discrimination or retaliation as appropriate to the circumstances and may take remedial and/or disciplinary action if warranted by the available facts, even if the Complainant/Grievant declines to pursue resolution of the matter through this policy, or the Complaint/Grievance does not fall within the jurisdiction of this policy.
2. The Affirmative Action Officer may extend or shorten any time periods prescribed in this policy for good cause, including the ten (10) day time limit for filing a Grievance, but shall not permit unreasonable delay. It shall be the goal of the Affirmative Action Officer to bring most Complaints/Grievances to closure no later than thirty (30) days after the date of filing. The actual time required will depend on the complexity of each Complaint/Grievance.

##### **C. Purposes of the Discrimination Grievance Procedure**

1. To provide a mechanism for prompt and fair internal resolution of allegations of discrimination or retaliation by members of the Campus Community that is reasonably calculated to immediately end any discrimination or retaliation, remedy its effects and prevent discrimination or retaliation from occurring again; and
2. To provide a prompt and fair procedure for administering allegations of discrimination or retaliation by Campus Community members that violate this policy.
3. For allegations between or among Classified Staff alleging discrimination or retaliation, this Discrimination Grievance Procedure shall be construed as the grievance policy adopted by the University pursuant to Personnel Board Rules 8-3 and 8-8 and shall be in lieu of the Grievance Procedures set forth in Chapter 8 of the Department of Personnel Board Rules and Director's Administrative Procedures.

##### **D. Protection of the Parties**

1. It will be the Affirmative Action Officer's responsibility to keep the President closely informed about any and all Complaints and Grievances involving

discrimination/retaliation that arise within the University. The Affirmative Action Officer will have final authority to decide all procedural matters and arrange for and coordinate all informal resolution efforts unless otherwise specified herein. These decisions are and final with no further appeals or grievances.

- a. Any reference in this policy to "The President" shall be read as "the Chair of the Board of Trustees" if the President is the subject of the Complaint.
  - b. "Affirmative Action Officer" shall be read as "the President's designee" if the President has made such designation for investigation. The President may make such designation whenever he/she deems that the interest of the University would be best served, and shall make such designation if the Affirmative Action Officer is the subject of the Complaint/Grievance.
2. The President or supervisory personnel may take remedial action to protect the Complainant/Grievant and to prevent contact between the Complainant/Grievant and the Respondent during the pendency of the process. Any such actions shall be in addition to any remedial or disciplinary measure imposed by the process.

In accordance with the applicable procedures set forth in the *Western State Colorado University Student Handbook* or any applicable provision of a Graduate Program Handbook or Catalog that provides a process for temporary or summary suspension, the *Colorado State Personnel Board Rules and Director's Administrative Procedures*, and the *Western State Colorado University Handbook for Professional Personnel*, the President may impose administrative leave, temporary suspension or summary suspension, as appropriate, in conjunction with this policy.

3. Complaints and Grievances will be treated with discretion to protect the privacy of those involved. Participants in the Complaint/Grievance process, including parties, witnesses, employees, agents, students, confidential advisors, mediators or facilitators will treat all information and documents as confidential and will not discuss the matter with, or provide documents to, anyone except as necessary for the investigation and any subsequent proceedings, or as authorized or required by law. The process for resolving allegations of discrimination or retaliation is handled with discretion to protect the parties, but neither anonymity nor complete confidentiality can be promised.

Failure to observe these confidentiality requirements may be cause for discipline, up to and including termination of employment or expulsion from the University.

4. Participants in Discrimination Grievance Procedures should not be promised confidentiality beyond that stated herein.
5. Except for the failure of a Complainant/Grievant to attend an interview or discussion conducted pursuant to this policy, failure of any member of the Campus Community to cooperate with University officials in pursuing allegations of discrimination/retaliation may be cause for discipline.
6. The intimidation of, unauthorized contact with, or retaliation against any individual because of that individual's involvement in a Complaint/Grievance is a violation of University policy and may be the subject of a Complaint or Grievance under this or other University policies and may result in discipline.

7. Abuse of the Complaint/Grievance process is grounds for discipline. Abuse of this process includes fraudulent or bad faith allegations, knowingly false statements of fact or documentation, or otherwise behaving irresponsibly in connection with any part of a Complaint/Grievance.
8. A Complainant/Grievant who is a member of the Classified Staff may have a representative present at any stage in the Complaint/Grievance process and that representative may speak for him/her; however, the Classified Staff member is expected to participate in discussions. Other members of the Campus Community may be advised by a representative at any stage of the process but must speak for themselves.

#### **E. External Processes**

1. Those who believe they are victims of discrimination or retaliation may initiate outside legal action through private sources or the appropriate State or Federal enforcement agencies. These agencies are:

Denver Office  
Office for Civil Rights  
U.S. Department of Education  
Cesar E. Chavez Memorial Building  
1244 Speer Boulevard, Suite 310  
Denver, CO 80204-3582  
(303) 844-5695  
FAX (303) 844-4303; TDD (877) 521-2172  
OCR.Denver@ed.gov  
<http://www2.ed.gov/about/offices/list/ocr/complaintprocess.html>

U.S. Equal Employment Opportunity Commission  
Denver Field Office  
303 E. 17th Avenue  
Suite 410  
Denver, Colorado 80203  
1-800-669-4000  
FAX 303-866-1085; TTY (800) 669-6820  
<http://www.eeoc.gov/denver/index.html>

Colorado Civil Rights Division  
1560 Broadway # 1050,  
Denver, Colorado 80202  
(303) 894-2997; (800) 262-4845-Toll Free  
FAX (303) 894-7830

[http://www.dora.state.co.us/civil-rights/complaint\\_process\\_intake\\_packets/complaint\\_process.htm](http://www.dora.state.co.us/civil-rights/complaint_process_intake_packets/complaint_process.htm)

2. If an external complaint, grievance or charge is filed with an equal opportunity enforcement agency or in State or Federal court while a Complaint/Grievance is pending within the University and the complaints arise out of the same incident(s) or make similar allegations of discrimination/retaliation the University may discontinue the internal Complaint/Grievance process. The University may nonetheless require an investigation of all credible allegations of discrimination/retaliation and take remedial/disciplinary action as appropriate even if the Complaint/Grievance process has been discontinued.

#### **F. Consolidation of Grievances**

Multiple Complaints/Grievances may be consolidated if they arise from the same or similar facts and circumstances, or allege retaliation for bringing an earlier, still-pending Complaint/Grievance.

#### **G. Informal Resolution Efforts**

1. It is the goal of the University to provide prompt resolution of any Complaints/Grievances in a manner that ends any present discrimination/retaliation, protects against future discrimination/retaliation and remedies past discrimination/retaliation. To advance this goal, the University strives to resolve perceived discrimination/retaliation at the lowest level possible. Frequently, the most satisfactory process for resolving perceived discrimination/retaliation is informal discussion between the parties and appropriate administrators. Such discussions will generally precede the filing of a written Grievance as defined under this policy but may also take place after the filing of a Grievance.
2. In informal resolution, affected employees, administrators, students, other parties, and/or outside facilitators, will attempt to informally identify problems, to develop understanding, to reconcile differences and, if appropriate, to redress allegations of discrimination/retaliation. In order to facilitate this process, the Affirmative Action Officer may conduct a preliminary investigation of the situation. Upon approval by the President and consent of the parties, the Affirmative Action Officer may refer a matter to mediation for informal resolution. Informal resolution may be by-passed or terminated if the Complainant feels it is necessary to do so and provides written notice to the Affirmative Action Officer of his or her request to by-pass or terminate informal resolution.
3. The Complainant/Grievant, appropriate supervisory personnel or the Vice President of Student Affairs, the Affirmative Action Officer and if appropriate, other individuals who may facilitate communications will discuss informal resolution. The person(s) alleged to have engaged in discrimination/retaliation may be asked to join the discussion if the Affirmative Action Officer determines that it would be worthwhile and the Complainant/Grievant consents.
4. Any remedy arising from informal resolution efforts will be reduced to writing within seven (7) calendar days after the conclusion of informal resolution efforts. A remedy arising from informal resolution may consist of 1) an informal remedy determination issued by the appropriate supervisory level-employee or the Vice President for Student Affairs after discussions with the Complainant and others; or 2) a written agreement between the Parties.
5. If a Complainant is dissatisfied by an informal remedy determination issued by the appropriate supervisory personnel or the Vice President for Student Affairs, the Complainant may, within five (5) calendar days after service of the informal remedy determination, proceed with a formal Grievance.
6. An agreement for informal resolution entered into by the Parties must be approved by the President and is binding and final with no further appeals or grievances..
7. Even if a Complaint is withdrawn or never filed as a Grievance, the President may require further investigation and take appropriate disciplinary/Remedial action if appropriate.

#### **H. Reporting**

1. Process for an Employee or Volunteer to Report Discrimination/Retaliation. Any employee or volunteer who believes he/she has been discriminated against or

retaliated against is encouraged to report the alleged discrimination/retaliation to the employee's supervisor, next level supervisor, or the Affirmative Action Officer.

2. Process for Student to Report Discrimination/Retaliation. Any student who believes he/she has been discriminated against or retaliated against is encouraged to report the alleged discrimination/retaliation to the Vice President for Student Affairs or the Affirmative Action Officer.
3. Duty to Report Discrimination/Retaliation. Any supervisory-level employee or Faculty member who observes what he/she reasonably believes to be discrimination or retaliation, or who receives a Complaint making allegations of discrimination or retaliation by a member of the Campus Community must promptly inform the Affirmative Action Officer, or if the Complaint is against the Affirmative Action Officer, the Executive Vice President/Chief Operating Officer. Any Senior Resident Assistant or Resident Assistant who, in the scope of his/her duties observes what he or she reasonably believes to be discrimination or retaliation against a student, or who receives a Complaint from a student making allegations of discrimination or retaliation by a member of the Campus Community must promptly inform the Vice President for Student Affairs or the Affirmative Action Officer. The matter will be referred for appropriate informal discussions as provided above.
  - a. A supervisory-level employee, Faculty member or Senior Resident Assistant or Resident Assistant who fails to report alleged discrimination or retaliation may be subject to discipline, up to and including dismissal.
  - b. A supervisory-level employee, Faculty member or Senior Resident Assistant or Resident Assistant is not to attempt to independently investigate or mediate allegations of discrimination or retaliation, except that a supervisory-level employee may take steps necessary to issue an informal remedy determination under section VIII, B.
  - c. If the person reporting discrimination/retaliation is someone other than the alleged victim, the Affirmative Action Officer, the Vice President for Student Affairs or his/her designee will ask the alleged victim(s) to confirm whether the reported conduct occurred. If the alleged victim does not confirm that the reported conduct occurred, the matter will not be pursued. If the alleged victim confirms that the conduct occurred, the alleged victim will be offered the opportunity to pursue resolution of the matter under this Procedure. If the alleged victim declines to pursue resolution of the matter through this Procedure, the matter shall be reported to the President who may require an investigation and take such remedial/disciplinary actions as he/she deems appropriate under the circumstances.
  - d. Even if a person reporting or acknowledging the occurrence of perceived discrimination or retaliation requests that no action be taken, the supervisory-level employee, Faculty member or Senior Resident Assistant or Resident Assistant still must inform the Affirmative Action Officer or Vice President for Student Affairs of the alleged discrimination/retaliation. The supervisory-level employee, Faculty member or Senior Resident Assistant or Resident Assistant should inform the person reporting the alleged discrimination or retaliation that the matter must be reported and that the process for resolving allegations of discrimination or retaliation is handled with discretion to protect the parties, but that neither anonymity nor complete confidentiality can be promised.

## I. Filing a Grievance

Any Campus Community member may file a formal written Grievance when he/she believes that he/she has been discriminated against or retaliated against, whether or not the matter has been reported in accordance with Section H. The Grievance must be filed with the Affirmative Action Officer or in the absence, unavailability or perceived conflict of interest of the Affirmative Action Officer, with the Executive Vice President/Chief Operating Officer (for employees and volunteers) or the Vice President for Student Affairs (for students).

### 1. Step 1

- a. The Grievant will file a written Grievance (see Notice of Discrimination Grievance Form attached as Exhibit 1) which shall include:
  - i. the Grievant's name, mailing address, telephone number, and email address
  - ii. the identity of the Respondent(s)
  - iii. the type of discrimination or perceived reasons for retaliation
  - iv. a specific description of the facts and circumstances of the alleged discrimination/retaliation
  - v. the date(s) on which the alleged conduct occurred
  - vi. the identity of and contact information for any witnesses which the Grievant believes to possess information about the alleged discrimination/retaliation and a description of the information that each witness is believed to possess
  - vii. the signature of the grievant
- b. If the alleged discrimination/retaliation took place more than ten (10) days before the filing, the Grievant must also submit a statement showing good cause for not filing within the ten (10) day time limit.
- c. The Affirmative Action Officer will determine whether the Grievance is within the jurisdiction of this policy.
- d. Jurisdiction under this process is established when:
  - i. The Grievance is timely filed or good cause is shown for not filing within the 10-day time limit,
  - ii. The Grievant has submitted a sufficient written Grievance, and
  - iii. The Grievance sets forth facts that, if true, show reasonable cause to believe that a violation of this policy has occurred.
- e. If the Grievance documents do not establish jurisdiction under this policy, the Affirmative Action Officer will serve the Grievant with written notice of this finding. The Grievant may request the President's review of a finding of no jurisdiction under this policy by submitting a written request for review to the Affirmative Action Officer within five (5) working days of the date of delivery of the finding.
- f. The President's determination of jurisdiction shall be rendered as soon as possible after the President receives the request for review. The President's determination of jurisdiction is final. The Grievant will be provided with a copy of the President's determination.
- g. If the Grievance establishes jurisdiction, the Affirmative Action Officer will deliver a copy of the written Grievance on the Respondent with the Grievant's address, telephone and email address redacted.
- h. The Affirmative Action Officer will contact the Grievant to discuss options for informal resolution. If the Grievant wishes to pursue informal resolution efforts, the Affirmative Action Officer will make the necessary arrangements and inform the parties.

- i. If the Grievant wishes to pursue informal resolution efforts, the formal Grievance procedure shall be suspended to permit the parties an opportunity to resolve the Grievance pursuant to Section IV.G above.
  - j. The Grievant may at any time terminate informal resolution efforts and proceed to Step 2.
- 2. Step 2
  - a. Within five (5) calendar days after delivery of a copy of the Grievance or within five (5) calendar days after notice of termination of informal resolution efforts, if applicable, the Respondent will file a written response (“Response”) with the Affirmative Action Officer.
  - b. The Response shall include:
    - i. a statement as to whether the facts supporting the conduct that forms the basis for the allegations are true, and
    - ii. an explanation of the circumstances surrounding any admitted conduct; and
    - iii. the names of witnesses, if any, who may have information pertaining to the Grievance, and a description of the information that each witness is believed to possess.
- 3. Step 3
  - a. After receiving the Response, the Affirmative Action Officer will conduct an investigation to determine the facts. The Affirmative Action Officer, will interview the Grievant, Respondent and anyone that the Affirmative Action Officer determines is likely to have substantial, relevant information, and gather any other evidence that he/she deems necessary.
  - b. The interview provides the Respondent with an opportunity to be heard by a fair and impartial fact-finder and to explain, deny, or offer mitigating reasons. If the Respondent fails to attend an interview for reasons other than an unforeseeable emergency, documented to the satisfaction of the Affirmative Action Officer, such failure constitutes a knowing and voluntary waiver of this opportunity and the report may be rendered without Respondent’s input.
  - c. If the Grievant fails to attend an interview for reasons other than an unforeseeable emergency documented to the satisfaction of the Affirmative Action Officer, the Affirmative Action Officer, in consultation with the President, may deem the Grievance withdrawn and discontinue the process. Even if the Grievance is deemed withdrawn, the President may require further investigation and take appropriate disciplinary/remedial action if appropriate.
  - d. The Affirmative Action Officer will promptly prepare and deliver to the President (or the Hearing Officer, if the Respondent is a student) a written report summarizing the investigation that includes observations as to credibility of interviewees, a determination of whether any University policy was violated, and a recommendation for action, which may include remedial action or discipline. The President (or the Hearing Officer, if the Respondent is a student) shall review the report and take action as he/she deems necessary. The President (or the Hearing Officer, if the Respondent is a student) may pursue discipline in accordance with the appropriate disciplinary procedure.

