Western Colorado University, takes a firm and unyielding stance in support of diversity, inclusivity, scientific inquiry, and creative expression. We believe these principles are necessary for the free and open inquiry that defines our role as a public institution in a democratic society. We believe that these principles are a moral imperative requiring constant vigilance and a firm stance against actions motivated by hate or intimidation. The university welcomes people of color, people with disabilities, people of all genders and orientations, people of all religious preferences, immigrants and refugees regardless of national origin or ethnicity and other underrepresented communities regardless of socioeconomic class. We actively seek to build a civil and respectful culture which affirms these principles in all that we do.

Institutional Mission

Western 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. Western helps its students develop the skills and commitments needed to continue learning throughout their lives and strives to elucidate the connections unifying academic domains, which have traditionally existed separately: the sciences, 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 to serve as a foundation for a professional career or graduate study, and an appreciation of values appropriate to a liberally educated individual.
Western'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

Student Affairs Vision Statement

We strive to be recognized for our commitment to student success by providing transformative opportunities, outstanding service, resources, and facilities that enhance learning and development.

Student Affairs Mission Statement

The mission of Student Affairs is to enhance the student experience by serving as the hub for student-centered collaborations, programs, and services that foster personal growth, a sense of community, and learning through both curricular and co-curricular experiences and by addressing the varied and evolving needs of students in the 21st Century through utilizing a challenge and support theory of student development.

Student Development

Student development at Western integrates both in-class and out-of-class experiences of students. These educational efforts are directed at developing both intellect and character of students. To accomplish this, Western makes a wide range of educational experiences available through programs and activities that complement and support the academic experience in the classroom. Although the primary focus of these activities is to advance student learning, they also provide needed services, support, and recreational opportunities to help students meet the challenges of college and to enhance the quality of student life. The Division of Student Affairs operates within a Challenge and Support Theory throughout all its Departments.

The college experience is one of the greatest periods of growth in a young person’s life. For that growth to occur, each of our students need to be challenged (and supported) appropriately through a variety of experiences, both inside and out of the classroom. Some of these experiences may be unpleasant, like a failing grade in a class. Challenge and support does not imply that the student will never experience failure or negative consequences, but what it does imply is that when those consequences take place, there will be individuals and processes in place to support the student as they learn from the experience.

Definition of a Student

A student is any person taking courses at Western, either full time or part time. This includes persons pursuing an undergraduate, graduate, Extended Studies or Concurrent Enrollment course, online or as residential student, as well as, non-degree seeking students, exchange (NSE), and international students.

This definition includes persons who register for classes, attend New Student Orientation, or are between academic terms including holiday and summer break. Refer to Section Nine regarding FERPA regulations.

Students who have or are withdrawn from Western, on academic or conduct suspension, expelled, or not currently enrolled in courses will not be considered students. Those who fail to register for, or attend classes without notifying Western of the absence, will not be considered students and must reapply for admission. Students who notify Western that they will not be attending classes, and do not attend, for a designated period time, i.e. one semester, will not be considered students and must reapply for admission.

Western reserves the right to rescind offers of admission and scholarships, including merit, academic, and athletic, due to any disciplinary findings at another academic institution, or criminal findings. Western may also rescind offers of admission and scholarships based upon misrepresentations in applications or any other inappropriate conduct that could infringe on the rights of others or the normal functioning on Western where
such conduct is inconsistent with Western's mission or otherwise is not in compliance with Federal Law, the Colorado Revised Statutes, local ordinances, or University policies.

Persons who could fall into any of the foregoing categories have an obligation to inform the University immediately.

**Compliance with Title IX**

As a condition of receiving Federal funds, a school agrees that it will not exclude, separate, deny benefits to, or otherwise treat differently on the basis of sex any person in its educational programs or activities, unless expressly authorized to do so under Title IX or its implementing regulations. The Departments of Education and Justice treat a student's gender identity as the student's sex for purposes of Title IX and its implementing regulations. This means that Western will not treat a transgender student differently from the way it treats other students of the same gender identity. This interpretation is consistent with courts' and other agencies' interpretations of Federal laws prohibiting sex discrimination. Students may use the facilities which correspond to their gender identity as expressed by the student and asserted on campus, irrespective of the gender listed on the student's records, including but not limited to restrooms and locker rooms (NCAA athletes should consult with the Western Athletic Director for details concerning NCAA requirements). No student will be required to use an alternative restroom merely because they are transgender.

**Community Standards Mission Statement**

Community Standards provides proactive programming and educational interventions in an effort to foster the development of personal and community responsibility.

Community Standards is responsible for overseeing Western’s conduct system and coordinating all related processes and functions. Community Standards is responsible for the interpretation and enforcement of Western’s Student Conduct Code, which governs the rights and responsibilities related to all acts of student conduct. Community Standards is housed in the Office of Student Affairs and is directed by the Associate Vice President for Student Affairs who serves as the Chief Conduct Administrator.

**Goals**

- To provide educational programs and interventions directed at encouraging responsible, community-minded conduct.
- To establish and enforce reasonable and clear limits designed to protect the campus community and the rights of all its members.
- To develop and support a positive living and learning environment.
- To educate students regarding responsibility and accountability for their actions.
- To encourage and foster self-insight and self-initiated change of conduct.
- To protect the rights of individuals accused of violating Western’s rules and policies.
- To provide a fair, supportive, and timely conduct meeting process to address instances of alleged violations of Western’s rules and policies.
- To offer learning experiences for students, staff, and faculty who participate in the ongoing direction and implementation of the student conduct process.

**Educational Disciplinary Outcomes Philosophy**

Western’s conduct system is educational in nature. Programs, conduct meetings, and disciplinary actions are designed to challenge and support students to empower themselves to establish and maintain a positive, responsible, and supportive community.
Students, staff, and faculty are trained to discuss conduct in a straight forward, positive manner. Respect, honest dialog, fairness and an objective consideration of all information is critical to the process.

The key to effective conduct outcomes is threefold: 1) to assist the student in understanding the decision making process of their actions; 2) to assist the student in understanding the ways in which such actions negatively impact other individuals, the campus, and the Gunnison community; and 3) to help the student identify and learn more effective methods of judgment and action in the future.

**Disciplinary Outcomes - Sanctions**

**Passive Disciplinary Outcomes** include conduct sanctions that are given to a student due to misconduct in which the student has little or no control of the outcome. Examples include, but are not limited to: warnings, conduct probation, parental notification, fines, suspension, and expulsion (dismissal).

**Active Disciplinary Outcomes** include conduct sanctions in which the student must take greater responsibility for the outcome. Examples include, but are not limited to: service projects/hours, written assignments, interventions, online courses, program attendance/facilitation, and activities/projects.

**Section 1: Principles for Policies and Standards of Conduct**

**I. Basis for University Policies**

Matriculation to Western is a privilege, which carries certain responsibilities. Western expects its students to demonstrate honesty and integrity in all phases of their university life. The student voluntarily assumes obligations of performance and conduct reasonably imposed by the institution relevant to its lawful missions, processes, and functions.

Admission to Western 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. Western, in turn, has broad responsibilities for the education of students, including accountability regarding student conduct.

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

Western expects that each student will obey federal law, the Colorado State Statutes, and Gunnison municipal laws as well as University Policy. Violations may lead to disciplinary action being taken by Western. Any act, which interferes with the rights of others, disrupts or impairs the normal functioning of Western, damages or destroys property, or impairs health, welfare, or safety is grounds for suspension or expulsion. Students who interfere with the personal liberty of a fellow student, faculty, staff, or visitor to Western may face immediate expulsion and other penalties as may be imposed by law. A student’s conduct in the Gunnison Valley communities may also be grounds for disciplinary action by Western. Conduct at all times should reveal mature judgment and a sense of moral, civil, and academic responsibility.

The President of Western or the President’s designees may summarily suspend any student for the violation of generally accepted standards of conduct, pending a conduct meeting of the case before the appropriate conduct meeting panel or conduct-administrator. 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 conduct system is not a criminal investigation.

Any member of the University community (i.e., students, faculty, and staff) may bring complaints of misconduct against a student or group of students. Western has three primary conduct protocols:

1. When alleged misconduct on-campus or off-campus results in Security Services incident reports, Gunnison Law Enforcement incident reports, or other reported complaints, a complaint may be initiated by communicating allegations to the Office of Student Affairs. The Dean of Students serves as the final conduct authority;
2. When alleged misconduct occurs in a residence hall, the process described as beginning with the Resident Assistant and ending with the Dean of Students as the final conduct authority will be followed; and
3. When alleged academic misconduct occurs, the process described as beginning with the Academic Department will be followed. The final authority will be within the Office of Academic Affairs.

Please note: Student conduct disciplinary procedures are set forth in SECTIONS FOUR and FIVE.

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

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

Pursuant to the Colorado Trespass and Interference with Education Act it is a Class 3 Misdemeanor to unlawfully deny to students, school officials, employees, or invitees lawful freedom of movement on the campus, lawful use of, or ingress and egress to, Western’s property or facilities. It is also 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 (2017).

II. Expectations of Students and Student Groups

Attendance at a tax-supported educational institution of higher learning is not compulsory. Although there are protections which provide for an equality of opportunity for all qualified persons to attend, attendance is optional and voluntary.

A student’s attendance at Western is a voluntary entrance into this academic community. By such entrance, the student voluntarily assumes obligations of performance and conduct reasonably imposed by Western relevant to its lawful missions, processes, and functions. Those obligations are generally much higher than those imposed on the general population 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, Western may discipline students to secure compliance with these higher obligations as an educational method or may remove the student from its academic community.
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. To that end, Western may discipline students who violate its policies but it does not engage in criminal prosecution. Some policies may parallel the law. However, campus conduct proceedings, the standards of proof required, and any discipline imposed are not intended to mirror criminal procedures, standards, or punishments. Western aspires to apply its policies fairly.

**Student Club, Group, and Organizations Conduct Expectations**

Western expects its student organizations to exemplify Western’s community principles and values and to engage in socially responsible behavior. All policies and processes outlined in the Student Policies and Community Code of Conduct found in the Student Handbook, are applicable to all University recognized clubs, organizations and events which are governed by the Inner Club Council (ICC). Activities and/or events that violate any policy or present a health, safety, or security risk may be discontinued by Campus Security Services, local law enforcement or the Dean of Students or designate.

All NCAA athletic teams, sports clubs, and intramural sports teams that are governed by the Department of Campus Recreation are also subject to the Student Handbook. Violations of these standards may subject a group, club, sports team, or organization to the conduct processes outlined in the Student Handbook, as well as, the NCAA, group, club, and sports team governing codes of conduct.

All students remain subject to the provisions of the Student Handbook and university policies, procedures, and rules at all times, including while engaged in activities of university-recognized student organizations, whether on or off campus. Students participating in organizations, activities, conferences, and other functions need to follow any conduct and academic good standing conditions as defined by the organization or department supervising that group or event.

### III. Student Conduct

Western 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 which requires reasoned and rational discourse and an environment conducive to contemplative study. As a result, some of Western’s codes of conduct are higher than those found at other institutions and it has a vested interest in the conduct of students who live both on and off campus.

Western strives to limit formal rules and to rely on the maturity of its students to guide good conduct. There are some rules needed, however, in order to live and learn together in a safe educational community.

Students are expected to act as responsible adults and will be held accountable for their conduct. Students need to be familiar with Western’s standards and the disciplinary sanctions that may be imposed for violations of the standards.