*(Policy pending Board of Trustees approval as of August 2012)*

**Exhibit 1**

**NOTICE OF DISCRIMINATION GRIEVANCE FORM**

Complete this form and file it with your written Grievance attached. The written Grievance may be typed or hand-written, but must be legible. Your written Grievance must explain:

1. the identity of the Respondent(s)
2. the type of discrimination or perceived reasons for retaliation
3. specific description of the facts and circumstances of the alleged discrimination/retaliation
4. the date(s) on which the alleged conduct occurred
5. the identity of and contact information for any witnesses which the Grievant believes to possess information about the alleged discrimination/retaliation and a description of the information that each witness is believed to possess.

Please be specific. Failure to attach a sufficiently detailed written Grievance may impair the investigation or result in the Grievance being dismissed because it does not demonstrate facts sufficient to show reasonable cause to believe that a violation of the Anti-Discrimination Policy has occurred.

**The Respondent will receive a copy of your Grievance, but will not receive this Notice of Grievance Form.**

**Part A - to be fully completed by the Grievant**

Name(s) of Grievant(s):

Date:

Mailing Address:

Telephone:

E-mail:

Summary of Complaint:

Date(s) of alleged discrimination:

Respondent(s) (person(s) who you are complaining about):

\_\_\_\_\_  
Signature of Grievant (date)

\_\_\_\_\_  
Signature-Person Receiving Grievance (date)

\_\_\_\_\_  
Printed Name of Grievant (date)

\_\_\_\_\_  
Printed Name-Person Receiving Grievance (date)

**Part B –to be fully completed by the Affirmative Action Office**

Grievance filed on \_\_\_\_\_(date) Alleged discrimination occurred on \_\_\_\_\_(date(s))

\_\_\_\_A statement of good cause for untimely filing is required

\_\_\_\_If required, the statement is attached.

If required, the statement shows good cause for the untimely filing. \_\_\_\_Yes \_\_\_\_No

\_\_\_\_ Part A is fully completed \_\_\_\_ A written Grievance is attached

The Grievance alleges facts that, if true, are sufficient to create a reasonable belief that the University's Anti-Discrimination Policy has been violated. \_\_\_\_Yes \_\_\_\_No

If yes, the alleged violation is (Check all that appear to apply):

\_\_\_\_ Discrimination based on sex/gender, including pregnancy (other than Sexual Harassment)

\_\_\_\_ Race

\_\_\_\_ Color

\_\_\_\_ Creed

\_\_\_\_ Religion

\_\_\_\_ National Origin

\_\_\_\_ Age

\_\_\_\_ Disability

\_\_\_\_ Veteran Status

\_\_\_\_ Marital Status

\_\_\_\_ Sexual Orientation

\_\_\_\_ Retaliation

Jurisdiction under this policy is established \_\_\_\_Yes \_\_\_\_No

**Exhibit 2**

**Contact Information for Reporting Violations of Anti-Discrimination Policy**

Kimberly E. Gailey, Director of Human Resources and Affirmative Action Officer.

[kgailey@western.edu](mailto:kgailey@western.edu)

970.943.3142

Gary Pierson, Vice President for Student Affairs

[gpierson@western.edu](mailto:gpierson@western.edu)

970.943.2049

Brad Baca, Executive Vice President / Chief Operating Officer

[bbaca@western.edu](mailto:bbaca@western.edu)

970.943.2182

Dr. Patricia Manzanares-Gonzales, Provost & Vice President for Academic Affairs

[pmanzanaresgonzales@western.edu](mailto:pmanzanaresgonzales@western.edu)

970.943.3045

If a member of the Campus Community feels threatened, he or she should contact Campus Security at 970.943.3084 or 970.209.1020. In an emergency, call 911.

## **F. COMPLAINT POLICY**

To file a complaint against WSCU, please follow the steps for reporting a complaint/grievance to the Colorado Department of Higher Education.

(<http://highered.colorado.gov/Academics/Complaints/default.html>) .

Before submitting a complaint regarding WSCU, you must exhaust opportunities for resolution at the University. Please review the Department of Higher Education's student appeals FAQ

(<http://highered.colorado.gov/Academics/Appeals/default.html>) and policy

(<http://highered.colorado.gov/Publications/Policies/Current/i-partt.pdf>)

## **G. COMPUTER AND DATA NETWORKS: ACCEPTABLE USE POLICY**

This document outlines the WSCU policy on the use of computer data networks and university-owned computing facilities. These guidelines reflect the general ethical principles of the University community and indicate, in general, what responsibilities are characteristic of the University's computing environment.

Access to computing and networking resources is a privilege extended to the members of the campus community; faculty, staff and students. Certain responsibilities accompany that privilege; understanding them is important for all computer users. Some of these responsibilities are listed here:

### **1. Security**

Each user is responsible for correct and sufficient use of the tools each computer system provides for maintaining the security of stored information. A summary of the security procedures relevant to the end users of computing and networking resources is given below:

- a. Computer accounts, passwords, and other types of authorization are assigned to individual users and should not be shared with others.
- b. Each user should select a strong password and change it frequently.
- c. Each user should understand the level of protection each computer system automatically applies to files and supplement that protection, if necessary, for sensitive information.
- d. Each computer user should be aware of computer viruses and other destructive computer programs, and take steps to avoid being either their victim or propagator.

### **2. Confidentiality**

In general, information stored on computers is considered confidential, whether protected by the computer system or not, unless the owner intentionally makes that information available to other groups or individuals. WSCU will assume that computer users wish the information they store on campus computing resources to remain confidential.

The WSCU Computing Services Center will maintain the confidentiality of all information stored on its computing resources. Similarly, each user is expected to maintain the confidentiality of all information stored on computing resources in his or her charge. However, the system administrator may access user files as required to protect the integrity of computer systems. For example, following accounts that are suspected of unauthorized use or misuse, or that have been corrupted or damaged.

Requests for the disclosure of confidential information will be governed by the provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA) and the Colorado Open Records Law. All such requests will be honored only when approved by University officials who are the legal custodians of the information requested, or when required by state or federal law, or court order.

### 3. Academic Freedom

Free expression of ideas is central to the academic process. WSCU computer system administrators will not remove any information from individual accounts, servers or electronic bulletin boards maintained in individual accounts unless it is determined that:

- a. The presence of the information in the account or on the bulletin board involves illegality (e.g., copyrighted material, software used in violation of a license agreement).
- b. The information in some way endangers computing, networking resources, or the information of other users (e.g., a computer worm, virus, or other destructive program).
  
- c. The information is inappropriate, because it is unrelated to or is inconsistent with the mission of the University, or is otherwise not in compliance with the legal and ethical usage responsibilities outlined in Federal, State, and University policies.

The WSCU Computing Services Center will remove from campus computers any information that is inappropriate as defined above. Users whose information is removed will be notified of the removal as soon as possible. Users may appeal any such action by contacting the Director of Information Technology Services.

### 4. Inappropriate Usage

Computing and networking resources should be used only in accordance with the guidelines indicated herein. Examples of inappropriate and unacceptable use of computing and networking resources include:

- a. Harassment of other users.
- b. Destruction of or damage to equipment, software, or data belonging to WSCU or other users.
- c. Disruption or unauthorized monitoring of electronic communications.
- d. Violations of computer system security.
- e. Unauthorized use of computer accounts, access codes, or network identification numbers assigned to others.
- f. Use of computer and/or network facilities in ways that impede the computing activities of others
- g. Violation of copyrights and software license agreements, including illegal downloading of copyrighted material.
- h. Violation of the usage policies and regulations of the networks of which the University is a member or has authority to use.
- i. Violation of another user's privacy.
- j. Academic dishonesty (e.g., plagiarism or cheating).

### 5. Sanctions

Violations of the policies described herein for use of computing resources are dealt with seriously. Violators are subject to disciplinary procedures of the University and, in addition, may lose computing privileges. Illegal acts involving WSCU computing and networking facilities may also be subject to prosecution by state and federal authorities. § 18-5.5-101, C.R.S.

**Definitions.** As used in this article, unless the context otherwise requires:

- a. "Authorization" means the express consent of a person which may include an employee's job description to use said person's computer, computer network, computer program, computer software, computer system, property, or services as those terms are defined in this section.
- b. "Computer" means an electronic device which performs logical, arithmetic, or memory functions by the manipulations of electronic or magnetic impulses, and includes all input, output, processing, storage, software, or communication facilities which are connected or related to such a device in a system or network.

- c. "Computer network" means the interconnection of communication lines (including microwave or other means of electronic communication) with a computer through remote terminals, or a complex consisting of two or more interconnected computers.
- d. "Computer program" means a series of instructions or statements, in a form acceptable to a computer, which permits the functioning of a computer system in a manner designed to provide appropriate products from such computer system.
- e. "Computer software" means computer programs, procedures, and associated documentation concerned with the operation of a computer system.
- f. "Computer system" means a set of related, connected or unconnected, computer equipment, devices, and software.
- g. "Financial instrument" means any check, draft, money order, certificate of deposit, letter of credit, bill of exchange, credit card, debit card, or marketable security.
- h. "Property" includes, but is not limited to, financial instruments, information, including electronically produced data, and computer software and programs in either machine or human readable form, and any other tangible item of value.
- i. "Services" includes, but is not limited to, computer time, data processing, and storage functions.
- j. To "use" means to instruct, communicate with, store data in, retrieve data from, or otherwise make use of any resources of a computer, computer system, or computer network.

**§ 18-5.5-102, C.R.S. Computer Crime**

- a. Any person who knowingly uses any computer, computer system, computer network, or any part thereof for the purpose of devising or executing any scheme or artifice to defraud; obtaining money, property, or services by means of false or fraudulent pretenses, representations, or promises; using the property or services of another without authorization; or committing theft commits computer crime.
- b. Any person who knowingly and without authorization uses, alters, damages, or destroys any computer, computer system, or computer network described in section 18- 5.5-101 or any computer software, program, documentation, or data contained in such computer, computer system, or computer network commits computer crime.
- c. If the loss, damage, or anything of value, taken in violation of this section is less than fifty dollars, computer crime is a class 3 misdemeanor; if fifty dollars or more but less than three hundred dollars, computer crime is a class 2 misdemeanor; if three hundred dollars or more but less than ten thousand dollars, computer crime is a class 4 felony; if ten thousand dollars or more, computer crime is a class 3 felony.

**H. DISABILITY POLICY**

**PROCEDURE FOR FILING A COMPLAINT BASED ON DISABILITY**

A student who believes that he or she has been discriminated against on the basis of disability may seek advice and assistance from the Director of Disability Services or the Director's designees. The Director or designee will explain the student's options including informal resolution of the matter and formal complaint procedures.

**1. COMPLIANCE RESPONSIBILITY**

The Americans with Disabilities Act of 1990 (ADA) was enacted to protect individuals with disabilities against discrimination in critical areas such as employment, housing, public accommodations, education, transportation, communication, health services, and access to public services. The purpose of the ADA is to provide a clear mandate for the elimination of discrimination against people with disabilities, thus bringing them into the social and economic mainstream.

Section 504 of the Rehabilitation Act of 1973 is civil rights legislation that prohibits discrimination on the basis of disability in programs and activities, public and private, that receive federal financial assistance. Eliminating barriers to education programs and services, increasing building

accessibility, and establishing equitable employment practices are addressed in Section 504 regulations. The U.S. Office for Civil Rights (OCR), U.S. Department of Education, is responsible for the enforcement and investigation of compliance with Section 504.

The Director of Disability Services serves as the ADA Coordinator and is responsible for facilitating the University's efforts to comply with the ADA and Section 504 of the Rehabilitation Act of 1973. The Director of Disability Services will work with University personnel and students to resolve disagreements regarding ADA compliance issues. If the matter cannot be resolved informally, the student may file a formal complaint. Additional information is available in the Disability Services office located in Taylor 302 (970-943-7056).

2. **COMPLAINT PROCEDURE** A student who believes that he or she has been discriminated against on the basis of disability is entitled to file a complaint with the University's Affirmative Action Officer, an external agency, or both. Discrimination can include, but is not limited to, failure to accommodate the student's disability effectively, exclusion from a University program or activity, and disability-related harassment. The procedure for filing an internal University complaint is published in the University's Affirmative Action Plan. To file an internal complaint of disability discrimination, notify the Affirmative Action Officer in person or in writing. Complaints will be promptly acknowledged and investigated.

Disputes may arise between the University and students with disabilities as a result of misunderstanding or miscommunications. The Affirmative Action Officer can frequently facilitate a resolution of such disputes through informal negotiation or mediation.

A student may choose to file a complaint of disability discrimination with an external agency instead of or in addition to filing an internal University complaint. Most external complaints should be filed with the United States Department of Education, Office for Civil Rights, which has a local office in Denver. Complaints alleging disability-based employment discrimination can also be filed with the Colorado Civil Rights Division or the federal Equal Employment Opportunity Commission. Additional information on internal and external complaint procedures is available from the Human Resources Office located in Taylor 321 (970-943-2003).

## **I. NON-DISCRIMINATION POLICY**

WSCU does not discriminate on the basis of race, national origin, gender, gender identity, religion, age, disability, sexual orientation, or veteran status in employment or admission and access to its educational programs and activities. The University is an equal opportunity institution for all faculty, staff, and students

### **Please Note:**

This non-discrimination policy shall not be interpreted or applied in a manner that conflicts with or subjects the University to penalties or ineligibility for funds under state or federal law.

## **J. PARENTAL NOTIFICATION POLICY**

In accordance with the 1998 Higher Education Act, WSCU is able to inform parents and guardians of alcohol and drug violations on our campus. The responsibility for determining when and by what means notification will occur lies under the jurisdiction of the Vice President for Student Affairs and appointed designees. Parental notification will be enacted when students under the age of 21 are found to have committed serious or repeated violations of college policies related to the possession, use, or distribution of alcohol or drugs. Serious and repeated violations may include situations when medical intervention is required as a result of consumption of alcohol/drugs; when the violation could result in eviction from the residence halls/apartments or suspension from the institution; or when the student has shown a pattern of violations. Whenever possible, students will be informed that parental notification is planned in advance of their parents' receiving the notice.

WSCU will also, in “extraordinary circumstances” notify parents or guardians. “Extraordinary circumstances,” cannot in the nature of things be completely enumerated or described; but it is, for example, the belief of WSCU that a serious injury to a student, or a violent crime committed upon a student, are sufficiently grave occurrences as to constitute “extraordinary circumstances.” WSCU, therefore, as a matter of general policy, notifies parents or guardians of such events.