Listed below are some examples of violations of University standards and the sanctions that may be imposed.

This information is intended to provide guidelines, not prescriptions, and each individual case will be decided upon its own merits.

<table>
<thead>
<tr>
<th>Violation Level</th>
<th>Description</th>
<th>Examples (Non-inclusive list)</th>
<th>Adjudication Options</th>
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<tbody>
<tr>
<td>Violation Level</td>
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<td>Adjudication Options</td>
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<tr>
<td><strong>Low Level 1</strong></td>
<td>Violations were there is little or no impact on others</td>
<td>Knowing Presence</td>
<td>Informal</td>
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<td></td>
<td>No physical damage to property</td>
<td>Empty containers</td>
<td>Verbal/written warning</td>
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<tr>
<td></td>
<td>No personal health or safety concerns to self or others</td>
<td>Quiet hours</td>
<td>No conduct meeting required</td>
</tr>
<tr>
<td><strong>Medium Level 2</strong></td>
<td>Violations with minimal damage under $50.00</td>
<td>Second noise violation</td>
<td><strong>Formal Administrative</strong></td>
</tr>
<tr>
<td></td>
<td>Minimal health and safety concerns</td>
<td>Second alcohol violation</td>
<td>All Sanctions except conduct probation, suspension, expulsion</td>
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<td></td>
<td>Minimal impact on others</td>
<td>Pet</td>
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<td>Common area furniture in room</td>
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<td>Postin policy</td>
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<td></td>
<td></td>
<td>Animal preparation</td>
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<tr>
<td><strong>High Level 3</strong></td>
<td>Significant health and safety concerns</td>
<td>Theft</td>
<td><strong>Formal Administrative</strong></td>
</tr>
<tr>
<td></td>
<td>Significant impact on others</td>
<td>Medical/alcohol transport</td>
<td>All sanctions including conduct probation but not suspension or expulsion</td>
</tr>
<tr>
<td></td>
<td>Law enforcement involvement</td>
<td>Vandalism</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Significant property damage over $50.00</td>
<td>Third alcohol violation</td>
<td></td>
</tr>
</tbody>
</table>
### IV. Conduct Action

In the instance where a court of law 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 constitutes a violation of Western’s policy as set forth herein or in the housing contract, the Conduct Officer or Conduct Panel appointed by the Office of Student Affairs may adopt the conduct determination of responsibility without conducting a fact-finding conduct meeting. However, a conduct meeting for the purpose of assessing a conduct sanction(s) may be provided to the student, during which the student may present any mitigating information. Western may proceed with student conduct matters prior to any related disposition in a court of law. Court dispositions do not prohibit Western from assessing an appropriate sanction for violations of campus rules or policies. (For information regarding Formal Conduct Meeting Procedures, refer to SECTION FIVE. For Informal Conduct Procedures refer to SECTION SIX.)

### V. Conduct Administration
VI. Appeals Regarding Policies

Some students may not agree with established policies. There are no avenues for students to generally appeal a policy. Students may address concerns regarding policies via student government representation or by submitting formal proposals for policy change to Western’s administration.

However, until a policy is administratively altered, students remain responsible for abiding by published policies, or risk being held accountable for misconduct. In the event of pending proposals for change of, or exception to, a policy, students are responsible to comply fully with policies and conduct sanctions until such time as the policy is changed. Appeals for conduct due process as a result of misconduct or failure to comply with a policy will be heard. (For information regarding appeals related to the conduct process, refer to the Appeal Process in SECTION FIVE). Appeals of conduct due process will not be heard unless the conduct officer’s immediate administrator has assessed the student’s case. For instance, in the particular case of housing related conduct processes, conduct due process will be ultimately arbitrated and determined by the Director/Associate Directors of Residence Life. An appeal of this administrative decision must be submitted to the Director of Residence Life in accordance with the Appeals Process guidelines in SECTION FOUR.

Section 2: Policies

I. Abandonment of Personal Property

The Department of Residence Life, Facility Services, and/or Security Services without liability, has the right to dispose of any personal property left on the campus premises five (5) calendar days after the end of the housing contract, termination of the housing contract, or after the end of the last day of any semester. Personal property left in Residence Halls after the end of the contract term or termination of the contract may result in both an improper checkout charge of $50.00 and a removal charge of $70.00/hr cleaning charge and the daily room rental rate. Personal property left on other campus locations after the end of any semester may result in a $70.00 removal charge.
II. Academic Policies

A. 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 standards 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:

1. **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.

2. **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).

3. **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.

4. **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).

5. **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: a grade of "F" or "0" for the assignment, a grade of "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.

B. 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 Western.

C. Definitions

1. **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).

2. **Complainant** - An affected student who makes a complaint.

3. **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.

4. **Grievant** - An affected student who files a grievance.

5. **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.

6. **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 Vice President for Academic Affairs (or assignees), the function of which is described in Step II below.

7. **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.

8. **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 Vice President for Academic Affairs, and the President.

**D. Step I - The Informal Complaint Procedure**

1. The complainant shall discuss the problem with the respondent(s).

2. 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.)

3. If satisfactory resolution is still not achieved, the complainant must confer with the Vice President for Academic Affairs.

**E. Step II - The Formal Grievance Procedure**

1. If the complaint is not suitably resolved during Step I, the student has the right to file a grievance with the 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.

2. The grievance committee shall be formed under the supervision of the Vice President for Academic Affairs and a conduct meeting shall be scheduled within fifteen days after that officer receives the written grievance from the grievant.

3. The grievance committee shall hear testimony from the grievant, the respondent, and whomever else it deems appropriate.

4. Within 15 days after completion of hearing, the grievance committee shall submit its findings to the 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 Vice President for Academic Affairs shall be given to the grievant and the respondent.

5. The grievant may withdraw the grievance at any point in the proceedings by doing so in writing to the Vice President for Academic Affairs.

6. The Vice President for Academic Affairs may grant an extension of the time limit for good cause.
7. 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 Colorado University, and ultimately, to the Board of Trustees.

F. Grievance Committee Procedures

1. The grievance committee shall elect a chair from among its members.

2. The chair of the grievance committee shall appoint a secretary, who shall keep minutes.

3. The procedures of the hearing shall be at the reasonable discretion of the chair of the grievance committee.

4. The grievance committee shall have access to all relevant information regarding the case, except for un-waived confidential information.

5. If more than one grievant files an appeal for the same cause, the collective grievances may be heard by a single committee.

III. ADA/Americans with Disabilities Act Policy - Procedure for Filing a Complaint Based on a 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 Disability Services Coordinator or the Director’s designee. The Director or designee will explain the student’s options including informal resolution of the matter and formal complaint procedures.

A. 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 Disability Services Coordinator 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 Disability Services Coordinator 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 Hall 302 (970.943.7056).

B. 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 Disability Services Coordinator, 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 Grievance Policy for Filing a Complaint based on a Disability. To file an internal complaint of disability discrimination, notify the Disability Services Coordinator 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 Disability Services Coordinator 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 Office of Human Resources located in Taylor Hall 321 (970.943.2003).

IV. Administrative Withdrawal Policy


Standards of Conduct form the basis for conduct 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

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

Reason for Policy

Western 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 conduct 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 conduct is disruptive or dangerous to others or which disrupts the learning environment of others.

Definitions

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

- Assault or threatened assault of students, faculty, or staff
- Excessive use of alcohol and/or drugs
Misuse of prescribed medications

Criminal activity

Sexual Assault

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

**Procedure for Dealing with Disruptive or Dangerous Conduct**

When a student's conduct is perceived to be dangerous or disruptive to 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 conduct is a potential danger or disruption others, the following procedure will be initiated:

A. 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.

B. 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.

C. 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 Campus Assessment Response and Evaluation (CARE) Team, which may include, but is not limited to, representatives from Campus Security Services, the Office of Student Affairs, the Office of Residence Life, the Office of Academic Affairs, the Academic Resource Center, the Counseling Center and the Office of Human Resources. The CARE Team will review the situation and make a recommendation.

D. During this review, the CARE Team will consider the criteria for executing an administrative withdrawal, specifically whether the student engages in, or is judged to be likely to engage in, conduct 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.

E. 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.)

F. 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 Recommended**

The CARE Team may recommend other conditions and/or requirements under which the student is allowed to remain at the University.

**If an Administrative Withdrawal is Recommended**
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 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 after an Administrative Withdrawal has been executed 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 CARE Team 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.

**VI. 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 Western 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, the community, and the individual.

Western 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.
VII. Alcohol and Other Drugs (AOD) Sanction Policy

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

The AOD fines collected pursuant to AOD violations shall be used to fund wellness and preventative education, policy-related administrative costs and other student affairs’ initiatives as identified by the Vice President for Student Affairs.

Resident and off campus students are expected to adhere to the code of conduct established by Western. 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 Federal and Colorado State law, as well as the Western 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. Western accepts the responsibility to enforce its own code of conduct and will impose conduct sanctions on students violating any Code provision, on or off-campus.

Western will not tolerate the misuse of alcohol or other drugs, violation of Federal, Colorado State laws, or violation of University AOD policies. Western 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.

A. Alcohol Use and Possession

Western has published policies concerning the use of alcohol and is seriously concerned about its abuse. Intoxication is not considered an excuse for unacceptable conduct. All alcohol, paraphernalia and substances will be confiscated and destroyed or turned over to law enforcement officials.

1. Alcohol Possession and/or Consumption
   Possession and/or consumption of alcoholic beverages including powdered alcohol substances 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.

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

3. Alcohol Paraphernalia Prohibited
   “Beer bongs”, keg taps, beer pong, water pong, shot glasses, and other such devices that promote irresponsible drinking are prohibited on campus.

4. Knowing Presence
   Knowing presence in an area of a Western building or Western property where any illegal substances are being used or are present. This includes knowingly allowing your Residence Hall room or apartment to be used for a party or event where alcohol or illegal drugs are consumed whether you are present or not during the party or event. Social media posts, including pictures, may be used as evidence of knowing presence.

5. Intoxication
   Visible intoxication on any of the Western public premises is not permitted and will be addressed.

6. Bluk Alcohol Prohibited

a. 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, and/or any amount of alcohol that by definition would be more than one individual should safely consume in one setting, is defined as bulk alcohol and is prohibited on campus.

b. Responsibility: All students found in possession of, responsible for purchasing, or helping to transport bulk alcohol on University property will be held responsible.

c. 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), unless individuals accepting full responsibility confirm the resident was in no way present or had any complicity.

d. Any student on the premises of a gathering, in which bulk alcohol is being served, can be held responsible.

e. Exception: This policy can be waived in advance for particular situations only by the President of the University or the President’s designee.

7. 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.

8. Transport
   Transport to the Gunnison Valley Hospital or Gunnison Jail due to excessive alcohol consumption could result in parental, guardian or emergency contact notification and conduct action.

9. Alcohol in Western Colorado University’s Non-Residence areas
   Western 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 Western, with the exception of designated and approved locations. Special events and programs with alcohol service can be held in designated areas with approval given by the Office of Student Affairs and alcohol can only be served by the holder(s) of the University liquor licenses.

   The possession, consumption and/or distribution of alcohol is prohibited in all public areas (including 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.

10. 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.

11. Fake Identification
    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.

B. Colorado Liquor and Beer Code Warning

It is illegal to sell alcohol 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.

1. 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 conduct 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, Western reserves the right to recommend counseling and/or dependency assessment as a condition of continuing enrollment.