In addition, the University may judge that parents or guardians should be notified concerning the existence of serious threats to a student’s health, either physical or emotional. Although in most such instances students will be encouraged themselves to inform their parents or guardians, the University reserves the right to notify parents or guardians directly and/or to ensure that parents or guardians have been satisfactorily informed. Western State Colorado University recognizes, however, that special circumstances might cause a student to believe that notification of parents or guardians would be undesirable or inappropriate. In such a case, a designated University administrator will discuss the matter carefully with the student, and as appropriate will consult the University’s Health Center or the University’s legal counsel. In certain individual instances, WSCU may then conclude that it is not in the student’s best interest that parental notification take place, and in that event an exception to the general policy will be made.

## **K. PET POLICY**

Pets are not allowed in any University building or adjacent grounds. Owners may walk their dogs across the campus grounds if the dogs are on a leash. If a pet becomes a nuisance to the campus community or appears to be in distress, please notify the Office of Student Affairs (943.2090), Campus Security Services (943.3084 office, 209.1020 cell), or contact the Animal Control Office at City Hall (641.8200). The administration reserves the right to remove noisy or menacing dogs even if they are on a leash. Dogs can be impounded and the owners can be fined if enough complaints are filed. Policies pertaining to service dogs can be obtained by contacting the Office of Disability Services.

## **L. PETITION POLICY/PROCESS FOR ADDING AN INTERCOLLEGIATE SPORT**

The University will consider a petition for adding an intercollegiate sport when a student submits such a petition in writing. The following criteria will apply:

1. The student is a bona-fide student enrolled at WSCU at the time of the petition.
2. The petition must be in writing.
3. The petition would be submitted to the Director of Athletics.
4. The petition should include information and facts relative to the reason(s) such a petition is being submitted.

Some facts that are relative include, but are not necessarily limited to:

1. Evidence of strong interest and support for that sport on the WSCU campus
2. Evidence of growth and interest in that particular sport nationally and regionally.

## **M. RESIDENCE LIFE POLICIES**

### **1. ABANDONMENT OF PERSONAL PROPERTY**

The Department of Residence Life, without liability, has the right to dispose of any personal property left on the premises thirty (30) calendar days after the end of the contract term or other termination of this contract.

### **2. ALTERATIONS TO PROVIDED SERVICES**

Students are not permitted to install additional services (i.e. high speed internet) that will alter the physical structure of a residence hall/apartment room, hallway, or lounge.

### **3. ANIMAL PREPARATION**

Skinning or any other kind of animal preparation is prohibited in student rooms, residence halls, and apartment complexes.

### **4. CANCELLATION OF CONTRACT**

A student may cancel/terminate their Housing Contract at any time without penalty under any of the following circumstances: 1) Marriage, 2) Graduation, 3) Military Duty, 4) Untimely Death of an Immediate Family Member, 5) Serious Medical Condition, 6) Significant Financial Hardship (must have occurred after the contract was signed), and 7) Withdrawal from the University. Written notice must be provided to the Director of Residence Life along with the appropriate documentation in order to be approved for the contract termination and to receive a refund of the housing deposit and any portion of the housing fees as described in section #6 of the housing contract.

**A student who has submitted a signed contract is legally obligated to reside on campus.**

Should a student wish to cancel/terminate their Housing Contract, that student will be held responsible for a portion, up to all of the room charges for the period of time they have contracted for. The Housing Contract includes a schedule used to determine the charges assessed.

## **5. FLAMMABLES, CANDLES AND INCENSE**

The presence of candles, propane, oil burning lamps, incense, petrol oil or any other free burning agent is prohibited in student rooms, the residence halls, and student apartment complexes. Small, contained, camping cylinders are allowed to be stored (not used) in residence halls/apartments upon approval and inspection by Residence Life.

## **6. CHECK-IN AND CHECK-OUT**

Each resident is considered checked-in when s/he obtains the room key. When moving into the assigned room, the resident shall complete, sign and turn in a Room/Apartment Inventory Form. When vacating the assigned room/apartment, the resident must check out with the Assistant Director of Residence Life or his/her designee. Each resident agrees to follow the proper check-out procedures when vacating the premises or relocating within the system. Failure to follow established check-out procedures may result in improper check-out charges as determined by the University. Assigned bed space will only be held until 3:00 p.m. on the first day of classes each semester. When the resident fails to check in at the assigned residence hall, s/he will forfeit their housing deposit and will be charged all applicable room and board charges until written notice of housing cancellation is received by the Department of Residence Life.

Residents must vacate the residence halls within 24 hours after their last final exam or when the buildings close.

## **7. CLOSED/PROPPING DOORS POLICY**

All residence hall building and campus apartment exit doors are to be locked 24 hours a day. Students are expected to carry room keys at all times. Propping doors during these closed hours is dangerous to the student population and property and, therefore, prohibited. Students found responsible for propping doors can expect judicial sanctions, and even potential legal action.

## **8. COMMON AREA FURNITURE**

Moveable furniture allocated to public/common areas may not be removed at any time. Doing so will result in judicial action, a fine for each piece of furniture removed, and charges for any damages that may have occurred to the furniture as a result of being moved.

## **9. COMPUTER LABS USE**

Non-students are prohibited from using residence hall and campus apartment computer labs.

## **10. COURTESY HOURS, 24-HOURS A DAY**

One of the best things to be learned from group living is a sincere respect and consideration for the rights and feelings of others. It is important to consider that all residents will need time to study, review class notes, and sleep. During the daytime when quiet hours are not in effect, residents do not have the right to turn a radio, stereo or TV to full volume (inside or outside of the halls) or to yell and shout. Residence Life staff may ask you to close your door or turn down the volume on your TV, radio, stereo, etc., if the noise levels are disruptive to the community.

As a general rule, if anyone in the living area is disturbed, it is too loud. Courtesy hours are in effect 24 hours a day. Whenever a resident or staff member requests someone to be quiet, the loud student is obliged to comply or risk facing sanctions.

### **11. DAMAGE AND COSTS**

Residents will be liable for damage or other loss incurred to the building, apartment, room, furniture, and/or equipment that is not the result of ordinary wear and tear. Damages that occur to common areas and/or public areas that are not attributable or chargeable to a specific individual or group shall be shared equally by the residents of the living area where those damages occur. The resident agrees to pay such damages to the University upon demand.

### **12. EVACUATION DURING FIRE ALARMS**

Each residence hall/apartment complex has a specific evacuation procedure in case of fire, and each resident is responsible to know and comply with such, whenever an alarm sounds. No resident may remain in or re-enter a building while fire alarms are sounding. Buildings can only be re-entered when the Fire Marshal or Campus Security informs the senior Residence Life staff member on site that the building is safe. In case of inclement weather, Mears Complex evacuates to the University Center, Chipeta Apartments evacuates to the Mears Complex, Escalante Complex evacuates to the University Center, The Pinnacles evacuates to the University Center, and Ute Hall evacuates to the Mears Complex.

### **13. EXTENDED LEAVE OF ABSENCE**

When leaving campus for an extended period of time, it is advisable for a student to inform their Resident Advisor, Assistant Director of Residence Life, or the Office of Residence Life, verbally or with a note, as to where s/he is going and how s/he may be reached in the case of an emergency.

### **14. EXTENSION CORDS**

Students are strongly encouraged to utilize power strips. Extension cords are prohibited. Electrical outlets must not be overloaded and students should not plug power strips into other power strips.

### **15. FACILITIES USE**

The use of computer labs, activity rooms, and on-campus laundry facilities is restricted to those residents of the specific community. Non-residents are prohibited from using these facilities. Any student found responsible for abusing/tampering with university property will face judicial sanctions and fines.

### **16. FOOD PREPARATION IN ROOMS**

For health and safety reasons residents may not cook in their rooms, except in the apartments where kitchen facilities are available. Students are responsible for safe meal preparation to ensure that cooking fires do not jeopardize the welfare of the community. Hot surface and/or coil resistant appliances such as electric frying pans, broilers, ovens and hot plates, or anything that may create a safety hazard will not be allowed. The only exceptions to this are the use of single brew/Keurig coffee makers, popcorn poppers, hot pots, and microwave ovens. In addition, refrigerators larger than 4.5 cubic feet are prohibited.

### **17. GAMBLING**

Gambling of any kind is not allowed in the residence halls/apartments.

### **18. GUEST POLICY**

Western State Colorado University has a guest policy in effect whereby guests may be welcomed in students' residence halls and apartments. All guests (i.e., any person not registered as residing in the particular room/apartment must be escorted by a host resident in all residence halls/apartments. Residents will be held fully responsible for their guests. Guests are expected to comply completely with all policies and standards of conduct delineated in this handbook. Guests who create problems in

the residence halls/apartments may be banned from entering the halls/apartments, and may result in their hosts being subject to judicial sanctions, and/or be arrested for criminal trespassing. Guests may not reside in University owned rooms for more than 72 hours (exceptions may be granted in advance by the Assistant Director of Residence Life or the Office of Residence Life).

#### **19. HALL SPORTS POLICY/WATER FIGHTS**

All sports, running, and water games are prohibited within the dining and residence halls (including residents' rooms). Riding bikes, rollerblading, and skateboarding are prohibited in all buildings. Failure to comply may result in judicial sanctions in addition to charges for resulting damages.

#### **20. HOUSING CONTRACT**

All students are responsible for the housing contract signed at the time of application. Failure to read the contract or *The Student Handbook* does not discount resident responsibility.

#### **21. HOUSING DEPOSIT**

Housing assignments will not be made until after an advance housing deposit of \$100 has been received. WSCU may, at its sole discretion, apply the \$100 housing deposit to any damages to the housing unit or its furnishings or to any other indebtedness owed by the student to WSCU. The housing deposit must remain on account with the University as long as the student remains living on-campus. The housing deposit, net of any amounts applied to damages or other indebtedness owed, will be returned no later than 60 days after the student officially vacates housing, surrenders all keys, and successfully completes the established checkout procedures. If the housing deposit is forfeited, all damages and other charges will be assessed directly to the student's account and no part of the deposit will be available to apply to any indebtedness owed to WSCU by the student.

#### **22. LIABILITY**

WSCU is not liable for the loss, damage to, or theft of properties belonging to the student. Further, WSCU shall not be liable for any claims for damage by reason of any injury or injuries to any person or persons, or damage to property which in any way arises out of the use and occupancy of the on-campus housing. The student hereby agrees to hold WSCU harmless from all liabilities on account of or by reason of any such injuries, liabilities, claims, suits or losses. The student shall be responsible for obtaining insurance coverage on his/her personal property.

#### **23. MAIL SERVICE**

Students who reside on campus are eligible for an on-campus mail box. Students moving off-campus for the summer must make arrangements with the Gunnison Post Office.

#### **24. MEAL PLAN REQUIREMENTS**

A student who lives in WSCU's residence halls (i.e., a room where no cooking facilities are provided by the University) is required to purchase a meal plan. All first-term freshmen are required to purchase a Premier meal plan (either a Blue Mesa or Mountaineer Meal Plan). A student living in an on-campus apartment is not required to purchase a meal plan, but is eligible for any/all plans.

#### **25. PETS PROHIBITED**

Pets belonging to students or other guests are not allowed in the residence halls and apartments, dining hall, or adjacent grounds. Only small fish living underwater 24-hours a day are allowed on campus. Students will be held responsible for the care and upkeep of the aquarium and will be billed for any damage caused by the aquarium. Students must make special arrangements to accommodate their fish during times of hall closures. Residents hosting pets in buildings for any period of time will face judicial sanctions and cleaning/damage charges. A fine of \$250.00 could be imposed if not complying. Pets are allowed in Chipeta Hall only. For more information regarding pets on campus, see the Pet Policy at Section II., J.

#### **26. POSTING/DEFACING UNIVERSITY PROPERTY POLICY**

Residents/Students are not allowed to deface or post any materials on any dining or residence hall/apartment doors, windows, floors or ceilings; nor on commons-area (e.g., lounges, hallways, outdoors) walls. Residence Life staff members are exceptions to this policy for the purpose of posting Residence Life related materials at the discretion of the Assistant Director of Residence Life. All materials posted on hall bulletin boards must be approved by the Assistant Director of Residence Life or else such will be removed by staff members. Non-staff members are not allowed to remove posted materials without an Assistant Director's authorization. Failure to comply with this policy may result in sanctions as well as applicable damage charges.

## **27. QUIET HOURS**

Quiet hours designate those times set apart for study and quiet when no one should talk loudly, turn up the stereo or make other noises which might disturb the sleep or study of other students. If any sound is heard outside a closed door, it is considered too loud. Various sanctions can apply, with the more severe reserved for repeated offenses.

It is the responsibility of each floor member to enforce quiet hours and respect the rights of others. If you experience a problem with noise, you are encouraged first to speak directly with the responsible individuals; then, if you are not satisfied, seek the assistance of your Resident Assistant (RA). Flagrant violations will be handled by staff members and are considered a violation of hall policies. Hall councils have the option to temporarily extend quiet hours for areas (floors, wings) at the discretion of the Assistant Director of Residence Life.

### **Residence Halls Quiet Hours:**

Sunday-Thursday-10:00 p.m. - 8:00 a.m. and Friday-Saturday-Midnight - 8:00 a.m.

## **28. RECYCLING**

Students are encouraged to recycle in the residence halls/apartments. Damage to any campus recycling property will result in disciplinary action.

## **29. RESIDENT FAMILY MEMBERS**

All family members of residents approved by the Office of Residence Life to reside in University housing are full members of the housing community and are, therefore, responsible to abide by all rules and policies outlined, can be held judicially responsible for all policies outlines, and are therein entitled to the full rights and respect due any fully matriculated resident student.

## **30. ROOM CARE**

Residents are responsible for removing waste materials in a proper manner, cleaning their rooms, and maintaining sanitary and safe condition which are acceptable to the University. Room furnishings are to be used in accordance with the items designed purpose. The physical structure of the residence hall room may not be altered including painting or changing/adding door mechanisms. Additionally, ceiling tiles may not be removed for any purpose. Students who tamper with ceiling tiles will be fined and face potential disciplinary action from the University. Students may re-arrange their furniture, however, it should be done in a way that does not create an obstacle that would make it difficult for fire or other personnel to enter or leave their room. Residence Life staff conduct periodic "Health and Safety" inspections and will address issues regarding the care of rooms. Furniture must be returned to its original place upon move-out.

## **31. ROOM CHANGES**

Residents are placed together for an educational experience. Mediations will be required prior to the approval of any change. A resident may change rooms only with written authorization from her/his Assistant Director of Residence Life. Unauthorized room changes or failure to move out of a room when required may result in additional charges as determined by the University. Authorization will not be granted during the first two or last two weeks of each semester.

### **32. ROOM ENTRY**

WSCU administrators or staff will not enter a student's room unless accompanied by the student or his/her authorized representative. Authorized personnel may enter a resident's room with or without the resident's consent when there is concern for life, safety and/or health threatening reasons; if there is sufficient information available to conclude that a violation of State Law and/or University Policy exists; to perform requested or preventative maintenance; or, if there is a cry for help, the smell of smoke, or to silence a disruptive noise.

### **33. SAFETY AND SECURITY**

Residents shall comply with all state laws, the University rules and regulations and all safety and security procedures in University residence halls, including weapons policy, and shall not tamper with locked doors or admit unauthorized persons into buildings. Persons actuating false fire alarms, tampering with or removing firefighting equipment, or interfering with firefighters are subject to prosecution under Colorado statutes as well as disciplinary action by the University.

### **34. STUDENT CONFLICT**

The residence halls are a community designed for residents to learn how to confront concerns. Students are to attempt to resolve conflicts with roommates and other hall residents. If this is not successful, the student needs to contact the Resident Advisor. If a situation is not resolvable through these steps, the Assistant Director of Residence Life will assist with the process. All conclusions must be adhered to by the students involved.