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

**C. Western Resources**

Information on drug and alcohol counseling is available at the Campus Health Center, Crystal Hall 104 (Escalante Complex), 970.642.4615. The free emergency 24-hour number is 970.252.6220.

As a component of the ~Student Health and Wellness Office, the Peer Health Educators (PHE) are located in residence halls. PHE work to reduce binge drinking among college students, implement strategies that will reduce high-risk drinking among students, and provide educational programs through partnerships with campus and community organizations.

**D. Community Resources**

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

**E. Good Samaritan/Amnesty Code**

In accordance with the City of Gunnison municipal code 18-13-122(4.5) which states, any underage person shall be immune from criminal prosecution under this section if they follow these guidelines:

1. The underage person called 911 and reported another person was in need of medical assistance due to alcohol consumption;
2. The underage person who called 911 provided their name to the 911 operator;
3. The underage person was the first to make the 911 report;
4. And the underage person remains on the scene with the underage person in need of medical assistance until assistance has arrived and cooperates with medical and law enforcement personnel.

Western Colorado University, in order to promote safety and responsibility, will grant amnesty to underage students who meet the above stipulations during alcohol related events.

**F. Drugs**

*Although possession and use of marijuana for certain medical conditions and for recreational use by individuals 21 and older, 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. It is also illegal to present a fake ID for the purchase.*

1. **Possession of and/or Use of Illegal Substances (Marijuana (THC), K2, Spice, Salvia, Bath Salts, Illegal opioids, Prescription drugs without a prescription, heroin, etc.) and/or Paraphernalia**
   
   The use of mind-altering substances, of any kind, has no place in an academic community. Any student using illegal substances or entheogens (psychoactive hallucinogens), including possession of or use of residue, oils, tinctures, hash, cannabis, wax and/or paraphernalia (e.g., water pipes, bongs, spoofs,
vaporizer pens, hookahs,) Pictures of drug usage or paraphernalia are strongly discouraged and may be addressed in the conduct process. All drug paraphernalia and substances will be confiscated and destroyed or turned over to law enforcement officials. ~CBD may be used in oral or ointment forms but smoking and/or vaping CBD is prohibited.

2. **Distribution, Sales, Manufacturing**
   Students 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 conduct sanctions as severe as expulsion from the University. Distribution, sale and/or manufacturing of an illegal substance are taken very seriously. Students found responsible should expect the most severe of conduct sanctions.

3. **Altered State of Mind/Under the Influence**
   Visible altered state of mind or visibly under the influence on any of the Western public premises is not permitted.

4. **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 prohibited. Knowing presence includes having knowledge of or allowing the use of a student’s residence hall room/apartment, even if the resident is not present, for an event where alcohol or drugs are consumed.

**G. Parental, Guardian, or Emergency Contact/Guardian/Emergency Contact Notification Policy**

In accordance with the 1998 Higher Education Act, Western is permitted 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 guardian, or emergency contact notification may be enacted when students under the age of 21 are found to have committed serious or repeated violations of university 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, guardian, or emergency contact notification is planned in advance of their parents’ receiving the notice.

Western 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 Western that a serious injury to a student, or a violent crime committed upon a student, are sufficiently grave occurrences as to constitute “extraordinary circumstances.” Western, 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 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 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, Western may then conclude that it is not in the student’s best interest that parental, guardian, or emergency contact notification take place, and in that event an exception to the general policy will be made.

**VIII. Animal Preparation**
Skinning or any other kind of animal preparation is prohibited in student rooms, residence halls, apartment complexes, parking lots or any University property.

IX. Anti-Discrimination Policy

A. Definitions

The following definitions shall apply to this Policy.

1. “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.

2. “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 available by contacting the University’s Office of Human Resources.

3. "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.

4. “Campus Community” means Students who are admitted or enrolled in the University or are participating in programs offered by the University, Faculty, Professional Personnel, Classified Staff, and Volunteers.

5. “Complaint” means a written or oral allegation of violation of this policy that has not been formally filed as a Grievance.

6. “Complainant” means a person making a written or oral allegation of violation of this policy other than by filing a Grievance.

7. “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 information 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 information of the date of delivery.

8. "Disciplinary action" means the process for and conduct sanctions available for violations of University policy as set forth in the Western 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.

9. “Employee” means any member of the Classified Staff, Professional Personnel or Faculty and student employees.

10. "Grievance" means a written allegation of discrimination or retaliation that is filed with University in accordance with this policy. A grievance form is available by contacting the University’s human resources office.

11. "Grievant" means any member of the Campus Community who files a written Grievance.
12. "Party" means Grievant(s) or Respondent(s).

13. “Protected status” means race, color, national origin, gender (including pregnancy), religion, age, disability, veteran or marital status, or sexual orientation.

14. "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.

15. "Respondent" means a member of the Campus Community against whom a Grievance or Complaint has been made or filed.

16. “Sexual harassment” 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 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.

Sexual violence and sexual assault are forms of sexual harassment. Sexual harassment shall also be defined to include retaliation against an individual for reporting sexual harassment or cooperating in a sexual harassment investigation.

17. “Supervisory-level employee” means any employee or student who supervises, evaluates or is responsible for the work of another employee or student.

**B. Prohibitions**

1. 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.

2. 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.

3. 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.

4. Sexual Harassment Retaliation. Sexual harassment retaliation is a type of retaliation that is addressed by the University’s specific Policy Prohibiting Sexual Harassment. The University prohibits and will not tolerate sexual harassment retaliation. Sexual harassment retaliation is neither legally protected expression, nor the proper exercise of academic freedom. Complaints of sexual harassment retaliation shall be handled under the Policy Prohibiting Sexual Harassment and its related administrative procedures. Complaints of sexual harassment retaliation 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 Administrator, for more information related to the Policy Prohibiting Sexual Harassment and the complaint procedure.

5. 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 the Affiliate’s agreement with the University, or expulsion from the University.

C. Discrimination By or Against Persons Outside of the Campus Community

1. 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.

2. 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.

3. 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.

4. 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.

5. Allegations of illegal discrimination or retaliation made by applicants for admission to graduate programs shall be reported to the 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.

6. 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.
D. Procedure for Campus Community Discrimination Complaints and Grievances

1. 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.

2. Time Limits

   a. 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.

      (1) The Complainant/Grievant may choose to withdraw his/her Complaint/Grievance at any point.

      (2) 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.

   b. 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.

3. Purposes of the Discrimination Grievance Procedure

   a. 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

   b. To provide a prompt and fair procedure for administering allegations of discrimination or retaliation by campus community members that violate this policy.

   c. 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.

4. Protection of the Parties

   a. 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 final, non-appealable and non-grievable.

      (1) 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.

      (2) “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 interests of the University would be best served, and shall
make such designation if the Affirmative Action Officer is the subject of the Complaint/Grievance.

b. 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.

c. In accordance with the applicable procedures set forth in the Western 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 Colorado University Handbook for Professional Personnel, the President may impose administrative leave, temporary suspension or summary suspension, as appropriate, in conjunction with this policy.

d. 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.

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

f. Participants in Discrimination Grievance Procedures should not be promised confidentiality beyond that stated herein.

g. 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.

h. 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.

i. 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.

j. 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.

5. External Processes

a. 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:
Informal Resolution Efforts

a. 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.

b. 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 bypassed 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.

c. The Complainant/Grievant, appropriate supervisory personnel or the Vice President for 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.

d. 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 of Student Affairs after discussions with the Complainant and others; or 2) a written agreement between the Parties.

e. If a Complainant is dissatisfied by an informal remedy determination issued by the appropriate supervisory personnel or the Vice President of Student Affairs, the Complainant may, within five (5) calendar days after service of the informal remedy determination, proceed with a formal Grievance.

f. An agreement for informal resolution entered into by the Parties must be approved by the President and is binding, final, may not be appealed and are non-grievable.

g. 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.

8. Reporting

a. 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.

b. 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 of Student Affairs or the Affirmative Action Officer.

c. 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 Vice President of Finance and Administration. Any Student Assistant Residence Director 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 of Student Affairs or the Affirmative Action Officer. The matter will be referred for appropriate informal discussions as provided above.

(1) A supervisory-level employee, Faculty member, Student Assistant, Residence Director or Resident Assistant who fails to report alleged discrimination or retaliation may be subject to discipline, up to and including dismissal.

(2) A supervisory-level employee, Faculty member, Student Assistant, Residence Director 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 EIGHT, II.

(3) If the person reporting discrimination/retaliation is someone other than the alleged victim, the Affirmative Action Officer, the Vice President of 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.

(4) 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, Student Assistant, Residence Director or Resident Assistant still must inform the Affirmative Action Officer or Vice President of Student Affairs of the alleged discrimination/retaliation. The supervisory-level employee, Faculty member, Student Assistant, Residence Director 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.

9. 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 Vice President of Finance and Administration (for employees and volunteers) or the Vice President of Student Affairs (for students).

a. Step 1

(1) The Grievant will file a written Grievance (using the Notice of Discrimination Grievance Form available from the University’s human resources office) which shall include:

(a) the Grievant’s name, mailing address, telephone number, and email address

(b) the identity of the Respondent(s)

(c) the type of discrimination or perceived reasons for retaliation

(d) a specific description of the facts and circumstances of the alleged discrimination/retaliation

(e) the date(s) on which the alleged conduct occurred

(f) 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

(g) the signature of the grievant

(2) 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.
(3) The Affirmative Action Officer will determine whether the Grievance is within the jurisdiction of this policy.

(4) Jurisdiction under this process is established when:

(a) The Grievance is timely filed or good cause is shown for not filing within the 10-day time limit,

(b) The Grievant has submitted a sufficient written Grievance, and

(c) The Grievance sets forth facts that, if true, show reasonable cause to believe that a violation of this policy has occurred.

(5) 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 working days of the date of delivery of the finding.

(6) 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.

(7) 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.

(8) 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.

(9) 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 TWO, V., D. 7 above.

(10) The Grievant may at any time terminate informal resolution efforts and proceed to Step 2.

b. Step 2

(1) 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 information that he/she deems necessary.

(2) 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.

(3) 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.
(4) The Affirmative Action Officer will promptly prepare and deliver to the President (or the Conduct 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 Conduct Officer, if the Respondent is a student) shall review the report and take action as he/she deems necessary. The President (or the Conduct Officer, if the Respondent is a student) may pursue discipline in accordance with the appropriate disciplinary procedure.

CONTACT INFORMATION FOR REPORTING VIOLATIONS OF ANTI-DISCRIMINATION POLICY

Kimberly E. Gailey, Director of Human Resources and Affirmative Action Officer.  
kgailey@western.edu  
970.943.3142

Gary Pierson, Vice President for Student Affairs/Dean of Students  
epierson@western.edu  
970.943.2049

Brad Baca, Executive Vice President / Chief Operating Officer  
bbaca@western.edu  
970.943.2061

Dr. William Niemi, Vice President for Academic Affairs  
wniemi@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.

X. Bicycling and Skateboarding

A. 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). Residence Life will remove bikes left at the end of spring semester, based upon the Abandonment Policy.

B. Bicycle and Skateboard Riding

Western currently allows bicycling and skateboarding in the following areas and at your own risk:

- 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.

C. 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 and at your own risk:

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

XI. Civil/Criminal Complaints

In serious situations, Western reserves the right to press complaints 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 conduct action taken against him/her at the University. Students receiving a ticket, summons, or arrest by law enforcement may also face a conduct meeting through 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 conduct sanctions independent of legal time frames.

The University will usually impose conduct 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.