### **35. SINGLE ROOMS AND CONSOLIDATING VACANCIES**

Consolidation may occur each semester. Contingent upon availability, students may request single rooms. Single room charges will be computed from the date the resident occupied the room as a single. Once the resident agrees to this room change of rate, they are responsible for all subsequent charges. The University reserves the right to change room or hall assignments, to assign roommates, and to consolidate vacancies by requiring students to move from a single occupancy of a double room to double occupancy of a double room. If the student refuses to move, then the charge will be assessed at the single room rate.

### **36. SOLICITATION**

Campus residential areas may not be used for any unapproved commercial enterprise. Sales and solicitation on campus are prohibited unless authorized by the Vice President for Student Affairs or his/her designee. The Office of Residence Life reserves the right to limit commercial sales and solicitations in order to prevent disruption, to protect the safety and security of the students, and to protect the students from commercial exploitation or for any other reason.

### **37. TERMINATION OF CONTRACT BY UNIVERSITY**

The University reserves the right to terminate a student housing contract under the following circumstances:

- A resident is found to have violated any rules or regulations listed in or referred to in the student housing contract, or in the *Student Handbook*, or in any other official University publication. If a student's housing contract is terminated during the academic year for disciplinary reasons, the resident may not be allowed to return to the residence halls/apartments the following academic year.
- A resident fails to comply with any portion of the student housing contract.
- A resident has any unpaid charges due to the University.
- The Office of Residence Life reserves the right to not renew housing at any time. In all of these circumstances the deposit is forfeited and room and board charges for the academic year will not be refunded.

- When a housing contract is terminated and when warranted, a student may be Persona Non-Grata (PNG) and will not be welcome in any of the residence halls/apartments and cannot be within 50 feet of them.

### **38. TOBACCO/NO SMOKING POLICY**

In support of the health and well-being of all students at WSCU, tobacco use and/or smoking any substance is prohibited in the residence halls/apartments. This prohibition includes, but is not limited to, cigarettes, smokeless chewing tobacco, cigars, bidis, cloves, pipe tobacco and medical marijuana. Use of tobacco in residence hall rooms/apartments, common areas, bathrooms, lounges, or in an area around the exterior of the building not labeled expressly for the use of tobacco is prohibited. The official University policy for the use of tobacco is 30 feet from the building; however, please check with the residence life staff for acceptable locations outside specific buildings. Failure to comply with this policy will result in judicial action.

### **39. TWO YEAR LIVE-ON REQUIREMENT**

Students at WSCU must live in on-campus housing for their freshman and sophomore years and, when required, take their meals in the University dining hall unless excused by the Director of Residence Life for one of the following reasons: (1) the student is married; (2) the student is living with parents or a legal guardian; (3) the student is at least 21 years of age by the first day of classes; (4) the student has lived on-campus for the equivalent of two full academic year; (5) medically authorized reasons, as approved by the Vice President for Student Affairs, or ( 6) student is an honorably discharged veteran. A student not living in on- campus housing who is enrolled full-time during any part of a term and does not meet these requirements will be assigned to a space and required to pay all rental and board charges associated with the space for the term.

### **40. WINDOWS AND SCREENS**

Screens, where applicable, are to remain in windows at all times. Ejecting objects from windows is prohibited as is climbing through and hanging out of windows. Sitting, standing or lying on window ledges, roofs and terraces is also prohibited. Residents are responsible for all damage charges associated with the removal of the screen. Failure to comply with this policy will result in judicial action.

### **41. TRESPASSING**

Any student who enters another resident's room/suite/apartment uninvited can be held judicially responsible for trespassing and may face "Civil/Criminal Charges." No student is allowed to enter another resident's room without permission and must leave the premises when asked to do so.

## **N. SEXUAL HARASSMENT POLICY**

### **1. Sexual Harassment is Prohibited**

The Board of Trustees intends to maintain a campus community free from all forms of sexual harassment. It is the Trustees policy that all forms of sexual harassment are prohibited and will not be tolerated. The University will take all necessary measures to deter such misconduct, including but not limited to preventive educational programs, prompt and thorough investigation of sexual harassment complaints and the imposition of appropriate disciplinary sanctions against policy violators. Retaliation in any form against any member of the university community for reporting sexual harassment or cooperating in a sexual harassment investigation is strictly

prohibited. Such retaliation shall be dealt with as a separate instance of sexual harassment. Complaints of sexual harassment or of retaliation are handled according to the administrative procedures developed and implemented by the University for this purpose. This policy is promulgated pursuant to Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1981 et seq., and its implementing regulations, 34 C.F.R. part 106; Title IV of the Civil Rights Act of 1964 (42 U.S.C. § 2000c).

## **2. Definition of Sexual Harassment**

Sexual harassment, without regard to the gender of the Complainant or Respondent, means unwelcome sexual advances, requests for sexual favors, and other unwelcome verbal and physical conduct based on sex when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; or
- b. Submission to or rejection of such conduct is used as the basis for making employment or educational decisions affecting the individual; or
- c. Such conduct has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive working or educational environment. For such conduct to constitute sexual harassment in the teaching context, the behavior must also be persistent, pervasive, and not germane to the academic subject matter and affect a student's class participation, or ability to participate in or benefit from an education program, opportunity or activity, or create an intimidating, threatening or abusive educational environment.
- d. Sexual violence and sexual assault are forms of sexual harassment.
- e. Sexual harassment shall also be defined to include retaliation against an individual for reporting sexual harassment or cooperating in a sexual harassment investigation.

## **3. Sanctions for Sexual Harassment**

Appropriate sanctions shall be imposed upon an employee or student who has sexually harassed another. The sanctions may include, but are not limited to one or more of the following, depending upon the severity of the policy violation: oral reprimand and warning; written reprimand and warning; student probation; suspension or expulsion; monetary fine; attendance at a sexual harassment prevention training seminar; suspension without pay; or termination of employment.

## **4. Implementation**

The Western State Colorado University Board of Trustees authorizes and directs the President or President's delegates to develop, administer and maintain the appropriate administrative procedures and guidelines to implement this policy.

# **O. TUITION, FEES, EMERGENCY STUDENT LOANS AND REFUND POLICY**

## **1. EMERGENCY LOANS**

To obtain an emergency loan, a student:

- must be enrolled in classes.
- must pay back the loan by the end of the semester in which the loan is obtained.

For more information, please contact the Cashier's Office (970.943.3003) in 314 Taylor Hall.

## **2. FINANCIAL AID GENERAL INFORMATION**

All students who feel they lack the necessary resources to finance their educational costs are encouraged to apply for financial assistance. Student financial aid is awarded after you have been accepted for enrollment and your financial aid application is complete. We strongly recommend that, when applying for Fall Semester, you have all paperwork completed by April 1.

The Financial Aid Office at WSCU is interested in you and your education. Our function is to provide assistance to you and your family in meeting the costs of higher education. The information in the Financial Aid Handbook (available in the Financial Aid Office) provides answers to many questions about the financial aid application process, the types of assistance available, the cost of attendance, and the student's responsibilities for maintaining satisfactory academic progress. The basic premise of all need-based financial aid is that the primary responsibility for financing a student's education rests with the student and his/her family.

No student shall be excluded from participation in any financial aid program on the basis of race, gender, age religion, national origin, physical handicap or marital status.

## **3. OFFICIAL DROP PERIOD**

Please refer to the Class Schedule for specific dates of the official Drop Period. Students on financial aid who withdraw from school prior to completing 60% of a semester may be required to repay a portion of their financial aid received for that term. Please see the Financial Aid Office in Taylor Hall L2 for more information.

**PLEASE NOTE:** WSCU will not register a student, release a diploma, and provide a transcript, or supply placement or other University services to any student or former student who has an outstanding financial obligation to the University other than a loan that is not yet due or for which payments are up to date.

Per state statute, failure to pay a financial obligation to the University when it is due may result in an account being placed with a collection agency and such action reported to a credit bureau. In addition, an account may be charged legally allowable collection charges and attorney fees to help secure payment of the debt owed the University.

## **4. PAYMENT OR REFUND OF TUITION AND FEES**

Tuition and all fees are due and payable the first day of each semester. Students may pre-pay at any time. The University encourages payment by mail and accepts payment by Visa and MasterCard. Each pre-registered student will receive a billing statement, along with specific details about the time and place of payment, before the beginning of each term.

## **5. RESIDENCY OF STUDENTS FOR TUITION PURPOSES**

New students are classified as in-state or out-of-state for tuition purposes on the basis of information provided on the Application for Admission and on other relevant forms. Applicants may be required to submit evidence substantiating their claims of in-state eligibility. To be eligible for a change to in-state status, applicants must submit petitions with appropriate documentation to the Admissions Office.

## **6. TUITION AND FEES-REFUND SCHEDULE**

When a student officially withdraws from WSCU, tuition and fees are refunded according to the following refund schedule:

- 100% through the end of the official Drop Period.
- 50% for the period between 15 and 25% of the semester.
- 25% for the period between 25 and 50% of the semester.

- 0% for the period after 50% of the semester.

#### **7. STUDENT HOUSING AND MEAL PLANS-REFUND POLICY**

If a student officially withdraws from WSCU after the official start of the semester, the housing and meal plan charges will be refunded according to the following schedule:

Prorated by week through the end of the official drop period.

- 50% refund for the period between 15% and 25% of the semester.
- 25% refund for the period between 25% and 50% of the semester.
- 0% refund for the period after 50% of the semester.

Please refer to the class schedule for specific dates of the official drop period.

### **III. GENERAL DEFINITIONS AND CONDITIONS OF MISCONDUCT**

#### **A. ADVERSE IMPACT ON THE SURROUNDING GUNNISON/CRESTED BUTTE COMMUNITIES**

WSCU reserves the right to take judicial action against a student who has participated in acts of misconduct (including but not to the exclusion of policies delineated in the Policies and Standards of Conduct) that take place on or off campus and which have an adverse impact upon the surrounding Gunnison/Crested Butte communities. (Note: refer also to “Civil/Criminal Charges” section {III.E})

#### **B. ALCOHOL**

- 1. Alcohol Use and Possession:** WSCU has published policies concerning the use of alcohol and is seriously concerned about its abuse. Intoxication is not considered an excuse for unacceptable behavior.

- a. Alcohol Possession and Consumption**

Possession and/or consumption of alcoholic beverages in the residence halls/campus apartments is permitted only by individuals 21 years of age or older, in student rooms with doors closed, and no minors present. If anyone in the room is under 21, then everyone present is in violation of policy, regardless of who has or has not been drinking.

- b. Empty Alcohol Containers**

Empty containers of alcohol are considered evidence of prior consumption in the room or suite. Empty alcohol boxes, cans, bottles, etc. are not permitted on WSCU residence life property or in the rooms of anyone under the age of 21.

- c. Alcohol Paraphernalia Prohibited**

“Beer bongs”, keg taps, beer pong tables, and other such devices that promote irresponsible drinking are prohibited on campus. Possession of such items may result in judicial action.

- d. Knowing Presence**

Knowing presence in an area of a WSCU building or WSCU property where any illegal substances are being used or are present is also subject to disciplinary actions.

- e. Intoxication**

Visible intoxication on any of the WSCU public premises is not permitted and will be confronted, with the possibility of judicial sanctions.

- f. Bulk Alcohol Prohibited**

- i. Defined:** Any alcoholic beverage in a container requiring a tap (for example, but not exclusively kegs), or capable of holding large quantities of alcohol for group consumption is defined as bulk alcohol and is prohibited on campus.
- ii. Responsibility:** All students found in possession of, responsible for purchasing, or helping to transport bulk alcohol on University property will be held responsible to the full extent of judicial sanctions.

- iii. All student residents assigned to a residence hall room or apartment which has been identified as hosting (or helping to host) bulk alcohol on campus will be held responsible (whether they were present or not) to the full extent of judicial sanctions, unless individuals accepting full responsibility confirm the resident was in no way present or had any complicity.
- iv. Any student on the premises of a gathering, in which bulk alcohol is being served, can be held responsible to the full extent of judicial sanctions.
- v. Exception: This policy can be waived in advance for particular situations only by the President of the University or the President's designee.

**g. Bulk Alcohol Paraphernalia Prohibited**

Any container (e.g., keg or pony keg) for bulk alcohol or device used to tap bulk alcohol is prohibited on campus. This policy can be waived in advance only by the President of the University or the President's designee.

**h. Transport**

Transport to the Gunnison Valley Hospital or Gunnison Jail due to excessive alcohol consumption could result in Parental Notification and judicial action.

**i. Alcohol in Western State Colorado University's Non-Residence areas**

Western State Colorado University's alcohol policy prohibits the possession, consumption or distribution of alcohol by students on the grounds and in the non-residential buildings of WSCU. The possession, consumption and distribution of alcohol is prohibited in all public areas (bathrooms, corridors and lounges) on campus, including the residence halls and apartments. This regulation can be waived only by the President of the University or the President's designee.

**j. Alcohol in and around areas of Residence Halls/Campus Apartments**

Alcohol is not permitted in any public areas of the residence halls/campus apartments including grounds, lounges, hallways and bathrooms. Students of legal age (21) may have alcohol in the privacy of their room; however, the door must be shut and no underage person may be present.

**2. Colorado Liquor and Beer Code Warning**

It is illegal to sell whiskey, wine or beer to any person under twenty-one years of age and it is illegal for any person under twenty-one years of age to possess or to attempt to purchase the same.

Identification cards which appear to be fraudulent when presented by purchasers may be confiscated by the establishment and turned over to a law enforcement agency.

Fines and imprisonment may be imposed by the courts for violation of these provisions.

**a. Distribution of Alcohol to Underage People**

The "legal drinking age" in Colorado is twenty-one (21) years of age. Any student involved in underage drinking or responsible for providing the opportunity for a guest or another student to become involved in the illegal use of alcohol is subject to judicial sanctions including eviction from the residence halls and apartments.

**Please Note:** After any alcohol violation or violation of other University policies while under the influence of alcohol, WSCU reserves the right to recommend counseling and/or dependency assessment as a condition of continuing enrollment.

WSCU is required by state/federal law to report statistics regarding alcohol and drug use/abuse.

**3. WSCU Resources**

Drug and alcohol counseling is available at the Campus Health Center, 104 Tomichi Hall (Escalante Complex), **970.943.2484**. There are seven (7) FREE counseling visits per student/per academic year. The free emergency 24-hour number is **970.252.6220**.

Western's Responsible Alcohol Partnership (WRAP) is located in 118 College Center, **970.943.2500**, and was created to reduce binge drinking among college students. WRAP evaluates current alcohol-related judicial policies and implements strategies that will reduce high-risk drinking behaviors among students. WRAP also provides SBIRT (screening, brief intervention, and referral to treatment) and QPR (Question, Persuade and Report) suicide training. WRAP provides fun, alternative activities on and off campus and offers educational programs through partnerships with campus and community organizations.

#### **4. Community Resources**

Alcohol and substance abuse counseling is available at The Center for Mental Health, 710 North Taylor, 970.641.0229.

### **C. BICYCLING AND SKATEBOARDING**

- 1. BICYCLE REGULATION** - Bicycles can be registered, free of charge, by the Gunnison Police Department. Call 970.641.8200 to arrange to register your bicycle. It is recommended that all bicycles be registered and locked at all times when not in use.

Bicycles may only be parked in bike racks. Locking bicycles to light posts, stair rails, guard rails, trees, shrubs or benches creates a traffic hazard for pedestrians or emergency and service vehicles. Bicycles locked to objects other than bicycle racks may be immobilized or removed by Facilities Services or by Campus Security Services. If your bicycle has been immobilized or removed, contact Facilities Services (970.943.3087) or Campus Security Services (970.943.3084).