XII. Complaint Policy

To file a complaint against Western, 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 Western, 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/Appals/default.html) and policy (http://highered.colorado.gov/Publications/Policies/Current/i-partt.pdf).
XIII. Computer and Data Networks: Acceptable Use Policy

This document outlines the Western policy on the use of 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, students and authorized guests. Certain responsibilities accompany that privilege; understanding them is important for all computer users. Some of these responsibilities are listed here:

A. 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:

1. Computer accounts, passwords, and other types of authorization are assigned to individual users and should not be shared with others.

2. Each user should select a strong password and change it frequently.

3. Each user should understand the level of protection each computer system automatically applies to files and supplement that protection, if necessary, for sensitive information.

4. Each computer user should be aware of computer viruses, malware, phishing scams and other malicious attempts to compromise security measures and take steps to avoid being either their victim or propagator.

B. 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. Western will assume that computer users wish the information they store on campus computing resources to remain confidential.

The Western Information Technology Services 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.

C. Computer Lab Use

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

D. Academic Freedom
Free expression of ideas is central to the academic process. Western 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:

1. 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).

2. 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).

3. The information infringes on the rights of others or the normal functioning of the University, or is otherwise not in compliance with the legal and ethical usage responsibilities outlined in Federal, State, and University policies.

The Western Information Technology Services 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.

**E. 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:

1. Harassment of other users.
2. Destruction of or damage to equipment, software, or data belonging to Western or other users.
3. Disruption or unauthorized monitoring of electronic communications.
4. Violations of computer system security.
5. Unauthorized use of computer accounts, access codes, or network identification numbers assigned to others.
6. Use of computer and/or network facilities in ways that impede the computing activities of others.
7. Violation of copyrights and software license agreements, including illegal downloading of copyrighted material.
8. Violation of the usage policies and regulations of the networks of which the University is a member or has authority to use.
9. Violation of another user’s privacy.
10. Academic dishonesty (e.g., plagiarism or cheating).

**F. Conduct 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 Western computing and networking facilities may also be subject to prosecution by state and federal authorities. § 18-5.5-101, C.R.S.

**G. Definitions**

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

1. “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.

2. “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. Examples include, but are not limited to; laptops, desktops, tablets and smartphones.
3. “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.

4. “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.

5. “Computer software” means computer programs, procedures, and associated documentation concerned with the operation of a computer system.

6. “Computer system” means a set of related, connected or unconnected, computer equipment, devices, and software.

7. “Financial instrument” means any check, draft, money order, certificate of deposit, letter of credit, bill of exchange, credit card, debit card, or marketable security.

8. “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.

9. “Services” includes, but is not limited to, computer time, data processing, and storage functions.

10. 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.

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

1. 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.

2. 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.

3. 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.

XIV. Drones/UAS

Use of Unmanned Aircraft Systems (Drones) on University Property

A. Policy Statement

The operation of an unmanned aircraft system (UAS), a drone, is regulated by the Federal Aviation Administration (FAA). Drone owners are required to register effective December 12, 2017 (H.R.2810 National Defense Authorization Act). Western Colorado University (University) establishes the following policy to govern the operation by any person of a UAS from or above the University's campuses or properties. This policy extends to any and all property owned, rented, leased, and controlled by University. With limited exceptions, FAA requirements mandate that hobby or recreational users limit their unmanned aircraft and operate in accordance with a set of community-based safety standards.

B. Reason(s) for the Policy
This policy is established to require and ensure compliance with ALL applicable laws, reduce safety risks, and preserve the security and privacy of members of the University community.

C. Primary Guidance to Which This Policy Responds

This policy primarily responds to FAA guidelines and requirements that promote the safe and responsible use of unmanned aircraft.

D. Responsible University Office & Officer

The University Office for Student Affairs is responsible for establishing this policy. The Department of Campus Security Services is responsible for enforcing the policy and the Vice President for Student Affairs is the responsible officer.

E. Who is Governed by This Policy

All faculty, employees, students, contractors, volunteers, and the general public present on University property are governed by this policy.

F. Who Should Know This Policy

Any person who may be involved in operating a UAS from or above the University's campuses or properties should know about this policy.

G. Exclusions & Special Situations

None.

H. Policy

Any use of a UAS from or over the campus or inside a campus building is strictly prohibited except for the following:

- The use of drones for hobby or recreational use on University property is not permitted.
- All commercial (commercial, contract, or University owned) operated UAS's must comply with all federal (FAA), state, and local laws.
- Must obtain prior approval from the Department of Marketing Communications and the Department of Security Services at least 48 hours in advance of the proposed use of the UAS.
- A University owned or commercial UAS must comply with FAA regulations. (See www.faa.gov)
- The use of commercially owned Unmanned Aircraft Systems a/k/a Drones (for hire or otherwise) is permitted only for educational or research purposes. A UAS operator must provide a certificate of insurance naming The University as an additional insured with a minimum of $5 million in general liability insurance written on an occurrence basis. Contact the Risk Management Department for further details.
- A commercially owned (University or contract) operator must file a "flight plan" including date, time, and duration of flight and operational area 48 hours prior to commencing the UAS flight.
- A contract operator must be accompanied by a representative of the University at all times.
- The UAS must be operated in a responsible manner.
- The UAS may not operate over areas of public assembly, stadium, or populated areas.
- The UAS is not permitted to photograph, video, or monitor areas of the University where other members of the University community would have a reasonable expectation of privacy. (See above).
I. Educational or Research Use

- The use of drones is permitted for educational or research purposes. Must obtain prior approval from the Department of Marketing Communications and the Department of Security Services at least 48 hours in advance of the proposed use of the UAS. All UAS must comply with FAA regulations. (See www.faa.gov)

- Must provide date/time, purpose, and length of UAS operations, as well as the area of the campus where the UAS will be used.

- Must comply with all Federal, State and City laws.

- Must have experience in operating the UAS and operate them in a responsible manner.

- Must not operate over areas of public assembly, stadium, or areas of construction.

- Must not photograph, video, or monitor areas where other members of the University community or members of the general public would have a reasonable expectation of privacy.

Any violations of law (trespassing, illegal surveillance, reckless endangerment) or violations of University policies may subject the individual(s) to both criminal and/or disciplinary action. Students of the University community who violate this policy will be subject to discipline as stated under the Policies and Community Standards of Conduct. Damages/injuries occurring to University property or individuals will be the responsibility of the UAS operator.

J. FAA Regulations

Additional information: http://www.faa.gov/uas.

K. Responsibilities

The Department of Campus Security Services maintains the authority to "ground" or suspend operations of any UAS that is not compliant with FAA regulations, this policy, or presents a danger or infringes on personal privacy of University property or to the University community.

XV. Event Request Policies

Events that will be held on-campus, regardless of whether a facility is used, must be approved at least ten (10) days before the event.

Individuals and groups are responsible for reviewing the Policies and Standards of Conduct section of the Western Colorado University Student Handbook.

Every event must have an institutional sponsor, such as a group advisor.

Procedure to request to hold an event on Western Colorado University’s campus:

1. Fill out the Event Request Form online
2. The form will be submitted to the event sponsor listed on the form, the VP for Student Affairs, Facilities Director, Director of Business Operations, and Director of Security (as necessary). Each will approve or deny the event.
   a. Each approver may require that additional conditions be met before the event will be approved (i.e.: tear down must be completed by a certain time, group will be responsible for all garbage
3. Once the event has been approved by all parties listed above, the Event Contact and Sponsor will receive an email from the Executive Assistant to the VP for Student Affairs outlining any conditions the parties have identified.
4. In addition to this form, event hosts are responsible for contacting Facilities before their event. Facilities will give specific information regarding the space being used and requirements for use and cleanup of the area.

Please note: Pick-up/delivery and return of tables and chairs is required within 24 hours of the event. Event hosts MUST put in a request with Facilities (separate from the Event Request Form) to get tables and chairs. The sponsoring department, club, or organization is responsible for any loss or damages.

XVI. 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 conduct sanctions and fines.

XVII. Failure to Comply with a Reasonable Request of a Western Official

The University cannot operate in an environment where students refuse to cooperate with reasonable requests, such as the request to identify oneself, the request to refrain from inappropriate conduct, to reply to an official University email, or to attend necessary mandatory residence hall meetings. This includes requests made by students who are Western employees (e.g., Resident Assistants, Campus Resource Ambassadors). Students who fail to comply with the reasonable request of a Western official may face conduct actions.

XVIII. Fireworks/Firearms or Weapons

A. Except as provided herein, no 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.

B. Weapons may be confiscated by Security Services, professional residence life staff or the Gunnison Police Department. A student who wishes to reclaim their weapon(s) must do so in writing and meet with the Director of Security Services. The University reserves the right to contact the Gunnison Police Department concerning any weapons found on campus and to consult with the GPD before any weapon is approved for return. Confiscated weapons approved for return, will not be returned until the end of the academic year or upon withdrawal of the student from the University.

C. Specific items 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.

D. Certain exemptions may apply, including: State or federal law enforcement or peace officers or agents when carrying a weapon in conformance with the policy of his/her employing agency or specific military orders; a member of the armed forces of the United States of Colorado National Guard while acting in his/her official capacity and in conformance with military orders; and explosive substances required for the explicit purpose of academic course instruction or sponsored research. ~Students living in apartments or cooking facilities may have kitchen knives for appropriate cooking use.

E. 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 years of age and older who possess a valid Colorado concealed-carry permit may carry a handgun anywhere on the Western campus. However, handguns, in accordance with weapons storage policies, may not be stored anywhere on campus. Those under 21 are prohibited from having handguns

XIX. Food Fights

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 conduct action imposed against them.

XX. Furniture

A. COMMON AREA FURNITURE

Furniture allocated to public/common areas may not be removed at any time. Doing so will result in conduct action, a $50.00 fine for each piece of furniture removed, and damages that may have occurred to the furniture and/or facility as a result of being moved.

B. UPHOLSTERED FURNITURE

Due to potential bug infestations from upholstered furniture brought into Residence Halls from outside, upholstered furniture (couches/arm chairs) are not allowed in Residence Hall rooms, if you are found with such an item a warning will be given to remove within twenty-four (24) hours, if not removed a fine will be assessed up to $150.00.

The following are approved furniture items:

- Desk chairs that do not have any fabric or upholstery
- Blow up air mattresses
- Blow up couch without fuzzy fabric on outside
- Bean bag chairs without fabric covers
- Memory foam
- Lamps (only non-halogen bulbs)
- Media stand, metal book case, or night stand in which the total dimensions of each piece do not exceed 80 inches. Total inches can be calculated by adding the longest width, the longest height, and the longest depth together when fully extended (such as legs or sides).

**XXI. Gambling**

Gambling of any kind is not allowed in any campus locations.

**XXII. Hall Sports Policy/Water Fights**

All sports, running, and water games are prohibited within the dining and residence halls (including residents’ rooms and apartments). Riding bikes, rollerblading, and skateboarding are prohibited in all buildings and breezeways. Failure to comply may result in conduct actions in addition to possible fines/charges for any damages.

**XXIII. Harassment**

The University defines harassment as discriminatory, unwelcome 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.

A. A **true threat** contain statements where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals.

B. **INTIMIDATION** is a type of true threat, where a speaker directs a threat to a person or group of persons with the intent of placing the victim in fear of bodily harm or death.