- 2. BICYCLE AND SKATEBOARD RIDING** - WSCU currently allows bicycling and skateboarding in the following areas:

- Sidewalks (with courtesy to pedestrians)
- Skate Park

Bicycle riders are responsible for the following moving violation regulations:

- The speed limit on campus is 10 miles per hour unless otherwise posted.
- Speeding violations are non-contestable and carry varying penalties dependent upon the number of miles per hour in excess of the speed limit.
- Speeding and other moving violations carry the same penalties applicable under State of Colorado Laws.

Skateboard/long board riders are responsible for the following moving violation regulations:

- The speed limit on campus is 10 miles per hour unless otherwise posted.
- Speeding violations are non-contestable and carry varying penalties dependent upon the number of miles per hour in excess of the speed limit.
- Speeding and other moving violations carry the same penalties applicable under State of Colorado Laws.

- 3. SKATEBOARDING/LONG BOARDING/RAIL PARK**

Skateboarding/Long Boarding is only permitted until quiet hours of 10:00 pm on weekdays and 12:00 a.m. on weekends in the following areas:

- Skate Park
- Sidewalks: Safety precautions must be taken with priority to pedestrians at all times.

#### **D. BREAKING INTO OR ENTERING A CLOSED BUILDING, ROOM OR AREA**

Any campus area, which is locked or closed to unauthorized entry, is a closed area. Unauthorized entry is a serious offense and students found responsible will face severe sanctions in addition to civil or criminal charges. Unauthorized entry includes, but is not limited to residential rooms, custodial and storage closets, roofs or any part of the buildings outer structure, attics, or on top of elevators or elevator shafts.

#### **E. CIVIL/CRIMINAL CHARGES**

In serious situations, WSCU reserves the right to press charges against a student in a civil or criminal court. Any student tried in a civil or criminal court, even if the offense took place off campus, may also have judicial action taken against him/her at the University.

If a student is found guilty in a court of law, the University will accept the court's verdict. Yet, the University reserves the right to impose its own sanctions independent of legal time frames. The student found guilty can appeal the sanction imposed by the University but cannot appeal the guilty verdict.

The University will usually impose sanctions beyond those imposed by the courts in situations where it is felt that the nature of the offense is such that the guilty student could be a threat for the University, its students, faculty or staff. Examples of such offenses are: assault, rape, robbery, use and/or distribution of illegal substances, theft and/or receiving stolen goods, harassment and threats to persons or property.

#### **F. DRUGS**

*Although possession and use of marijuana for certain medical conditions consistent with the requirements of the Colorado Constitution is no longer a crime in the State of Colorado, the possession and use of marijuana remains illegal under federal law. Consistent with federal law, including the Controlled Substances Act and the Drug-Free Schools and Communities Act, the use/or possession of marijuana continues to be prohibited while a student is on campus, including while in campus housing.*

**1. Possession, Distribution, Paraphernalia and/or Use of Illegal Substances (e.g. , Marijuana, K2, Spice, Salvia, Bath Salts)**

The use of mind-altering substances, of any kind, has no place in an academic community. Any student using illegal substances or ethnogens, including possession of residue, paraphernalia (e.g., water pipes, bongs, spoofs) and/or who is involved in or responsible for providing the opportunity for a guest or another student to become involved in illegal drug/substance use of any nature is subject to judicial sanctions as severe as expulsion from the University. Distribution and/or sale of an illegal substance are taken very seriously. Students found responsible should expect the most severe of sanctions. Pictures of drug usage or paraphernalia are strongly discouraged and will be addressed in the adjudication process.

**2. Altered State of Mind/Under the Influence**

Visible altered state of mind or visibly under the influence on any of the WSCU public premises is not permitted and will be confronted, with the possibility of judicial sanctions.

**3. Knowing Presence**

Knowing presence in an area of a University building or University property where any illegal substances are being used or are present is also subject to disciplinary actions.

#### **G. FAILURE TO COMPLY WITH A REASONABLE REQUEST OF A WSCU OFFICIAL**

The University cannot operate in an environment where students refuse to cooperate with reasonable requests, such as the request to identify oneself or the request to refrain from inappropriate behavior (See section {III.L}). This includes requests made by students who are WSCU employees (e.g., Resident Advisors). Students who fail to comply with the reasonable request of a WSCU official can face judicial action and/or fines.

## **H. FIREWORKS/FIREARMS OR WEAPONS**

No UNAUTHORIZED weapons, including but not limited to, firearms, explosives, pellet guns, paintball guns, air guns, bullets or other ammunition, black jacks, smoke machines, fireworks, knives (blades longer than 3 ½:"), swords (metal or wooden), or bows and arrows are allowed on any University property or in any University buildings under any circumstances. Possession of such items in these places endangers the lives of others and is a serious violation of University policies.

Dangerous weapons including but not limited to knives, regardless of the length of the blade used by or in the possession of a person with the intent to cause fear or assault to another person is included within the meaning of a firearm, explosive, or dangerous weapon. Any student or employee violating this policy faces immediate disciplinary action, which may include probation, suspension, or expulsion.

Weapons used for hunting (including but not limited to knives with blades longer than 3 ½", shotguns, and bullets) may be stored in the arms room at the Municipal Building, 201 West Virginia, Gunnison. Turn-in and pick-up of weapons and paraphernalia from the arms room must be done Monday–Friday between 8:20 a.m. and 4:30 p.m. Weapons must then be secured off-campus (not University property) until they are used and returned to the arms room at the Municipal Building. Under no circumstances may UNAUTHORIZED weapons be brought onto the WSCU campus. Specific items (e.g., wooden swords) must be approved for club use by the Office of Student Affairs. Such items must be stored in a secure location and only be utilized during specific times in secure campus locations. Club members must follow all campus policies as well as those outlined for their specific club. Failure to comply will result in disciplinary action toward the campus organization and individual club members.

### Colorado Concealed Carry Act

The Colorado Concealed Carry Act states that a person with a permit may carry a concealed weapon "in all areas of the state," with the exception of some federal properties. K-12 schools and buildings with fixed security checkpoints, such as courthouses.

Those 21 and older who possess a valid Colorado concealed-carry permit can carry a handgun anywhere on the WSCU campus. But those under 21 are still barred from having handguns on campus. Students under the age of 21 or without a permit will be held to the same penalties, and other weapons such as knives, crossbows and swords are still banned.

## **I. FOOD FIGHTS IN RETAIL AND RESIDENTIAL DINING AREAS**

Although food fights may sound like innocent fun, they can often lead to dangerous objects being thrown and serious injuries being inflicted upon other people. Due to this potential danger, students involved in food fights may have serious judicial action imposed against them.

## **J. HARASSMENT**

The University defines harassment as conduct that is so severe, pervasive, and objectively offensive that it so undermines and detracts from a student's educational experience or creates a hostile environment and essentially denies a student equal access to the University's resources and opportunities. Conduct over social media that rises to this level is prohibited. Harassment, as defined above, is not protected by the First Amendment.

## **K. IMPERSONATION**

Impersonating a University official, parent/legal guardian, or anyone other than oneself is prohibited and will result in judicial action.

## **L. INAPPROPRIATE BEHAVIOR**

As an academic community, WSCU is committed to the open exchange of ideas where all views, popular and unpopular, can be freely advocated. The University, however, requires that the behavior of individuals and groups not infringe on the rights of others or interfere with the normal functioning of the University. Behavior which infringes on the rights of others or interferes with the normal functioning of the University will result in disciplinary action through established procedures of the University. Any threats of harm or harassment in social media may be subject to discussions and can be considered as evidence in the judicial process as well as subject to a judicial hearing.

It is a privilege to be on the WSCU Campus. Students and visitors are responsible for all policies while on campus. This includes all academic, public, and residential properties and buildings. Failure to comply may result in action by campus officials and contact with the Gunnison Police Department.

Students participating in on or off-campus programs are expected to comply with all University policies and procedures as articulated in the Student Handbook. Some University programs such as Wilderness Pursuits and University athletic or club sport teams will have specific policies governing the behavior of student participants. These policies can be obtained by contacting the specific department.

#### **M. INTERFERENCE WITH THE UNIVERSITY JUDICIAL PROCESS/GIVING FALSE TESTIMONY IN A UNIVERSITY JUDICIAL PROCESS**

The University cannot govern itself if students do not respect the established judicial procedures of the institution. Any attempt on the part of students to intimidate witnesses or to influence witnesses to alter testimony or to not testify in a university judicial process is a very serious offense that may result in expulsion from the University. Similarly, giving false testimony at a judicial hearing is an equally serious offense and can lead to expulsion from the University.

#### **N. KNOWING PRESENCE**

Knowing presence in an area of a university building or university property where a policy violation is occurring is also subject to disciplinary actions.

#### **O. PARKING AND VEHICLE REGULATIONS**

Consideration of others should be kept in mind at all times when operating a motorized vehicle, bicycle, skateboard or inline skates. The intent of these regulations is to protect the health, safety and property of all persons on campus and to provide access for fire and emergency equipment. It is the responsibility of all students, staff, faculty and visitors to be aware of and to comply with state, county, and city laws as well as campus rules and regulations.

Primary responsibility for campus parking and traffic control rests with Campus Security Services and designated staff members (C.R.S. § 23-5-107). This responsibility is shared with the Gunnison Police Department and the Gunnison County Sheriff's Department. The Colorado State Patrol may also be involved in traffic enforcement on campus.

1. **ABANDONED VEHICLES** - Vehicles that appear to have been abandoned on campus for thirty (30) days will be towed or removed, at the owner's expense. If for some reason a vehicle cannot be moved, it is the owner's responsibility to notify Campus Security Services.
  
2. **CAMPUS HOUSING PARKING** - Due to limited parking areas, only students and staff living in campus housing may park overnight (12:00 a.m. to 7:00 a.m.) in the following lots:
  - Chipeta Lot
  - Dolores
  - Escalante North Lot
  - Mears Complex Lot

- Mountaineer Bowl Lot
- Savage Library Lot
- Teller Street (east of Chipeta Hall)
- The Pinnacles
- Ute Lot

All residents living in residence halls are required to register their vehicles at residence hall check-in. Parking and/or guests of residents are permitted to park in residence hall parking for a maximum of 72 hours.

In the interest of providing maximum convenience for all campus drivers, students, faculty and staff living on-campus are encouraged to park in the lots designated for their particular building and to leave their vehicle in that lot, rather than driving to another lot closer to classes or work locations.

- 3. ENGINE BLOCK HEATERS** - There are outlets available in The Pinnacles Apartment parking lot which will be available on a first-come, first-serve basis. For more information, please contact the Office of Residence Life, 117 College Center, 970.943.2101.
- 4. HANDICAPPED SPACES** - WSCU reserves parking spaces for disabled students, staff, faculty and visitors. A handicapped permit issued by WSCU, the State of Colorado or another state must be displayed on the rearview mirror, the driver's side dashboard or as a license plate. **A handicapped permit may be obtained from the Academic Resource Center, 302 Taylor Hall by providing a physician's statement of injury or illness.**
- 5. MOVING VIOLATIONS** - The speed limit on campus is 10 miles per hour unless otherwise posted. Speeding violations carry varying penalties dependent upon the number of miles per hour in excess of the speed limit. Speeding and other moving violations carry the same penalties applicable under State of Colorado laws.
- 6. OTHER VEHICLE RESTRICTIONS** - Vehicle maintenance is not permitted anywhere on campus. Included in this restriction is changing oil or other fluids or maintenance work that is more than changing a tire.
- 7. OVERNIGHT PARKING** - The University Center and Quigley parking lots are the only lots where overnight parking is permitted on a special basis for field trips, athletic trips, and Wilderness Pursuits trips. The trip coordinator must notify Campus Security Services if vehicles on authorized trips will be parked overnight in the University Center or Quigley lots.

Camping or living in a vehicle is not permitted at any time on WSCU property.

**NO OVERNIGHT PARKING** - Several lots have been designated as —No Overnight Parking from 1:00 a.m. to 6:00 a.m. These lots are:

- Hurst Hall Lot
- Taylor Hall Lot (including the parking lot south of the Borick Building)
- University Center
- Wright Gymnasium Lot (Except for May 1st - August 1st)

- 8. PARKING DURING VACATION PERIODS** - Vehicles may be left on campus, during Thanksgiving, Christmas and Spring Breaks only in the Dolores Hall, Mountaineer Bowl and the north side of the College Center parking lots, unless other lots have been designated by the University for overflow parking. Vehicles are not to be left on campus over summer break unless prior written permission from Campus Security Services is obtained. Each case will be decided on

an individual basis. Vehicles that are left on campus without obtaining prior written permission will be ticketed and towed at the owner's expense.

- 9. SNOW REMOVAL WARNING** - As snow removal from the parking lots, campus roads and sidewalks becomes necessary during the winter months, heavy snow removal equipment may be operating in these areas day and night. The University reserves the right to issue notice to remove vehicles from any parking lot or roadway at any time during periods of heavy snowfall. It is the vehicle operator's responsibility to look for email notices, notices posted in the University Center or notices posted on affected vehicles and remove their vehicles from the affected parking lot or roadway, when directed to do so.
- 10. THEFT, VANDALISM OR DAMAGE TO VEHICLES** - Any theft, vandalism or damage to property should be reported immediately to Campus Security Services (970-943-3084) or the Gunnison Police Department (970-641-8000). Western State Colorado University does not accept or assume responsibility for loss under any circumstances, including theft, vandalism or malicious mischief. It is recommended that parked vehicles be locked at all times.
- 11. UNAUTHORIZED PARKING AND DRIVING AREAS** - A valid parking space is defined by two white parallel lines with no yellow markings or signage present. Yellow lines or markings means no parking is permitted. Red markings designate fire department access zones and no parking is permitted.

Parking is not permitted (whether posted —"No Parking" or not) on roads without designated parking spots, driveways, sidewalks, lawns or grass, or non-paved areas. Vehicles violating University parking policies may be towed away from these areas, at the owner's expense, without notice. Driving or parking is not permitted in any pedestrian walkway or lawn area except for campus service and emergency vehicles.

Only the Director of Facilities Services or Campus Security officers may give permission to drive or park in these areas.

- 12. VEHICLE TOW POLICY** - Vehicles are subject to tow-away by a bonded towing company for the following reasons:
- Abandoned vehicles, including those not bearing license plates or bearing expired (over one month) license plates and those left on jacks, blocks, etc.
  - Parking in —No Overnight Parking areas between 1:00 a.m. to 6:00 a.m.
  - Parking in areas which create a danger to safety and welfare of persons and property (i.e. fire lanes, service areas, traffic lanes, walkways, lawns, etc.).
  - Parking in non-designated lots during vacation periods.
  - Parking in spaces reserved for the handicapped.
  - Obstruction of snow removal operations.

If you believe your vehicle has been towed, contact the Office of Student Affairs, Facility Services, Campus Security Services or the Gunnison Police Department (970.641.8000).

- 13. WARNING STICKERS AND TOWING** – University officials may issue warning stickers for parking violations by adhering the warning sticker to the vehicle's window. If a vehicle has been issued a warning sticker, it may be towed for future parking violations.

For more parking information please contact the Campus Security Services Office, 105 College Center. The office phone is 970.943.3084 and the Security cell-phone is 970.209.1020.

## **P. PHYSICAL VIOLENCE**

Violence against another person is not warranted under any circumstances except the extreme need for self-defense. The use of force is contrary to the fundamental academic principle of resolving differences by reasoned discourse. Judicial sanctions may include suspension or dismissal from the University.