C. **INCITEMENT** refers to speech that will lead those who agree with it to commit immediate violence.

D. **OBSCENITY**: Obscene expression must depict or describe sexual conduct and must be limited to works which, taken as a whole, appeal to the prurient interest in sex, which portray sexual conduct in a patently offensive way, and which, taken as a whole, do not have serious literary, artistic, political or scientific value.

**XXIV. Hazing**

Western has adapted the nationally-held best practice of understanding hazing to fall within three categories: Subtle, Harassment, and Violent Hazing. These are defined below and are all prohibited (Adjudication for all hazing will be considered a Level 4 violation and will be heard by a conduct panel).

- **Subtle Hazing**: Behaviors that emphasize a power imbalance between new members and other members of the group or community. This is termed “subtle hazing” because these types of hazing are often taken for granted or accepted as “harmless” or meaningless. Subtle hazing typically involves activities or attitudes that breach reasonable standards of mutual respect and place new members on the receiving end of ridicule, embarrassment, and/or humiliation tactics.

- **Harassment Hazing**: Behaviors that cause emotional anguish or physical discomfort in order to feel like part of the group.
• Violent Hazing: Behaviors that do or could cause physical or psychological harm.

**XLVII COVID-19 On-Campus Housing Protocol**

Per [Section 2: Policies](https://www.western.edu/book/export/html/24808), the University may develop directives and/or protocols to maintain the health and safety of the Western Community. In an effort to do so during the COVID-19 pandemic, the following protocols have been developed to keep students living on-campus healthy and safe while maintaining as much normalcy as possible.

Prior to returning to campus, you must contact Residence Life staff. Failure to do so could result in the University denying your request to return to on-campus housing.

Western Colorado University maintains the authority to require the self-isolation of a student seeking to return to campus. The following conditions represent reasons a person may be required to self-isolate:

1. If you have been outside Gunnison County for more than 24 hours
2. If you have been in close contact with someone under care for suspected exposure to COVID-19
3. If you have been in close contact with someone who has tested positive for COVID-19
4. If you are displaying symptoms associated with COVID-19 – you are also encouraged to report your symptoms via the Gunnison County COVID-19 Symptoms [Self-Report Form](https://www.western.edu/book/export/html/24808) and Western’s Quarantine Form at [housing.western.edu](https://www.western.edu/book/export/html/24808)

**7-day Self-Isolation Guidance:**

*If you have been outside of Gunnison County or identify with any of the reasons listed above, you are expected to follow this guidance while self-isolating for 7 days.*

1. If you are moving back into a multiple bedroom apartment and/or have a roommate currently in your apartment on-campus, you will have to isolate within a designated isolation room on a specific floor and/or in a specific building as identified by Residence Life staff.
2. Avoid grocery shopping, visiting retail establishments, or picking up restaurant purchases except drive-through options
3. Avoid washing your clothes or utilizing public spaces
4. You will need to bring seven (7) days-worth of food, supplies, and/or purchase a To-Go Meal Plan to be delivered by Sodexo (20, 40, 80 Mt. Plan) @ 970-452-9236

**On-Campus Protocols:**

*Whether you are returning to campus or have remained on campus all semester, you are expected to follow the below protocols to ensure your safety and the safety of the campus community.*

1. On-campus residents are required to sign a COVID-19 On-Campus Resident Policy agreeing to comply with the Western Colorado University COVID-19 guidance and protocols, as well as County and State Public Health Orders
2. You must wear a fabric covering or mask that covers your nose and mouth when going through public hallways or gathering places
3. Practice frequent hand-washing and hand sanitizer (alcohol content greater than 60%) use and avoid touching your eyes, nose, and mouth with unwashed hands
4. You must maintain 6-feet physical distance from others
5. When utilizing public areas, you must be prompt to ensure proper compliance with distancing guidance in compact areas
6. Visitors will not be allowed in the residence halls
7. If you begin experiencing symptoms after returning to campus, follow the Self-Isolation Guidance listed above and complete the Western Quarantine Form at [housing.western.edu](https://www.western.edu/book/export/html/24808) to identify needed resources
and/or supports and the Gunnison County COVID-19 Symptoms Self-Report Form
8. You must be aware of and follow protocols for each University Building, please look at external signage on doors and the COVID-19 Resources and Updates page for guidance

Failure to comply with the COVID-19 On-Campus Housing Protocols could subject you to disciplinary procedures outlined in the Student Handbook. Resulting sanctions may include anything from fines to eviction from Residence Halls. Western Colorado University is taking the COVID-19 Pandemic seriously and its top priority is keeping the campus and community safe.

XXV. Impersonation

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

XXVI. Interference, Infringement, Inappropriate Behavior

As an academic community, Western is committed to the open exchange of ideas where all views, popular and unpopular, can be freely advocated. The University, however, requires that the conduct of individuals and groups not infringe on the rights of others or interfere with the normal functioning of the University. Conduct 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 information in the conduct process as well as subject to a conduct meeting.

It is a privilege to be on the Western 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 conduct of student participants. These policies can be obtained by contacting the specific department.

XXVII. Interference with the University Conduct Process/Giving False Testimony in a University Conduct Process

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

XXVIII. Liability
Western is not liable for the loss, damage to, or theft of properties belonging to the student. Further, Western 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 Western 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. Western encourages students to keep their personal doors locked and exterior doors closed. Western staff will remove items that prop doors to promote a safe and secure campus. The University encourages student to purchase personal property insurance to cover any loss of personal property.

XXIX. 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.

XXX. Official University Communication

The official University communication network is the assigned Western email account. All official communication concerning policies, the Student Handbook and important announcements are made via the Western student email. Student are expected to read their Western email accounts often. A failure to read official Western email will not relieve a student from responsibility of information contained in official Western email correspondence.

XXXI. 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, to allow for smooth campus operations, 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.

A. Abandoned Vehicles

Vehicles that appear to have been abandoned on campus may be towed or removed, at the owner’s expense. Vehicles with expired license plates may also be subject to tow. Abandoned vehicles are defined as those not bearing license plates, those left on jacks or blocks, vehicles leaking any fluids, vehicles with flat tires. Vehicles that have not been moved within the past 72 hours may be subject to towing (not to include Resident Hall lots with appropriate sticker).

B. 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 Lot
• Escalante North Lot
• Mears Complex Lot
• Mountaineer Bowl Lot
• Leslie J. Savage Library/Kelley Hall Lot
• Teller Street (east of Chipeta Hall)
• The Pinnacles Lot
• Ute Lot

All residents living in residence halls are required to register their vehicles at or prior to, residence hall check-in and are required to have a parking sticker clearly adhered to the front left corner of the windshield. 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. Residential students are allowed to park one vehicle on campus. Only one vehicle per student will be permitted due to space restrictions; and students who wish to park on campus must have a parking sticker present on the left front windshield. The parking permits shall be issued by the Office of Residence Life during check-in. If students acquire a new or different vehicle while living in the residential halls it is that student’s responsibility to attain a parking permit.

C. 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, University Center 117, 970.943.2101.

D. ADA Parking Spaces

Western reserves parking spaces for students, staff, faculty and visitors with disabilities. An ADA permit must be displayed on the rearview mirror, the driver’s side dashboard or as a license plate. The University does not provide these permits. ADA Parking permits must be applied for through the Department of Motor Vehicles.

E. 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.

F. 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.

G. Overnight Parking

The University Center lot overnight parking is permitted in the north 4 rows only. NO OVERNIGHT PARKING is allowed in the South 5 rows, closest to the University Center (including the Handicap/Emissions row) at any time. Trip coordinators must notify Campus Security Services if vehicles on authorized trips will be parked overnight in the UC or Quigley lots. Overnight parking is limited to no longer than 72 hours. Cars parked longer than 72 hours may be stickered and or towed at the owner’s expense (see towing policy and fees below).
Camping or living in a vehicle is not permitted at any time on Western property. The parking of any type trailer must receive approval from Security Services Director and must be parked in designated locations only. Trailers parked in lots without approval will be subject to towing.

NO OVERNIGHT PARKING - The following lots have been designated as No Overnight Parking from 11:00 p.m. to 6:00 a.m.

- Taylor Hall Lot (including the parking lot south of the Borick Building)
- Wright Gymnasium North Lot (Except for May 1st - August 1st)
- Northwest Mountaineer Field House Lot
- University Center South (See above description)

H. 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 University 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.

I. Snow or Special Event 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 or prior to any special event taking place on campus. 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.

J. 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 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.

K. 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 allowed. No parking is allowed in white hashed marked areas with the exception of motorcycles. No parking is allowed in ADA Blue Zones areas without appropriate permit, this includes the white hashed area of the Blue Zone space.

According to Colorado Revised Statutes 23 CFR 1235, 42-3-204, C.R.S., 42-3-213(5), C.R.S., 42-4-1208, C.R.S., Disability placards/plates are only to be used by the person to whom they are issued.

Any law enforcement officer or authorized uniformed parking enforcement official may check identification to ensure that the authorized user is a passenger or driver of a vehicle utilizing a disability license plate or placard in a disabled parking place.

Infractions may result in suspension/revocation of plate or placard and fines of up to $5,000 and community service as well as university sanctions.
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 Director of Campus Security Services may give permission to drive or park in these areas.

L. Vehicle Tow Policy

In order to best serve the entire campus community and ensure uninterrupted operations, the following vehicle towing policy has been set forth. Vehicles are subject to tow-away by a bonded towing company for the following reasons:

- Abandoned vehicles (see XLV.A).
- Parking in No Overnight Parking areas between 11:00 p.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.
- Trailers parked without approval of the Director of Security Services in appropriate designated areas.

If you believe your vehicle has been towed, contact H & H Towing, 170.641.2628. Towing rates/fees will be as follows:

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<td>(under 10,00GVW)</td>
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<td>Medium Duty</td>
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<td>Heavy Duty</td>
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<td>(26,000+GVW)</td>
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M. 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 (see towing policy and fees above).

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

XXXII. 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 (970.943.2090), Campus Security Services (970.943.3084 office, 970.209.1020 cell), or contact the Animal Control Office at City Hall (970.641.8200).
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 complaints are filed.

Policies pertaining to service dogs and Emotional Support Animals can be obtained by contacting the Disability Services, located in the Academic Resource Center in Taylor Hall 302.

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 conduct sanctions and cleaning/damage complaints. A fine of $300.00 could be imposed if not complying.

XXXIII. 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. Conduct sanctions may include suspension or dismissal from the University.

XXXIV. Posting Policy

A. Purpose

This policy is intended to preserve the visual integrity of campus by providing a framework for planning, displaying posters, signs, banners and chalking, to protect free speech for all campus individuals and groups as well as minimizing clutter.

B. Policy Statement

Signs, posters, banners, chalking and similar items are useful tools for communicating with the campus community, but also have the tendency to be overused, create clutter that detracts from both the appearance of the campus and the effectiveness of the items themselves, and result in litter and outdated materials that are expensive to remove.

1. Western will enforce limits on duration of the display and requirements for removal to ensure all such postings are not left up after an event is over. In addition, commercial messages, sales and solicitations on campus are limited under other policies (see References below), and Western has an obligation to manage access to the areas and surfaces used to post banners, posters, signs, chalking and flyers on University property.

2. This policy provides guidance on what type of advertising may be posted, where items may be posted, and who is responsible for the posted items. Posted materials that fail to comply with this policy may be removed, and the expense associated with removal will be charged to the responsible department, business unit, student organization or individuals.