#### **Q. RESIDENCE LIFE JUDICIAL ACTIONS**

Students who violate Western State Colorado University's standards of conduct are subject to judicial action. The administration of this action shall provide procedural fairness to an accused student or recognized student organization. The procedure will afford an appropriate process, which will be educational and developmental in nature.

The process for judicial actions begins with documentation by a Resident Advisor or Campus Security guard, with appeals in any student conduct issue being referred to a higher authority. The final level of appeals for any issue relating to student conduct is the Associate Vice President for Student Affairs, who will serve as the final hearing authority.

#### **R. SNOW RAMPS AND WINTER ACTIVITIES**

Because of the damage to University property and potential for serious physical injury, building snow ramps or using handrails, stairs, etc., will not be tolerated. Individuals found engaging in said activities will be contacted and referred to the Office of Student Affairs for possible judicial action.

#### **S. TAMPERING WITH FIRE EQUIPMENT**

Tampering with fire equipment, including alarms, smoke/ heat detectors, sprinklers and fire extinguishers endangers the lives of others and is a serious offense. In addition to facing judicial sanctions, violators of these rules may be turned over to local law enforcement officials.

#### **T. THEFT OR VANDALISM OF UNIVERSITY PROPERTY**

Theft or vandalism of University property is a serious offense. University property incorporates (not to the exclusion of others) materials such as buildings and lawns, the University Center and The Pinnacles fire pits, as well as dining and library materials, computers, and computer related hardware and software. Theft or vandalism is the same as theft from another student since student fees directly pay for all of the residence halls and much of the rest of the campus. Every dollar that goes to replace items stolen or damaged is a dollar that cannot go towards improvement.

Theft or vandalism of the personal property of others is a serious offense and the penalties will follow those outlined above for theft or vandalism of University property.

#### **U. UNAUTHORIZED POSSESSION AND/OR USE OF UNIVERSITY KEYS**

University keys are University property. The unauthorized possession and/or use of University keys (particularly master keys) is a serious breach of University security. Judicial sanctions may include suspension or dismissal from the University.

#### **V. WSCU IDENTIFICATION CARD-MOUNTAINEER CARD**

All students are required to carry their valid WSCU ID with them at all times. Within this policy, students are required to present their WSCU identification card when requested to do so by a WSCU official.

### **IV. JUDICIAL RESPONSE TO MISCONDUCT**

**Note:** Title IX Sex Harassment cases require a specific investigative and procedural process. For more information regarding Title IX Sexual Harassment Policy, please go to Section II, M.

The Hearing Officer is any person designated by the Office of Student Affairs to administer judicial matters. Any of the following penalties may be imposed in the event that the Hearing Officer determines

that the student has violated the University's rules and regulations. In assessing what penalty to impose, the Hearing Officer shall attempt to provide the individual with an opportunity to alter his/her behavior so that s/he may benefit from the experience. The Hearing Officer shall also take into account mitigating circumstances. Such sanctions could include behavioral contracts or community service. However, measures must be taken to insure that the rights of others are protected. As stated before; the University may choose to hear a case prior to its disposition in a court of law. The findings of the courts do not limit the University in assessing appropriate sanction(s) for violations of campus rules or policies. Campus judicial decisions are based on a "preponderance of evidence" in contrast to the criminal justice system whose burden of proof is "beyond a reasonable doubt". "Preponderance of evidence" is defined as just enough testimony and evidence to make it more likely than not that the fact sought to be proven is true. This preponderance is based on the more convincing evidence and its probable truth or accuracy, and not on the amount of evidence.

#### **A. Judicial Warning**

Officials of the University responsible for judicial matters may give warnings for minor infractions of standards of conduct. These warnings may be given verbally or in writing with or without a hearing and are a notice to the student or group of students that continuation or repetition of the misconduct shall be cause for more severe judicial sanctions including dismissal from the University.

#### **B. Judicial/Residence Life Fines**

Within the judicial/operational matters, administrative staff may assess fines to students (residents or non-residents) who fail to comply with policies (i.e., Alcohol/Drug Policy). Such fines are intended to be more administrative rather than just punitive. Relevant charges may be assessed to groups of students as well in cases, which warrant generally assigned responsibility. An example of such would be (not to the exclusion of others) charging an entire floor, preferably after prior warning, for vandalism committed by an unidentified person. Another example would be furniture being removed from the common areas and utilized as personal furniture; an individual could receive a fine. All billing appeals must be submitted to the Office of Student Affairs, 301 Taylor Hall and received in writing within three (3) class days of notification and must include a current phone number and mailing address. There will be formal written response made within ten (10) class days from the date the written notice of the appeal is filed.

#### **C. Educational/Service Projects**

The Hearing Officer may require, as part of the sanctioning process, that students found responsible for misconduct to perform educational programs and/or community service projects.

#### **D. Restitution**

The Hearing Officer may request restitution as a condition for continued good standing. Such action is appropriate in any case in which the misconduct or violation has caused loss of or damage to property or injury to a person, or in which reparation for a particular act of misconduct may reasonably be made by payment of money or the performance of services. A student will be notified in writing of any restitution penalty assessed. A restitution penalty may become a part of the student's academic, personal and/or judicial record.

#### **E. Residence Life Probation**

The Hearing Officer may place a student on Residence Life Probation after having a hearing in which procedural due process is afforded. Students on probation who violate policies may be subject to eviction from the residence halls/apartments. Residence Life Probation shall be for such period and subject to such terms and conditions as the judicial authority imposing it shall designate. A student will be notified in writing of the probation issued. The probation may become a part of the student's academic, personal and/or judicial record.

#### **F. Eviction from the Residence Halls or Apartments/Persona Non-Grata**

WSCU reserves the right to move a student to another residence hall, apartment complex or room; or suspend, or evict or ban a student from the residence halls/apartments if a student is involved in a serious violation of University rules/policies or repeatedly violates University rules/policies. Once a student is evicted from a residence hall or apartment complex, they are Persona Non-Grata and not welcome in any on-campus residence hall or apartment complex. Failure to comply with this status will be considered trespassing and sanctioned as such. This sanction may become a part of the student's academic, personal and/or judicial record.

### **G. Persona Non-Grata**

WSCU reserves the right to deny access to the University campus and/or its facilities to anyone who does not comply with campus policy. Failure to comply with this status will be considered trespassing and can be arrested. This sanction may become a part of the student's academic, personal and/or judicial record.

### **H. Judicial Probation**

The Hearing Officer may place a student on judicial probation after having a hearing in which procedural due process is afforded. Judicial probation shall be a final period of trial. Students on probation who violate policies may be subject to suspension or expulsion. Judicial probation shall be for such period and subject to such terms and conditions as the judicial authority imposing it shall designate. A student will be notified in writing of the probation issued. The probation may become a part of the student's academic, personal and/or judicial record.

### **I. Judicial Suspension**

The Hearing Officer or such member(s) of the University staff as appointed by the Office of Student Affairs, may suspend a student from the University after having a hearing in which procedural due process is afforded. Judicial suspension is normally for a stated period of time at the end of which a student may apply for readmission. Suspension for an indefinite period may be stipulated, usually with the implication that a student must fulfill certain requirements before re-admission will be considered. While under suspension, the student is not entitled to attend classes, use University facilities, participate in University activities, or be employed by the University. A student will be notified in writing of any suspension penalty assessed. A judicial suspension penalty will become a part of the student's academic, personal and/or judicial record.

### **J. Expulsion**

The Hearing Officer or such member(s) of the University staff, as appointed by the Office of Student Affairs, may expel a student from the University after having a hearing in which procedural due process is afforded. Expulsion is permanent dismissal from the University. A student will be notified in writing of any expulsion sanction assessed. An expulsion penalty will become a part of the student's academic, personal and/or judicial record.

### **K. Summary Suspension Pending Disposition/Utilization of Law Enforcement**

WSCU reserves the right to temporarily suspend a student from the University as well as temporarily evict a student from the residence halls/apartments, pending the outcome of a University hearing or a trial in a state or federal court and/or to put restrictions upon a student's access to the campus in instances where a student has been accused of a crime which, if repeated, could jeopardize the well-being of University students, staff, faculty or property. In these instances, a hearing will be held within three (3) class days to determine whether or not such dangers reasonably continue to exist.

### **The Board of Trustees has passed the following resolution:**

"Any act by students or non-students which interferes with the rights of others, disrupts or impairs the normal functioning of the University, damages or destroys property, or impairs health or safety is grounds for suspension or expulsion from the University. The President or the President's representative may summarily suspend those individuals in the violation of any of these standards pending final disposition of

the case by the appropriate body having jurisdiction thereof. The President or the President's representative may call on any law enforcement agency to enforce the suspension and to maintain order."

## **V. FORMAL JUDICIAL HEARING PROCEDURES FOR MISCONDUCT**

In order that a student is guaranteed due process and a fair hearing, the following steps will be followed:

**Note:** Title IX Sex Discrimination cases require a specific investigative and procedural process. For more information regarding Title IX, please go to Section VII, A.

### **A. INITIATION OF PROCEEDINGS**

1. Charges are made in writing and presented both to the accused student and the WSCU Hearing Officer designee for the Office of Student Affairs. The designee will serve as the investigating officer when judicial accusations are made. At a minimum, the charges will set forth the type of alleged misconduct and a specific description of the facts and circumstances of the alleged misconduct. **Please Note:** Judicial hearings may be heard by a judicial board comprised of WSCU students and staff.
2. The hearing shall be held within ten class days of the date a student receives his/her notification letter; date and time to be established at the discretion of the Hearing Officer (extenuating circumstances can allow for an extension of this time frame at the discretion of the Hearing Officer, providing advance notice is given within the ten class day period). **Please note:** When numbers of days are specified herein, they shall be understood to exclude Saturdays, Sundays, holidays, University vacation days, and other days when the University is not in session and holding classes.
3. The accused student shall be notified in writing regarding charges, rights of the student, and the date and place of the hearing.
4. The student may request to have the hearing as soon as possible, and the Hearing Officer should accommodate such a request at his/her own convenience.
5. If a student does not attend his/her scheduled hearing, other than for an unforeseeable emergency documented to the satisfaction of the Hearing Officer, a decision will be made by the Hearing Officer, based on the information gathered at the time of the hearing.

### **B. CONDUCT OF HEARING**

1. Hearings shall be conducted by a Hearing Officer appointed by the Office of Student Affairs.
2. This is not a court procedure, but every effort will be made to arrive at the truth and to insure a fair hearing.
3. The accused student may have two representatives present upon the discretion of the Hearing Officer, including legal counsel. The legal counsel or representative may not speak on the student's behalf, but may only advise the student.
4. The Hearing Officer may approve or call for witnesses to be present at the hearing. The accused student may question witnesses and may present witnesses in his/her behalf.

5. The hearing shall be closed to the public unless prior approval has been granted by and at the discretion of the Hearing Officer.
6. Either side may, at its own expense, make a recording of the hearing provided that all present are made aware of the recording. Parties may be asked verbally to acknowledge the agreement on the initial recording.
7. If the student admits to the charges or if the Hearing Officer determines that the student is found in violation of the charges, mitigating circumstances and the student's history at WSCU may be considered in the judgment of a sanction.

### **C. APPEAL PROCESS**

1. A Hearing Officer is the person designated by the Office of Student Affairs to administer judicial matters. An administrator will not hear appeals of judicial sanctions until grievances against the student have been adjudicated and sanctions determined by the Hearing Officer.
2. The appeals process will always follow the administrative hierarchy, unless there is a conflict of interest with a hearing officer. No appeal will be heard by a higher administrator unless the appropriate lower administrator has either made a decision on an appeal or the decision has been referred to a higher administrator by the lower administrator. A student may not circumvent a lower administrator by appealing directly to the higher administrator.
3. Appeals must be filed in writing to the administrator designated as the Appeal Officer within three (3) class days of the decision of the Hearing Officer.
4. Appeals will be granted consideration based upon one or more of the following reasons: 1) new information pertaining to the case can be produced 2) due process as delineated in the "Judicial Response to Misconduct" section {IV.} has not been followed.
5. Appeals can be decided based upon the record of proceedings from the hearing.
6. The Hearing Officer shall issue a written decision on the appeal within ten (10) class days from the date that the written notice of appeal is filed.
7. All sanctions (except those involving separation from the University) will be considered in full effect during the appeal process; that is, students will be expected to abide by and completing all sanctions throughout and in spite of the appeal process.

## **VI. INFORMAL JUDICIAL HEARING PROCEDURES FOR MISCONDUCT**

Informal hearings can range from dialogue, conflict coaching, facilitated dialogue, mediation, restorative practice, or shuttle diplomacy. It is at the discretion of the Hearing Officer which process they would like to apply for misconduct.

- A. DIALOGUE**-Students engage in a conversation to gain understanding or to manage a conflict independent of administrator intervention or third-party facilitation.
- B. CONFLICT COACHING**-Students seek counsel and guidance from administration to engage a conflict more effectively and independently.
- C. FACILITATED DIALOGUE**-Students access administration for facilitation services to engage in a conversation to gain understanding or to manage a conflict. In a facilitated dialogue, parties maintain ownership of decisions concerning the conversation or any resolution of a conflict.

- D. MEDIATION**-Students access administration to serve as a third party to coordinate a structured session aimed at resolving a conflict and/or constructing a go-forward or future story for the parties involved.
- E. RESTORATIVE JUSTICE PRACTICES**-(such as conferences, circles, and boards)- Through a diversion program or as an addition to the adjudication process, administration provides space and facilitation services for the students taking ownership for harmful behavior and those parties affected by the behavior to jointly construct an agreement to restore community. This method may be an alternative to a formal adjudication process or part of the process associated with the judicial process.
- F. SHUTTLE DIPLOMACY**-Administration actively negotiates an agreement between two parties that do not wish to directly engage with one another. This method may be an alternative to a formal adjudication process or part of the process associated with the judicial process.

## **VII. SEXUAL HARASSMENT AND ASSAULT-STUDENT PROCEDURES**

### **A. DEFINITION OF TERMS**

#### **1. Sexual Harassment**

As defined by Title IX, unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature.

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or education; or
- b. Submission to or rejection of such conduct is used as the basis for making employment or educational decisions about a person; or
- c. Such conduct has the purpose or effect of substantially and unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive working or educational environment. For such conduct to constitute sexual harassment in the teaching context, the behavior must also be persistent, pervasive, and not germane to the academic subject matter and affect a student's class participation, or ability to participate in or benefit from an education program, opportunity or activity, or create an intimidating, threatening or abusive educational environment.
- d. Sexual assault/sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery and sexual coercion. All such acts of sexual violence are forms of sexual harassment covered under Title IX. Sexual harassment shall also be defined to include retaliation against an individual for reporting sexual harassment or cooperating in a sexual harassment investigation.

#### **2. Sexual Violence**

Sexual violence is a form of Sexual Harassment. Sexual Violence can include rape, sexual assault, sexual battery, and sexual coercion.

#### **3. Sexual Assault**

Physical sexual acts perpetrated against a person's will or where a person is incapable of giving

consent.

**4. Complainant**

Person making a written or oral allegation of violation of Title IX or the Anti-Discrimination Policy.

**5. Respondent**

For the purpose of these procedures, a student who is alleged to have violated the University's Policy Prohibiting Sexual Harassment.

**6. Report or Complaint**

Informal notification of an alleged incident of sexual harassment. The University does not view a report or complaint as a formal grievance and will not result in unwanted formal or legal action. It can be anonymous, and is confidential.

If the complainant requests confidentiality or asks that the complaint not be pursued, the University should take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If a complainant insists that his or her name or other identifiable information not be disclosed to the alleged perpetrator, the University should inform the complainant that its ability to respond may be limited.

**7. Formal Grievance**

Formal notification to the Office of Student Affairs and/or the Title IX Coordinator, or the Gunnison Police Department will initiate a formal investigation by the University and may result in adjudication.

Based upon the victim's preference, a grievance filed with the Gunnison Police Department may be held confidential or be provided to the University for review.

**8. Hostile Environment**

Harassing conduct that is sufficiently severe, pervasive/persistent and patently/objectively offensive that it substantially interferes with the conditions of education or employment, from both a subjective (the alleged victim's) and an objective (reasonable person's) viewpoint.

**9. Retaliation**

The University prohibits and will not tolerate retaliation against any person who opposes or reports a discriminatory practice which is forbidden by law or this policy or who has filed a grievance, testified, assisted or participated in any manner in an investigation or proceeding conducted under this policy. Acts of retaliation may be the subject of a complaint or grievance under this policy. Retaliation may include intimidation, threats or harassment, whether in person or via electronic means. Retaliation should be reported promptly to the Office of Student Affairs or Security Office or the Gunnison Police Department and may result in disciplinary action independent of and in additions to any sanction imposed in response to the underlying allegations of sexual harassment.

**10. Preponderance of the Evidence**

Just enough testimony and evidence to make it more likely than not that the fact sought to be proven is true. This preponderance is based on the more convincing evidence and its probable truth or accuracy, and not on the amount of evidence.

**B. ADJUDICATION PROCESS**

Any person may file a complaint against a student for violations of the Standards of Conduct, including violations of the Sexual Harassment Policy. This procedure applies to any allegation of sexual

harassment, sexual assault, sexual misconduct, sexual exploitation, and/or sexual exposure by a student, regardless of where the alleged violation occurred. For the purpose of this procedure, the Respondent must have been registered or enrolled at the University at the time of the alleged violation (including during an academic recess), and at the time that the complaint is made to the University.

**1. Where to File a Complaint**

- Complaints about Student Behaviors: All complaints alleging sexual harassment or retaliation committed by students should be submitted to the Office of Student Affairs, 301 Taylor Hall, 970.943.2011.
- Complaints about Employee or Third Party Behaviors: All complaints alleging sexual harassment or retaliation committed by employees and/or third parties should be submitted to the Director of Human Resources, 321 Taylor Hall.

**C. TITLE IX COORDINATOR**

Whenever a complaint is received, the Title IX Coordinator will be advised of the complaint and may assist in the investigation or resolution of the complaint as directed by the School. The Title IX Coordinator is:

Shelley Jansen  
Associate Vice President for Student Affairs  
301 Taylor Hall  
sjansen@western.edu  
970.943.2616

**Office of Student Affairs:**

970.943.2011

**1. Deputies:**

- Human Resource Director
- Director of Residence Life
- Assistant Athletic Director

- 2. Responsibilities:** Compliance of sexual harassment policies for matters involving students, including training, education, communication, may assist in the investigation and administration of grievance procedure for all complaints against students.

**D. EFFECT OF CRIMINAL PROCEEDINGS**

Because certain acts of sexual harassment may constitute both a violation of School Standards of Conduct policy and a criminal offense, the University encourages, but does not require students to report alleged criminal acts (e.g., sexual assault and sexual violence) promptly to appropriate law enforcement authorities. The standards for findings violations of criminal law are different from the standards for finding a violation of the University's.

**E. STANDARD OF PROOF**

The standard of proof is the amount of evidence needed to establish a violation of policy has occurred. In the adjudication of student conduct issues, the University uses a "preponderance of evidence" standard, which means that the evidence demonstrates that it is more likely than not the alleged conduct or policy violation has occurred.

**F. IMMEDIATE RESPONSE**

Depending on the nature of the complaint, the University reserves the right to take any and all interim steps it deems necessary to protect the Complainant, witnesses, or the Respondent. Examples of these interim measures may include, but are not limited to the following:

- Issuing "no contact" directives;
- Issuing temporary "PNG" or "no trespassing" directives

- Temporarily suspending a student's enrollment; and
- Obtaining restraining or similar protective orders through appropriate law enforcement and judicial mechanisms.

## **G. INTAKE MEETINGS WITH COMPLAINANT AND RESPONDENT**

Within seven (7) school days of receipt of the complaint, the Title IX Coordinator or deputy will schedule an intake meeting with the Complainant in order to provide the Complainant a general understanding of the policy, and to identify forms of support available and appropriate for the Complainant. The Title IX Coordinator or Deputy will also seek to determine whether the Complainant wishes to pursue adjudication through the University's Standards of Conduct.

Title IX Coordinator or Deputy will schedule an intake meeting with the Respondent within seven (7) school days following the meeting with the Complainant in order to provide the Respondent a general understanding of the policy, and identify forms of support available to the Respondent. Following these initial meetings with the Complainant and Respondent, the Title IX Coordinator or Deputy may conduct additional investigation by meeting with other individuals involved and witnesses. Any such investigation will normally be completed within 15 school days following the Title IX Coordinator or Deputy intake meeting with the Complainant.

If the Complainant does not wish to pursue adjudication or requests confidentiality, Title IX nevertheless requires the University to investigate and take reasonable and appropriate action in response to the complaint.

When confidentiality is requested or the Complainant does not wish to pursue adjudication, the University's ability to respond and resolve the matter of concern may be more limited. Further, Title IX requires the University to consider the Complainant's request for confidentiality in the context of its commitment to provide a reasonably safe and non-discriminatory environment for all community members. Although full confidentiality cannot be guaranteed, the Title IX Coordinator will advise the Complainant regarding the degree of confidentiality that may be possible, and the measures that will be taken to try to ensure this confidentiality.

## **H. INFORMAL ADJUDICATION PROCESS**

A Complainant who wishes to file a complaint with the Title IX Coordinator, but who does not wish to pursue Formal Adjudication, may request a less formal proceeding known as "Informal Adjudication," as described below. Although informal, this is an adjudicative process; it is *not* mediation.

- **Purpose and Timing:** Informal Adjudication provides an opportunity for the Complainant to provide the Title IX Coordinator or Deputy with information about the subject incident, the impact of the incident, his/her wishes and expectations regarding future interactions with the Respondent, and needed support and protective measures. If approved by the complainant, the Title IX Coordinator or Deputy will communicate this information to the Respondent and allow the Respondent an opportunity to respond. The Informal Adjudication Process is expected to be completed in a reasonably brief period of time, usually within 15 school days of the date the complaint is received by the Title IX Coordinator or Deputy. If additional time is needed for this informal process, the Title IX Coordinator or Deputy will communicate this to the Complainant and Respondent in writing, citing the reasons for the additional time and providing an estimated date of completion.
- **Outcome of Informal Adjudication:** Informal Adjudication cannot result in a formal sanction involving suspension or expulsion of the Respondent. Informal Adjudication may, however, result in the imposition by the Office of Student Affairs protective measures and other appropriate actions based on the information derived from the proceedings, and any other relevant information known to the School at the time of the Informal Adjudication.

- **Election of Formal Adjudication:** The University or the Complainant may, at any time prior to the conclusion of the Informal Adjudication, elect to end such proceedings and initiate Formal Adjudication instead.

## I. FORMAL RESOLUTION PROCEDURES

The Formal Adjudication Process is utilized when a Complainant wishes to file a formal complaint with the University regarding the behavior of a student. The Formal Adjudication process, including the issuance of a written decision, should normally be completed within 60 calendar days of the Title IX Coordinator or Deputies receipt of the formal complaint. If additional time is needed for this process, the Title IX Coordinator or Deputy will communicate this to the Complainant and Respondent in writing, citing the reasons for the additional time and providing an estimated date of completion.

1. **Investigation and Conduct Meeting:** If the Complainant notifies the University that he/she wishes to pursue Formal Adjudication during the Intake meeting, the Title IX Coordinator or Deputy will conduct an investigation to determine if the charges have merit. Any such investigation will normally be completed within 15 school days following the intake meeting. If the charges have merit, the Title IX Coordinator will send the violation to an adjudication meeting in accordance with the procedure outlined below.
  - a. The adjudication meeting will be scheduled following the Title IX Coordinator or Deputy investigation, but no later than 20 calendar days after the intake meeting with the Complainant. Any extension of this time frame requires written notification to all parties involved by the Title IX Coordinator, and should only be needed for unusual circumstances or scheduling conflicts that cannot be otherwise resolved.
  - b. The Title IX Coordinator or Deputy will notify the Respondent in writing that an official adjudication meeting will take place. The notification will provide the Respondent with the charge(s) against him/her and set a date and time for the meeting.
  - c. When appropriate, the Respondent, whether living on or off campus, may be temporarily suspended by the Vice President for Student Affairs or a designated member of the administrative staff, pending disposition of the case by the Title IX Coordinator or Deputy.
  - d. With the approval of the Judicial Hearing Officer or Title IX Coordinator or Deputy, an advisor or support person of his/her choosing at the Respondent's personal expense may accompany the Respondent. Such advisor may be an attorney. Since direct interaction with the Respondent involved is essential to this student's educational relationship with the School, the advisor's roles is limited to advising the Respondent. The advisor may not act as a representative of the Respondent, speak on the Respondent's behalf, or participate directly in any meeting. Additionally, the advisor may not serve in a dual role in the meeting. For example, the advisor may not also serve as a witness. The Title IX Coordinator or Deputy holding the meeting may consult with or choose to have the University's Legal Counsel present at the meeting in a similar advisory capacity.
  - e. In advance of the adjudication meeting, the Complainant and Respondent may each submit a list of relevant witnesses to the Title IX Coordinator or Deputy. The Judicial Hearing Officer or Title IX Coordinator or Deputy will make a determination as to whether a particular witness will be permitted to provide information related to the matter. If permitted, the Judicial Hearing Officer, Title IX Coordinator or Deputy will arrange for witnesses to meet with them independently.
  - f. Adjudication meetings associated with a complaint of sexual harassment are considered private, educational interactions between the Respondent and the University. All meetings

are considered closed to anyone not directly involved in the proceedings. Admission of any other persons to the meeting shall be at the sole discretion of the hearing officer.

- g. Pertinent records, exhibits and written statements may be accepted as information for consideration. The Respondent will be allowed to review and respond to any such records the hearing officer (s) considers as the basis for the charges.
- h. The Respondent will be afforded the opportunity to present his/her own version of the incident or events by personal statement, as well as through written statements of witnesses to the incident.
- i. At the Judicial Hearing Officers sole discretion, an Adjudication meeting may be recorded. This recording is the property of the University. If such a recording exists and the Respondent wishes to obtain a copy of the recording, a request must be submitted in writing to the Vice President of Student Affairs. Once such request has been received, the Vice President of Student Affairs will follow the applicable provisions of the Colorado Open Records Act, C.R.S. §§ 24-72-200.1, et seq., to respond to the request.
- j. If information presented in the Adjudication meeting creates the need for clarification or additional investigation, or to accommodate scheduling conflicts with witnesses, the Judicial Hearing Officer may schedule additional meetings and/or continue the meeting at a later time and date.
- k. If the meeting involves more than one student offender or multiple Respondents, the Judicial Hearing Officer may permit the meeting concerning each student to be conducted either jointly or separately.
- l. The Judicial Hearing Officer may make special accommodations to address concerns regarding the personal safety, well-being, or fears of confrontation or retaliation on the part of the Respondent(s), Complainant(s), and/or other witnesses during any meetings.
- m. Formal rules of process, procedure, or evidence as established and applied in the civil or criminal justice system do not apply to the Adjudication Meeting.
- n. If the Respondent does not appear for the scheduled Adjudication Meeting, a decision may be reached taking into consideration the totality of the information related to the charges available at the time of the meeting.
- o. Unless otherwise directed in this policy and procedure, all materials and documents prepared or compiled by the Judicial Hearing Officer, Title IX Coordinator or Deputy during the course of investigation and adjudicating a sexual harassment complaint hereunder shall be kept confidential to the fullest extent of the law in order to protect participants and promote candor.
- p. Decision after the Adjudication Meeting with the Respondent and consideration of all pertinent information, the Judicial Hearing Officer, Title IX Coordinator or Deputy will issue a written decision. The decision, including sanctions, if any, for the Respondent, will be provided concurrently to the Respondent and Complainant. This decision will normally be provided within 15 calendar days from the conclusion of the Adjudication Meeting. If additional time is needed, the Judicial Hearing Officer, Title IX Coordinator or Deputy will notify the Respondent and Complainant in writing, citing the reasons for the additional time and providing an estimated date of completion.
- q. Both the Respondent and the Complainant have the right to appeal the Judicial Hearing Officer decision. All requests for an appeal must be submitted in writing to the Office of the

Student Affairs within seven (3) class days of the date of the Judicial Hearing Officer, Title IX Coordinator or Deputy's written decision. The Student Appeal Process will govern any appeals (refer to section V.C).

## **VIII. SEXUAL HARASSMENT COMPLAINT, INVESTIGATION AND RESOLUTION PROCEDURE FOR COMPLAINTS INVOLVING EMPLOYEES OR THIRD PARTIES**

This procedure is promulgated under the Western State Colorado University (WSCU) Board of Trustees Policy Prohibiting Sexual Harassment and is intended as the means for implementing the policy.

### **A. GENERAL COMPLAINT INFORMATION**

#### **1. Who May File a Complaint**

Any member of the campus community who believes he or she has been the recipient of sexually harassing behavior, including retaliation, may file a complaint. Complaints may be filed against employees, students, or third parties not affiliated with WSCU who are present on campus or who have interactions with students and employees through University sponsored activities.

#### **2. Choice of Remedies**

Complainants are not permitted to simultaneously file an unlawful discrimination claim under the University's Anti-Discrimination Policy or the State of Colorado Personnel Board Rules, and a sexual harassment claim under the University's Sexual Harassment Policy and this associated Complaint Procedure against the same individual arising out of an identical set of facts.

#### **3. Promptness in Filing Complaint**

A complaint may be filed at any time, but individuals who feel they have been victims of sexual harassment are strongly encouraged to come forward as soon as possible after the occurrence of the incident, event, or other action alleged to constitute sexual harassment or retaliation.

#### **4. Timing**

The University will address and resolve sexual harassment matters promptly and effectively. It is the University's intent that the entire process for investigating and resolving complaints be concluded within 60 calendar days following receipt of a formal complaint. However, the length of time will vary depending on the complexity of the investigation, the severity and extent of the harassment, the quantity and availability of witnesses, and other factors of significance that may affect the length of the investigation. If the formal complaint process cannot be completed within 60 calendar days from the receipt of the formal complaint by the University, the Complainant and the Respondent will be informed in writing of the reasons for the delay and provided an estimated date of completion.

#### **5. Where to File a Complaint**

- a. **Complaints about Employee or Third Party Behaviors.** All Complaints alleging sexual harassment or retaliation committed by employees and/or third parties, whether informal or formal, should be submitted to the Director of Human Resources, Human Resources Office (970.943.3142).

- b. **Complaints about Student Behaviors.** All Complaints alleging sexual harassment or retaliation committed by students should be submitted to the Associate Vice President for Student Affairs / Title IX Officer, Office of Student Affairs (970.943.2616).

**6. Employee Obligation to Report**

Any employee, including any faculty member, who is aware of sexually harassing or retaliatory behavior, must promptly report the sexually harassing behavior or retaliatory action to the Human Resources Director.