3. Students who wish to distribute or post newspapers, leaflets, posters on campus should be free to do so regardless of their political, religious, or ideological beliefs. Any posted material that incites reasonable people to violence; harassment; true threats and intimidation; obscenity; and defamation (for definitions see the attached Appendix 2) will not be approved for posting.
C. Posting Provisions

1. Bulletin boards are located around campus in various buildings and exterior kiosks along sidewalks. The designated person must authorize for posting, all signs and posters inside buildings. Signs and posters may be placed only on the designated bulletin boards with approval (contact the Office of Student Affairs for locations). Individual buildings may have specific posting areas that are available for general postings. Designated bulletin boards will be used only by those groups who have received a designated bulletin board.

2. No signs or posters may be placed on the outside of the building, doors, windows, on walls, lampposts, existing signs, nor in any stairwell. Any sign/poster not in the designated area will be removed.

3. All signs or posters will be dated by the designated person for each building. Items will be displayed for a maximum of two (2) weeks. Signs or posters may be displayed up to two (2) weeks prior to the start of the first event advertised. Signs or posters advertising multiple dates for an event will be authorized through the last date publicized.

4. Unauthorized items or those exceeding the expiration date, will be removed and discarded.

5. Posters must be sponsored by an official University department or recognized student organization.

6. Posters that are primarily commercial in nature will be allowed if the content is aligned with the University’s mission and as space permits.

7. Posters must carry the name of the department or student organization who is sponsoring the event. All Western graphics used must be in compliance with the Western Colorado University Graphics Standards (contact Marketing for assistance).

8. Groups wishing to use “chalking” as a means of advertisement, may use water soluble chalk on exterior sidewalks only. Chalking is not allowed on building surfaces, parking lots, asphalt areas, or within a building’s interior space. Any posted material that, incites reasonable people to violence; is harassing; threatens or intimidates; contains obscenity; and/or defames (for definitions see the attached Appendix 2) will be removed.

9. 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 Department of Residence Life. All materials posted on Residence Hall bulletin boards must be approved by the Department of Residence Life or else such will be removed by staff members. Bulletin boards, flyers, or notices that are damaged or ripped down by residents or guests, may receive a fine of up to $100 and a conduct hearing.

10. Failure to comply with this policy may result in conduct sanctions as well as applicable damage restitution.

Posting Policy: Definitions

- The Supreme Court has defined “true threat” as only those statements where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals (Virginia v. Black, 538 U.S. 343, 359 (2003)).
- Intimidation has been defined by the Court as a type of true threat, where a speaker directs a threat to a person or group of persons with the intent of placing the victim in fear of bodily harm or death (Id. at 360).
• **Incitement** refers to speech that will lead those who agree with it to commit immediate violence (*Brandenburg v. Ohio*, 395 U.S. 444 (1969)).

• **Obscenity:** Obscene expression must depict or describe sexual conduct and must be limited to works which, taken as a whole, appeal to the prurient interest in sex, which portray sexual conduct in a patently offensive way, and which, taken as a whole, do not have serious literary, artistic, political or scientific value(*Miller v. California*, 413 U.S. 15, 24 (1973)).

• **Harassment:** Discriminatory, unwelcome conduct so severe, pervasive, and objectively offensive that it effectively bars the victim’s access to an educational opportunity or benefit (*Davis v. Monroe County Board of Education*, 526 U.S. 629, 633 (1999)).

### XXXV. Recycling

Students are encouraged to recycle. Damage to any campus recycling property will result in disciplinary action.

### XXXVI. Residence Life Policies

#### A. 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.

#### B. Bunk Bed Policy

The following policy, process and guidelines provide the criteria for bunk beds at Western Colorado University. The University is not responsible for injuries to the occupants of the room or their guests during and/or after the completion of the install.

**Process**

Bunk beds are allowed in the Escalante Complex (Dolores, Colorado, Tomichi, Crystal), Ute Hall and Mears Complex (Mears, Moffat, Robidoux). There are a limited amount of bunk bed available, due to supplies. Approval is based upon a first come, first serve basis. The bunk bed Application and Agreement must be filled out online by 5 p.m. on the final Friday of Summer School. Please look at the Western Academic Calendar for the updated deadline date. Residence Life staff will contact the student before move-in to notify them of the next steps. Both roommates must apply, noting approval of bunking their beds. Each resident will also be required to sign the waiver.

Residence Life Staff will notify the applicant if they have been approved for a bunk bed and it will be installed before they move into their room (REQUEST FOR REMOVAL OF BUNKED BEDS AFTER SET UP WILL RESULT IN A $50.00 FEE FOR THE CHANGE). The bunk beds can be moved to a different location in the room, however the beds must be kept bunked. Residence Life Professional Staff or Facility Staff are the only individuals that are allowed to install and remove bunk beds due to safety issues. If a resident tampers with the beds and the bed is damaged, the resident will need to purchase a new frame at the current cost. Costs could be up to $250.00 per bed frame. Non-University provided bunks or lofts are NOT permitted in any residence hall or apartment. Staff will be checking the bunk beds during monthly Health and Safety checks.

**Guidelines**
1. All room furniture and room fixtures will not be removed from the room or relocated as a result of a bunk bed.

2. No bunk bed shall obstruct the door at any time. The doors must be operable at all times and must be usable as a means of exit or entry into the room.

3. Bunk beds must be located in such a way that they do not interfere with access to windows, heating or plumbing units, smoke detectors, or other item requiring periodic maintenance; and that do not interfere with or obstruct exit from the room in case of emergency.

4. In case of a mid-semester or mid-year check-out or room change, bunk beds belonging to the resident leaving the room may be left standing only if the new occupant of the room agrees to accept the bunked beds and provides the Office of Residence Life with a signed “Waiver of Liability” form.

5. Warning: Falling from a top of a bunk bed can result in injuries, please use caution!

C. Check-In and Check-Out

Each resident is considered checked-in when they obtain the room key. When moving into the assigned room, the resident shall complete, sign submit for approval a Room Condition Contract (RCC) Inventory form. When vacating the assigned room/apartment, the resident must check out with the Residence Life professional staff or Resident Assistant. 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 complaints as determined by the University.

Assigned bed space will only be held until 5:00 p.m. on the first Wednesday of classes each semester. When the resident fails to check in at the assigned residence hall, they will forfeit their housing deposit and will be charged all applicable room and board complaints 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, whichever comes first. Fees may be assessed for improper check-out. Daily room rent charges may apply.

D. Continuing Student Occupancy Policies

1. Based on past and current research, we know that second-year (and beyond) students and first-year students need different things. These differing needs are based on amount of time in college, not credit hours. This is why we choose to use “first-year” and “continuing” instead of “freshman” (etc.). We assign student housing based on the amount of time students have lived on campus (including other campuses if they are transfers) and we have different occupancy policies for each subset of our student population. Outlined below are relevant policies in regard to our continuing student population (not first-year students). Continuing students are not guaranteed a single room. Continuing students must request a single room during their housing application process. Due to limited single rooms available, this request may be denied.

2. RESIDENCE HALLS FOR CONTINUING STUDENTS

   Continuing students are eligible to live in the Mears Complex (suite-style), Chipeta Hall and The Pinnacles (apartment-style). Though it is unlikely to be requested, second-year students may live in Escalante or Ute after a case-by-case consideration of the reasons by the relevant Residence Life staff.

3. DOUBLE AS A SINGLE

   Continuing students are eligible for single rooms, and may live in a double as a single by paying approximately $400 per semester more than the initial price. Please check on the exact amount regarding the price difference, as this changes slightly from year to year.
E. Contract Termination/Cancellation

A student may cancel/terminate their Housing Contract at any time without penalty under any of the following circumstances: 1) Marriage or Civil Unions, 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.

PLEASE NOTE: The Housing Contract will be considered null and void with no financial obligation if the student does not enroll at Western, however, any cancelation of this contract made after July 1st will result in a forfeit of the $100 deposit. Students, whether they have signed a contract or not, are required to live on campus for two years if they are under the age of 21. Those who fail to complete a contract, but who are registered for classes are subject to the same terms contained in this contract.

Termination/Cancellation By the Student Prior to Occupancy

A student who has submitted a signed contract is legally obligated to reside on campus. Should a student who has completed two years of on-campus residency or is otherwise eligible to reside off campus wish to cancel/terminate their Housing Contract, that student will be held responsible for a portion of the room charges for the entire 2017-2018 academic year. The following schedule will be used to determine the charges assessed:

- Prior to May 1st the student may cancel/terminate their housing lease and contract without any charges being assessed, however, the student will forfeit their housing deposit.

- Between May 1st and July 1st, the student may cancel/terminate their housing lease and contract, however, the student will be assessed an amount equal to 15% of the entire lease and contract period (Academic Year) and the housing deposit is forfeited.

- Between July 1st and the first day of classes for the Fall semester the student may cancel/terminate their housing lease and contract, however, the student will be assessed an amount equal to 25% of the entire lease and contract period (Academic Year) and the housing deposit is forfeited.

Students who have signed a lease and contract for the Spring Semester only may cancel/terminate their lease and contract, but will be assessed according to the following schedule:

- Prior to September 1st the student will forfeit their housing deposit.

- Between September 1st and November 1st the student will be assessed 15% of the entire lease and contract for the spring semester and the housing deposit is forfeited.

- Between November 1st and the first day of classes for the Spring Semester the student will be assessed 25% of the entire lease and contract for the Spring Semester and the housing deposit is forfeited.

Termination/Cancellation by the Student After Occupancy

A student who cancels/terminates their housing contract after occupancy (occupancy is defined as: on or after the first day of classes whether the student has moved into the room or not.) who has completed two years of on-campus residency or is otherwise eligible to reside off campus will be assessed according to the following schedule:
Prior to September 1st the student will be assessed 100% of their fall semester housing cost and 10% of their spring housing cost. The housing deposit is forfeited.

Between September 1st and October 31st the student will be assessed 100% of the fall semester housing cost and 15% of the spring semester housing costs. The housing deposit is forfeited.

Between November 1st and the first day of classes for the Spring Semester, the student will be assessed 100% of the fall semester housing costs and 25% of the Spring Semester housing costs. The housing deposit is forfeited.

A student who cancels/terminates their contract on or after the 1st day of classes for the spring semester will be assessed 100% of their Spring Semester housing cost. The housing deposit is forfeited.

Termination of Contract by the University

The University reserves the right to terminate a Student Housing Contract under the following circumstances (in all of these circumstances the deposit is forfeited and room and board charges for the entire contract period remain in effect): A resident is found to have violated any rules or regulations listed in or referred to in this contract, or in the Student Handbook, or in any other official University publication. If this contract is terminated during the academic year for disciplinary reasons the student will be held responsible for 100% of the cost of housing for the entire contract period. Additionally, the student will be required to reside on campus for the next academic year unless they meet any of the terms for exception as outlined in section one of the Housing Contract or if the University determines the student’s behavior is such that further residence on campus would be disruptive to the on campus residential experience of other students. Should the latter determination be made, at the discretion of the University, the student could still be held liable for the entire cost of housing for that next academic year. 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.

F. Courtesy Hours/Quiet Hours

1. Courtesy Hours

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.

2. 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 conduct 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). Repeated violations of quiet hours will be handled by Residence Life staff and may include conduct action. Quiet Hours are in effect 24-hours per day during Finals Week.
Residence Halls Quiet Hours:

School Nights (any night that school is in session the next day) - 10:00 p.m. - 8:00 a.m. and Non-School Nights - Midnight - 8:00 a.m.

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 conduct sanctions.

G. Damage and Costs

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

Personal trash found in common areas, and or any need for excessive cleaning, will result in community damage fines if responsible party is not determined.

H. 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 an emergency, halls will evacuate to the following locations:

a. Mears Complex evacuates to the skate park.
b. Chipeta Apartments evacuates to the grass area north of Chipeta.
c. Escalate Complex evacuates to the east of west of building. Check evacuation maps located on doors.
d. The Pinnacles evacuates to the Pinnacles fire pit area.
e. Ute Hall evacuates to the Taylor Hall lawn.

I. Extended Leave of Absence

When leaving campus for an extended period of time, it is advisable for a student to inform their Resident Assistant, Resident Director, 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.

J. Extension Cords

Extension and outlet multiplier cords are prohibited due to power outages. Students are strongly encouraged to utilize power strips. Electrical outlets must not be overloaded and students should not plug power strips into other power strips.
K. First Year Occupancy Policies

a. Western student development philosophy holds that in addition to the benefits of living on campus, the roommate experience is integral to encouraging social-emotional growth in first-year students. In addition to hoping that a roommate will provide an immediate connection in a new environment, learning to live with someone also strengthens communication and conflict resolution skills. It also allows students to broaden their perspectives and learn about people who are different than they are as well as helping develop an appreciation for others. All of the policies outlined below are based on these philosophies.

b. RESIDENCE HALLS FOR FIRST-YEAR STUDENTS

i. The Escalante Complex, Robidoux Hall and Ute Hall are the designated buildings for first-year students. Escalante and Ute are both traditional-style buildings, with two (2) people assigned to a room. Escalante and Ute Halls feature community bathrooms. Robidoux Hall is suite style residence hall with 2 rooms per suite and 2 students assigned to each room, which totals to 4 students per suite. Robidoux Hall features one bathroom in each suite to be shared by the 4 occupants. Robidoux Hall’s availability to first-year students may vary from year to year.

ii. All first year floors have designated community restrooms. Except in cases of ADA compliance, first-year students are not eligible to live in any other buildings except for these two during the fall semester.

iii. During the spring semester, first-year students are still ineligible to live in Chipeta or The Pinnacles, however, they may be granted approval to live in the Mears Complex. The following guidelines must be followed before a transfer to the Mears Complex will be considered:

1. A first-year student must have a pre-existing connection to the continuing student they are requesting to live with.

2. A first-year student must have a clear conduct record.

3. A first-year student must meet with Resident Directors (of their current building & new building) and explain reasons they want to move and why we should make an exception for them.

4. A first-year student will not be permitted to live in a single space in the Mears Complex, so they must either choose to be roommates with a second-year (or beyond) student that is already living in the Mears Complex, or find another first-year to be their roommate in the Mears Complex.

c. FIRST YEAR SINGLE ROOM INELIGIBILITY

i. Every effort will be made to ensure all first-year students have roommates. This means that first-year students are ineligible to purchase a single room. Any first-year student without a roommate during the first two (2) weeks of the year may be subject to mandatory consolidation (outlined in Mandatory Consolidation).

ii. Though first-year students may occasionally find themselves in a single room, the room must remain ready for a roommate to arrive at any time. This means that students must remain on one side of the room, utilizing only one set of furniture. If first-year students are found to be using the vacant space/elements reserved for a potential roommate they can be charged a fine of $50.00 for failing to follow policy. The conduct process may be initiated for failure to comply with a reasonable request by a Western Official.
L. Flammables, Candles, and Incense

The presence of candles, propane, oil burning lamps, incense, essential oils 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. All types of flammables may be confiscated without return.

M. 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 are only permitted in kitchen facilities and will not be allowed in other facilities. 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.

N. Guest Policy

Guests may be welcomed in students’ residence halls and apartments, if approved by all residents assigned to the space where the guests will be staying. The resident must inform the Resident Assistant on the floor of the presence of a guest. A resident can have no more than two guests stay overnight at a given time. The resident must inform any roommates/suitesmates of guests that will be staying or visiting. 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 conduct action, and/or be arrested for criminal trespassing. Guests may not reside in University owned rooms for more than 48 hours within a two week period (exceptions may be granted in advance by Residence Life Professional Staff member or the Office of Residence Life).

O. Housing Contract

All students are responsible for the housing contract signed within the specified time on your assignment letter. Failure to read the contract or the Student Handbook does not discount resident responsibility.

P. Housing Deposit

Housing assignments will not be made until after an advance housing deposit of $250 has been received. Western may, at its sole discretion, apply the $250 housing deposit to any damages to the housing unit or its furnishings or to any other indebtedness owed by the student to Western. 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 sixty (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 complaints 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 Western by the student.

Q. Meal Plan Requirements

A student who lives in Western’s residence halls (i.e., a room where no private cooking facilities are provided by the University) is required to purchase a meal plan. All first-year freshmen are required to purchase a Premier meal plan (either a Blue Mesa or Mountaineer Meal Plan). Continuing students who reside in residence halls (excluding on-campus apartments) have the option of choosing between the Blue Mesa, Mountaineer, and Crimson Meal Plans. Students living in on-campus apartments are not required to purchase a meal plan, but are eligible for any of the meal plan options provided.

R. 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.

S. 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 Resident Director. Unauthorized room changes or failure to move out of a room when required may result in additional complaints as determined by the University. Authorization will not be granted during the first two weeks of the each semester and when the housing application opens for transfers and new students for the spring semester (around November 1st). A $25 fee will be accessed for room changes, per signed contract.

T. Room Entry

Western 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, 1) there is concern for life, safety and/or health threatening reasons; 2) there is sufficient information available to conclude that a violation of State Law and/or University Policy may exist; 3) to perform requested or preventative maintenance; 4) there is a cry for help, the smell of smoke, visible water coming from an apartment or residence hall room door, 5) to silence a disruptive noise, or 6) to perform Health and safety inspections with prior notice from Residence Life staff.

U. Single Rooms and Consolidating Vacancies
Consolidation may occur each semester. Contingent upon availability, students may request single rooms. Single room complaints 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 complaints. 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.

A. Room Freeze

A room freeze is in effect for the first two (2) weeks of each semester and during housing selection. During this time, no room changes will be granted (except for extreme extenuating circumstances). This freeze is in place for several purposes:

1. To provide students time to get beyond first impressions and begin work on establishing a positive relationship with their roommate (and vice versa).
2. Ensuring residential paperwork is accurate before applying changes.
3. Providing time for the mandatory consolidation process.

After the room freeze ends, students wanting a new room assignment must follow the room change request process.

B. Mandatory Consolidation

If there is an empty space in a room, and no one on a waitlist to participate in that specific LLC, mandatory consolidation will become an option. This option will only be applied during the first two (2) weeks of the academic year. The process will be as follows:

1. Before being placed with another roommate, residents will be sent an email informing them that they currently do not have a roommate, and outlining their options:
   a. Select a roommate via the housing application system (including a list of other single students on their floor they can room with).
   b. Invite a friend to join them (contingent upon friend’s interest in LLC).
   c. Do nothing, and understand that Western may consolidate them with another student at the end of the first two (2) weeks of classes.
   d. Rooms must be kept in move-in ready status at all times. Fines may be assessed.
2. During check-in, all remaining residents without a roommate will be given a sheet of paper with the above policy outlined as well. This sheet will include a deadline by which time they must make a decision.

Once the mandatory consolidation period has ended, consolidation will only be optional. At this time if a student does not have a roommate, they can receive a roommate through room change requests (procedure listed below) or by inviting a student to live with them. Until they have a roommate, they must follow the details outlined in the single room ineligibility policy above.

C. Room Change Request

After the two (2) week freeze has been lifted, residents are eligible to request a room change by contacting their Resident Director. There is a mandatory $25.00 room change fee, but other than that, the Resident Director has autonomy to decide how to handle this based on the student’s individual situation.

V. 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 Assistant. If a situation is not resolvable through these steps, the student should contact the Resident Director who will assist with the process. All conclusions must be adhered to by the students involved.

W. Two Year Live-On Requirement

Students at Western must live in on-campus housing for their first and second 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 complaints associated with the space for the term.

X. 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 complaints associated with the removal of the screen. Failure to comply with this policy will result in conduct action and a charge for damage and replacement.

XXXVII. Safety and Security

Residents shall comply with all Federal, State, and local 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. Due to the dangers of covering or tampering with smoke or fire detectors a fine of $150.00 will be assessed for the first violation and a second violation of $300.00 will be assessed with community services hours.

XXXVIII. Sexual Misconduct Prohibition Policy

The Official Policy Prohibiting Sexual Misconduct, Section 3.5 of the Board of Trustees Policy Manual, can be obtained from the Office of Human Resources. The below policy reflects the Official Policy and is used in student conduct.

A. Sexual Misconduct is Prohibited

The Board of Trustees and Western Colorado University (“Western” or the “University) intend to maintain a campus community free from all forms of sexual misconduct, which includes sexual harassment, hostile environment, sexual assault, domestic violence, dating violence, sexual exploitation, stalking, retaliation and intimidation, as defined below. It is the University’s policy that all forms of sexual misconduct are prohibited and will not be tolerated. This policy is promulgated pursuant to Title IX of the Education Amendments of 1972 (Title IX), 20

C. Scope of Policy

This policy applies to all students and employees, regardless of their sexual orientation or gender identity. This policy also applies to all third parties who have access to or use of any University facilities and/or grounds for any reason.

This policy also applies to University–sponsored programs and events, whether on or off campus. This includes, but is not limited to international travel, field trips, conferences, camps, classroom activities, residence halls and all academic and student facilities and events.

D. Reporting Sexual Misconduct

The University encourages victims of sexual misconduct to talk to somebody about what happened – so that victims can get the support they need and the University can respond appropriately. This policy is intended to make individuals aware of the various reporting and confidential disclosure options available to them so that they can make informed choices about where to turn should they become a victim of sexual misconduct.

1. University Reporting
   The University can only respond to allegations of sexual harassment or violence if they are reported. Reporting enables the University to promptly provide support to the impacted students, employees or third parties, and to take appropriate action against the responding party to prevent a recurrence and protect the campus community. Any student, employee, or third party who believes she or he may be the victim of sexual harassment or violence is encouraged to report to the University through one or more of the following resources:

   - **Title IX/Sexual Misconduct Administrator**
     Gary Pierson
     Taylor Hall 301
     970.943.2049
     titixadministrator@western.edu

   - **Responsible Employees**

     Certain employees are required to report the details of an incident (including the identities of both the victim and the alleged perpetrator) to the Title IX Administrator. A report to these employees (called “Responsible Employees”) constitutes a report to the University – and generally obligates the University to investigate the incident and take appropriate steps to address the situation.

     A “Responsible Employee” is a University employee who has the authority to redress sexual violence and the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty. The following categories of employees are the University’s responsible employees: Faculty, Academic Affairs Administrators, Student Affairs Administrators, and certain Residence Life Staff including the Director and Assistant Directors of Residence Life and Resident Assistants, coaches, supervisors, the Director of Human Resources, the President and Vice Presidents of the University. These Responsible Employees are required to report all the details of an incident (including the identities of both the Complainant and the alleged Respondent) to the Title IX Administrator. A report to these Responsible Employees constitutes a report to the University – and generally obligates the University to investigate the incident and take appropriate steps to address the situation.

   - **On Campus Confidential Reporting of Sexual Misconduct**
     If the Complainant requests confidentiality or asks that the complaint not be pursued,
the University will 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 will inform the Complainant that its ability to respond may be limited.