**7. Types of Complaints**

Complaints may be made informally or formally. Informal complaints may be made orally or in written form; formal complaints must be in writing.

**8. Confidentiality**

The University treats all complaints of sexual harassment as confidential matters and will make reasonable efforts to protect the confidentiality of the complaint process, any investigation or resolution, and all individuals involved with the complaint process. If a Complainant requests confidentiality, the University will take reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality to the extent possible. The University's ability to comply with a Complainant's request for confidentiality cannot be guaranteed.

**9. Title IX Coordinator**

Whenever a complaint is received, the Title IX Coordinator will be advised of the complaint and may assist in the investigation or resolution of the complaint. The University Title IX Coordinator is the following:

Shelley Jansen  
Associate Vice President for Student Affairs  
Taylor Hall 301A  
Gunnison, CO 81231  
Telephone: 970.943.2616

**B. INFORMAL COMPLAINT PROCEDURE**

**1. Purpose and Timing**

Under certain circumstances, an informal sexual harassment complaint and resolution process may be appropriate, effective and desirable for a variety of reasons. Further, it may provide a more expedient path to resolution than the formal process entails. The informal resolution efforts will be focused on bringing the Complainant's concerns to the attention of the alleged harasser and, if the concerns are valid, obtaining the voluntary cooperation of the parties to address and resolve the matter.

If a complaint is filed informally, the process is expected to be completed in a relatively brief period of time, usually within 10 calendar days of the date the complaint is received by Human Resources. If additional time is needed for the informal process, Human Resources will communicate this to the Complainant and Respondent in writing, citing the reasons for the additional time and providing an estimated date of completion.

**2. Process**

If the Complainant desires to informally resolve the complaint, the Human Resources Office will try to resolve the complaint expeditiously to the satisfaction of all concerned. A variety of possible means to resolve the complaint may be used at the discretion of the Human Resources Office. Examples of the method and means used to try and achieve resolution may include, but are not limited to:

- Providing advice to the Complainant regarding how to handle a situation;
- Working with faculty, department heads or other employees in whom Complainant has trust and with whom the complainant is comfortable to address the concerns;
- Providing assistance to supervisory personnel to address the matter with the alleged harasser;
- Engaging an external investigator; and
- Intervening directly with the alleged harasser.

There is no requirement that once the informal resolution process is started it must be completed prior to filing a formal complaint. The Complainant can choose at any time to stop the informal resolution process and file a formal complaint.

## **C. FORMAL COMPLAINT PROCEDURE**

### **1. Purpose and Timing**

The purpose of this procedure is to provide a formal, structured mechanism for the prompt and fair internal resolution of complaints alleging sexual harassment. The steps outlined below are the exclusive forum for the internal resolution of sexual harassment complaints regarding the actions of an employee or non-student third party at WSCU. The investigation and issuance of a final decision related to a formal complaint should be completed within 60 calendar days of the University's receipt of the formal complaint, except in circumstances out of the ordinary.

### **2. Contents of Formal Complaint**

A formal complaint must be in writing and contain at least these four elements:

- A description of the behaviors or actions upon which the complaint is based;
- Identification of the alleged harasser or harassers (Respondent)
- A statement of the Complainant's desired outcome and resolution; and
- The signature(s) of the Complainant(s).

### **3. Immediate Institutional Response**

The University reserves the right to take any and all interim steps it deems necessary to protect the Complainant, witnesses, or the Respondent. Examples of these interim steps may include, but are not limited to:

- Issuing "no contact" directives.
- Issuing temporary "no trespassing" directives.
- Placing an employee on administrative leave with pay.
- Obtaining restraining or similar protective orders through appropriate law enforcement and judicial mechanisms.

### **4. Notification of Legal Counsel, Title IX Officer and Management**

Promptly after receipt of the complaint, Human Resources will provide the complaint to the University's legal counsel, the WSCU Title IX Officer, and appropriate University management personnel. For the purpose of this procedure, the University management personnel to be notified typically include the President, the Vice President in whose area the Respondent is employed or enrolled, the Respondent's supervisor and the next level supervisor, if appropriate.

**5. Acknowledgment of Complaint and Notification of Respondent**

WSCU will send the Complainant written acknowledgement of the complaint, notify the Respondent of the complaint in writing, and provide the Respondent with a copy of the complaint. The acknowledgement and notification process from the point of accepting the complaint through the issuance of letters to the Complainant and the Respondent will normally not exceed five (5) calendar days. WSCU will make best efforts to notify the Complainant by phone or e-mail prior to the delivery of the complaint to the Respondent.

**6. Investigation Authorization Form**

Unless the complaint is initiated by the President, the Complainant will be required to execute a Sexual Harassment Complaint Investigation Authorization Form *prior to* any investigation of the complaint.

**7. Investigation of Complaint**

**a. Timing**

The investigation phase will normally be concluded within 30 calendar days of its initiation.

**b. Process**

The complaint will be investigated as discreetly and expeditiously as possible with due regard to thoroughness and fairness to all parties. The investigator(s) will examine relevant documents and interview witnesses, and may interview other individuals with material information who are identified by the parties. The investigator(s) reserve the right to assess the relevance and evaluate the credibility of witnesses to be interviewed who are offered by the Complainant and the Respondent. The University, in its sole discretion, reserves the right to assign any part or all of the investigation to an external investigator in lieu of having the complaint internally investigated.

**c. Confidentiality of Investigative Materials**

All materials and documents prepared or compiled by the investigators during the course of investigating a sexual harassment complaint hereunder will be kept confidential to the fullest extent of the law.

**8. Report of Investigation Findings**

After the conclusion of the investigation, the investigator(s) will prepare and submit a joint written report of findings to the President<sup>1</sup>. The report of findings will be provided to the Complainant and Respondent within a reasonable time following the issuance of the University's decision.

**9. Decision and Resolution of the Complaint**

The President<sup>1</sup> will issue a final written decision regarding the complaint to both the Complainant and the Respondent. The decision will be addressed to the Complainant and will contain a statement of whether or not sexual harassment was found to have occurred, the remedies to be provided to the Complainant, if any, and the sanctions to be imposed upon the Respondent, if any. The decision, including any sanctions, will also be communicated to the Respondent in writing. The completion of the written report of findings and the issuance of the University's decision will normally be completed within 20 calendar days from the end of the investigation.

**10. Appeal of Final Decision**

There shall be no internal appeal of a decision that sexual harassment has occurred issued pursuant to subsection 3.9 above. However, certified classified staff and tenured faculty members who receive corrective or disciplinary action as a result of such a determination under this procedure may avail themselves of appeal processes provided through the State Personnel Rules or the Handbook for Professional Personnel, as appropriate.

## D. COMPLAINANT AND VICTIM SUPPORT

The University will provide support to the Complainant, any other victims it identifies during the course of its investigation, and the WSCU campus community as reasonable and appropriate to the circumstances. Such support may take many forms, including, but not limited to the following:

- Providing counseling and victim's support services.
- Providing medical services.
- Arranging for the Complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the Complainant's academic record
- Ensuring that the Complainant and the Respondent do not attend the same classes or that the Complainant is not enrolled in a class taught by the Respondent.
- Providing an escort to the Complainant so that he/she can move safely between classes and activities.
- Moving the Complainant or Respondent to a different residence hall/apartment.
- Providing academic support services, such as tutoring.
- Reviewing any disciplinary actions taken against the Complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the Complainant being disciplined.
- Additional campus-wide office or department specific training or access to assistance.
- Any other steps the University determines are appropriate given the nature and circumstances of the harassment.

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<sup>1</sup> If the President is the Respondent, the Chairman of the Board of Trustees will be the decision maker.

## IX. CAMPUS SECURITY SERVICES

WSCU Campus Security Services is committed to providing a safe and secure environment for students, faculty, staff, and visitors. Our mission is accomplished through a community friendly approach, visibility of security personnel, 24-hour accessibility, roving patrols, and cooperation with all local emergency agencies. ***In case of an emergency, always call 911.*** WSCU Campus Security Services is located in 105 College Center, 970.943.3084 (office) or 970.209.1020. In the case there is no guard on duty, contact the 24 hour duty phone, 970.209.8798.

### A. CAMPUS CRIME REPORT

The current annual Campus Crime Report is available to the public in the Office of Student Affairs, Taylor Hall 301 and at the WSCU website: <http://www.western.edu/student-life/student-affairs/policies-and-handbooks/western-state-college-institutional-security.html>

### B. RAVE

Rave Mobile Safety is our primary emergency notification system. As a student WSCU, you will receive an email at your WSCU email address asking you to sign-up with Rave Mobile Safety. All students are automatically enrolled with their WSCU email accounts and will receive emergency alerts from WSCU. Students have the option to add a cell phone number to receive text messaging emergency alerts. WSCU will conduct tests of our Rave emergency notification system periodically throughout the academic year ensure the system is working properly.

**Please ensure that you check your WSCU email on a regular basis for any updates or news about the Rave Mobile Safety system.**

## **X. FIRE REGULATIONS**

**A. FIRE RESTRICTIONS** - Fire restrictions on campus property or University-controlled state property includes, but are not limited to the following:

- Anything which produces open flames or has the potential to create an uncontrolled fire.
- Any fire to burn trash, debris, fence rows or vegetation.
- Any campfire or warming fire.
- Any temporary or permanent fire pit or fire grate.
- Any open fire.
- Fires in outdoor wood-burning stoves.
- Use of all fireworks.

**B. EXCEPTIONS TO CAMPUS FIRE RESTRICTIONS** - The following shall be accepted from the Campus Fire Restrictions:

- Fires outside of buildings that are contained within liquid-fueled or gas-fueled stoves.
- Small charcoal grills or barbecues used for cooking or warming food which do not produce open flames when used.
- Fires set by any federal, state, or local officer, or member of a fire protection district in the performance of an official duty.
- Public fireworks displays with adequate firefighting personnel and equipment standing by at the scene of such permitted public display.
- Flares used to indicate some danger to the public.
- People engaged in emergency work, including, but not limited to: firefighting, fire prevention, or law enforcement while on official business.
- Bonfires with adequate firefighting personnel and equipment standing by at the scene of such permitted public display.

If any local, state or federal agency declares a burn ban or fire restriction, then all fires, stoves, grills, outside cigarette smoking, etc. will be banned in order to conform to those regulations.

## **XI. FAMILY EDUCATIONAL RIGHTS and PRIVACY ACT (FERPA)**

**The Family Educational Rights and Privacy Act (FERPA) was passed in 1974 as part of the larger Educational Amendments of 1974. Under FERPA, education records are defined as “those records, files, documents, and other materials which contain information directly related to a student; and are maintained by an educational agency or institution or by a person acting for such agency or institution.”**

### **A. ACCESS TO AND RELEASE OF RECORDS**

All eligible students will have access to their own records as provided by the Act except where access has been waived.

Directory information may be released to anyone without a student's consent. Students have the right to request that directory information not be released without their consent. A form for this is available at the Office of Student Affairs anytime during the semester.

Academic and personally identifiable information which could include social security number and name of parent/family members, may not be released without the student's consent except as provided by the Act. Students may give or deny consent for parents or other third parties to have access to their records. A form for this process is available at the Office of Student Affairs anytime during a term.

## **B. DIRECTORY INFORMATION**

Directory information is classified as information that would not be considered harmful or an invasion of privacy if disclosed. Currently, directory information includes the following: student's name, WSCU enrollment status (e.g., full/part-time, undergraduate/graduate, grade level), dates of attendance at WSCU, degrees/honors/awards received at WSCU, local/campus address, home or off-campus address, local/cell phone number, WSCU email address and student's email address provided on their admission application, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, and most previous educational agency or institution attended by the student. This information may be disclosed to anyone, and by any means, on those students who do not "opt out" of its release. Discretion will be used in giving out directory information for non-university purposes and will not be disseminated for solicitation purposes. WSCU is not permitted to disclose any *non-directory* information to anyone without a legitimate educational interest or without written permission from you, the student, or to others as stated in the Act. Some exceptions do exist {IX.I}

## **C. EDUCATION RECORDS**

Education records are records (1) directly related to a student and (2) maintained by the University or by a party acting for the University. The term does not include those records specifically excluded by Section 99.3 of the Act.

## **D. ELIGIBLE STUDENT**

Eligible student is one who is 18 years of age or is attending an institution of post-secondary education. For the purpose of this Act, an eligible student is defined as any individual formally admitted to and matriculated at Western State Colorado University. An individual who has made application to the University but has not been formally admitted shall not be included.

## **E. PERSONALLY IDENTIFIABLE INFORMATION**

Includes but is not limited to are (a) the name of the student, the student's parent, or other family member, (b) the address of the parent, (c) a personal identifier such as the student's social security number or student number, (d) a list of personal characteristics, or (e) other information which would make the student's identity easily traceable.

## **F. PRIVACY RIGHTS**

The law (Under the 1974 Buckley Amendment) provides that eligible students will have access to inspect and review educational records. The student has the right to request a change in an alleged inaccuracy in their educational record and a right to a hearing if the request is denied. This law further provides and protects the student's right to privacy by limiting access to the educational record without express written consent (a privacy rights form can be obtained at the Office of Student Affairs, 301 Taylor Hall). The student has the right to file a complaint with the Family Policy Compliance Office.

## **G. PROOF OF IDENTIFICATION**

Before access is allowed to educational records, and when obtaining a WSCU ID Card, the student must display some form of personal identification. At the minimum this identification should include a picture of the student.

## **H. RECORD**

Any information or data recorded in any medium, including but not limited to handwriting, print, tapes, film, microfilm and microfiche.

## I. RELEASE OF INFORMATION EXCEPTIONS

WSCU has a practice of releasing educational records or information from educational records (non-directory information) to school officials (current faculty, staff and students employed by the University) with an educational interest without the student's permission. Educational interest means that the school official has a need to access student education records for the purpose of performing an appropriate educational, research or administrative function for the institution. Non-directory information may also be released to schools which a student seeks or intends to enroll; to authorized representatives of Federal, State, and local educational authorities conducting an audit, evaluation, or enforcement of education programs; to State and local officials pursuant to a State statute in connection with serving the student under the juvenile justice system; to organizations conducting studies for specific purposes on behalf of schools; to accrediting organizations; to the parents of a dependent student (proof must be provided); or to comply with a judicial order or subpoena (reasonable effort to notify the parent or eligible student at last known address). Non-directory information may be released to anyone when it is determined necessary to protect the health, life and safety of the student or other individuals.

## XII. IMMUNIZATIONS

Federal and state statutes require college students to provide proof of two doses of immunizations for measles, mumps and rubella (MMR) before they can register for courses their first semester. Student should provide a Certificate of Immunization (signed by a medical professional) to the Office of Student Affairs –301 Taylor Hall. Failure to provide your immunization record may result in your receiving a Dean's Hold, preventing you from registering for future terms. Some exceptions to this policy are for students born before 1/1/57 or students who are registered for less than 6 credits.

The American College Health Association (ACHA) and Centers for Disease Control and Prevention (CDC) **recommend that all first-year students living in residence halls get immunized against meningococcal disease, a rare, but potentially fatal, bacterial infection commonly referred to as meningitis.** In addition, any other college students who wish to reduce the risk of disease may choose to be vaccinated and should consult with a doctor.

## XIII. MEDICAL HEALTH INSURANCE

The University offers a supplemental student accident and sickness insurance plan through Student Resources, a division of Summit America Insurance Services. The plan covers illness and injury expense subject to provisions and exclusions. Complete information may be obtained from the Human Resources Office, or online at: <http://www.western.edu/administration/hr/student-insurance-information.html>

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