2. Confidential Reporting

- **On-Campus Confidential Resources**

  Should a complainant wish to speak with an individual in confidence, they should speak with someone at the University’s Counseling Center. Counselors generally will only report to the University that an incident occurred without revealing any personally identifying information. Disclosures to these individuals will not trigger a University investigation into an incident against the victim’s wishes.

  Individuals may report confidentially to the following campus resources that provide support and guidance:

  **Campus Counseling Center**
  Crystal Hall 104
  970.642.4615
  After Hours Emergency: 970.252.6220

  **Campus Medical Center**
  Tomichi Hall 104
  970.943.2707

- **Gunnison Community Confidential Resources**

  **Center for Mental Health**
  710 N. Taylor Street
  970.641.0229

  **Project Hope - Victims Support Services**
  24/7 Helpline: 970.275.1193
  970.641.2712 Office
  [www.hope4gv.org](http://www.hope4gv.org)

- **Local Law Enforcement Reporting - NOT CONFIDENTIAL**

  **Gunnison Police Department**
  Emergency 911
  970.641.8200

  **Gunnison Police Department Victims Advocate**
  970.641.8299

- **Medical Reporting Options**

  **Gunnison Valley Health**
  711 North Taylor Street
  970.641.1456

Victims of Sexual Assault are encouraged to report to the Gunnison Valley Hospital (GVH) Sexual Assault Nurse Examiner, and have evidence collected and stored for future legal system actions.
E. Amnesty for Alcohol, Drug & Other Conduct Associated with Sexual Misconduct

In those cases where individuals have been involved in incidents of sexual misconduct while under the influence of alcohol and/or drugs, the University will not pursue disciplinary actions against those involved (or against a witness) for his or her improper use of alcohol or drugs (e.g. underage drinking). Amnesty is intended to support the practice of individuals reporting incidents of prohibited discriminatory harassment, sexual misconduct, and other violations of this policy, and to protect an individual’s safety. Individuals experiencing or witnessing violations of this policy while themselves violating another University policy (for example, the University policy concerning alcohol and other drug use), are encouraged to report the violations of this policy that they experienced or witnessed.

F. Definitions

1. Sexual Harassment

Sexual Harassment is:

- Unwelcome, gender-based verbal or physical conduct of a sexual nature, without regard to the gender of the Complainant and Respondent;

- Sufficiently severe, persistent or pervasive that it has the effect of unreasonably interfering with, denying, or limiting someone’s ability to participate in or benefit from Western’s educational program or activities, or work activities, or;

- The unwelcome behavior is based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation.

A number of different acts fall into the category of sexual harassment, including without limitation, dating violence, sexual exploitation and stalking.

2. Quid Pro Quo

Quid pro quo sexual harassment exists when there are:

a. Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature; and
b. Submission to or rejection of such conduct results in adverse educational or employment action; or
c. Affects the terms or conditions of education or employment or activities with the University.

3. 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 Services or the Gunnison Police Department and may result in disciplinary action independent of and in addition to any sanction imposed in response to the underlying allegations of sexual harassment.

4. Sexual Assault and/or Violence
Sexual assault/sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. A number of different acts fall into the category of sexual assault, including, without limitation, rape, statutory rape, sexual violence, domestic violence, incest, sexual battery and sexual coercion. All such acts of sexual assault are forms of sexual misconduct covered under Title IX, including, without limitation:

a. Non-consensual sexual contact, including sexual touching, groping and fondling.
b. Non-consensual sexual intercourse, including vaginal, anal, and/or oral penetration. Penetration may be by a body part or by an object.

5. Domestic Violence

Domestic violence means an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. Intimate relationship means a relationship between current of former spouses, current or former unmarried couples, or persons who are both the parents of the same child regardless of whether the people involved have been married or have lived together at any time.

6. Dating Violence

Dating violence means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such a relationship will be gauged by its length, type and frequency of interaction.

7. Sexual Exploitation

Sexual exploitation means any actual or attempted abuse of a position of vulnerability, power differential, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.

8. Stalking

Stalking means a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her/others safety, or to suffer substantial emotional distress. Stalking is a repetitive pattern of unwanted, harassing, following, contacting, or threatening behavior committed by one person against another. Stalking may take the form of, but is not limited to, harassing telephone calls, electronic communications, and/or letter-writing.

9. Intimidation

Intimidation means to compel or deter by or as if by threatening.

10. Consent

According to Colorado Revised Statute 18-3-401:

"Consent" means cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act. A current or previous relationship shall not be sufficient to constitute consent. Submission under the influence of fear shall not constitute consent.

Thus, consent to sexual activity must be informed, knowing, and voluntary of the sexual act.

- Consent cannot be given by someone who is incapacitated due to the use of alcohol, drugs, sleep, or unconsciousness, or due to intellectual or other disability that prevents an individual from having the capacity to give consent.
- Past consent does not imply future consent.
- Consent is active, not passive. Silence or an absence of resistance, in and of themselves, do not imply consent.
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another person.
- Consent may be withdrawn at any time.
- Unwanted, coerced, forced, or threatening acts invalidate consent.

11. Incapacitation

With incapacitation, an individual lacks the ability to make informed, rational judgments and cannot consent to sexual activity. Incapacitation is defined as the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring.

Incapacitation may result from the use of alcohol and/or drugs. The impact of alcohol and other drugs varies from person to person; however, warning signs that a person may be approaching incapacitation may include slurred speech, vomiting, unsteady gait, odor of alcohol, combativeness, or emotional volatility.

12. Complaining Party

A complainant is a person who has been subjected to the alleged sexual misconduct or related retaliation. For purposes of this policy, a Complainant can be a Western employee, student, authorized volunteer, guest, or visitor.

13. Responding Party

A Respondent is a person whose alleged sexual misconduct is the subject of a complaint. For purposes of this policy, a Respondent can be a Western employee, student, authorized volunteer, guest, or visitor.

14. Preponderance of Evidence

The standard of proof is the amount of evidence needed to establish a violation of policy has occurred. The Sexual Misconduct policy 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. This preponderance is based on the more convincing evidence and its probable truth or accuracy, and not on the amount of evidence.

15. Amorous Relationship

Concurrent Amorous Relationships and Professional Relationships between Western employees and Western students are prohibited. Refer to the Trustees Policy section 3.13, Amorous Relationships, for more information.

G. Awareness Programs

Programs designed to bring to light the pragmatic threat that sexual assault poses to individuals, in our case Western students. In addition, awareness programs often outline the contextually important information for understanding unhealthy sexual relationships which can lead to assault and violence i.e. what do unhealthy relationships look like, what are risk factors, what are protective factors, etc. Examples: Welcome to the Party, Wellness Wednesdays, awareness events organized by The SWEET Life, a campus peer educator group.

H. Bystander Intervention

A sexual assault prevention theory which educates potential onlookers/spectators on how to become safely and actively involved when they observe a negative situation. With respect specifically to sexual misconduct, bystanders learn to look for contextual cues that indicate a negative or potentially negative situation, and methods for safely intervening. Example: Welcome to the Party.

I. Ongoing Prevention and Awareness Campaigns
These campaigns provide continuous information to the student body regarding healthy and unhealthy sexual relationships, as well as other relevant health and wellness topics. These campaign provide campus, community, and national resources, education, and ensure that students receive consistent information regarding acceptable behavior and our campus policies. These campaigns are created by peer educators and approved/overseen by a professional advisor, this allows the campaigns to be culturally relevant to students. Examples: campaigns created by The SWEET Life, Wellness Wednesdays, and articles in the Top o’ the World.

J. Primary Prevention Programs

These programs create the basis of the prevention programming on campus. They are consistent year to year, generally have a very specific target audience, and address primary prevention issues such as drug and alcohol use/abuse, mental health and suicide, and sexual misconduct. The ongoing prevention and awareness campaigns support these primary programs by providing supporting and relevant information in the interim of the primary programs. Examples: Think About It, Welcome to the Party, Breakfast For A Buck (BFAB), and Question Persuade Refer (QPR).

K. Risk Reduction

Western takes a risk reduction approach toward prevention education issues. Risk reduction asserts that modifying an unhealthy behavior to decrease ones potential long and short term risk is more pragmatic, especially among college students, than attempting to teach students to abstain from unhealthy behavior. Example: Providing underage student’s information which promotes responsible drinking, i.e. eating a proper meal before, staying hydrated, limiting the rate and amount of alcohol consumed, how to call for help when it is needed; is much more effective than assuming students will not drink until they are 21 and therefore not providing them adequate resources. Examples: BFAB, Team vs. Team, party packs, Screening Brief Intervention Referral to Treatment (SBIRT), and SAFEWalk.

L. Conduct Sanctions for Sexual Harassment

Appropriate conduct sanctions shall be imposed upon an employee or student who has sexually harassed another. The conduct 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 of employment; or termination of employment.

M. Implementation

The Western 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.

XXXIX. 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 conduct action.

XL. 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.
XLI. 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 conduct sanctions, violators of these rules may be turned over to local law enforcement officials. Due to the community living environment, covering a smoke detector or other fire equipment will result in a $150 fine for a first-time violation, increasing fines and conduct action will result with repeated violations. Roommates with one covered smoke detector in their room will not split the fine, they each receive $150.

XLII. Theft or Vandalism

Theft or vandalism of University property is a serious offense. University property includes but is not limited to buildings and lawns, University vehicles, the University Center and The Pinnacles fire pits, as well as dining and library materials, computers, and computer related hardware and software, etc.

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. Law enforcement may be called for any type vandalism or theft.

XLIII. Tobacco/No Smoking Policy

In support of the health and wellbeing of all students at Western, tobacco use and/or smoking any substance is prohibited in the residence halls/apartments. This prohibition includes, but is not limited to, cigarettes, cigars, smokeless chewing tobacco/dip, bidis, cloves, pipe tobacco, e-cigarettes, vaporizers, vape pens, vape wax, oils, hookahs, and marijuana. We understand that some students do choose to smoke cigarettes or chew tobacco, so we do allow the storage of cigarettes and chewing tobacco, as long as it is stored away from view. Smoking cigarettes and chewing tobacco/dip are strictly prohibited in residence hall rooms/apartments, common areas, or in an area around the exterior of residence halls is prohibited. The official University policy for the use of tobacco is 30 feet from any building. Please check with Residence Life staff for acceptable locations outside of specific residence halls. Failure to comply with the policy will result in conduct action.

XLIV. Tuition, Fees, Emergency Student Loans, and Refund Policy

A. 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.

1. Student Emergency Relief Fund (SERF)
   The Student Emergency Relief Fund (SERF) is a joint venture between the Student Government Association (SGA), the Western Colorado University Foundation and the Office of Student Affairs. SERF assists Western students by providing financial support when they need assistance with...
unexpected emergency expenses surrounding situations such as accidents, illness, death of a family member, fire damage or need for temporary housing. Students may apply for funds when they have exhausted all other resources. This funding is not intended to replace or supplement existing financial aid and does not have to be repaid. For more information about SERF, please contact the Office of Students Affairs, Taylor Hall 301, 970.943.2011.

B. 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 Western 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. Information 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 can be found on the Student Financial Services website. 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.

C. 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 314 Taylor Hall for more information.

PLEASE NOTE: Western will not register a student, release a diploma, 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 complaints and attorney fees to help secure payment of the debt owed the University.

D. 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 be made online through the student’s MyWestern account. The University accepts payment by check, ACH, 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.

E. 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 information 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
F. Tuition and Fees - Refund Schedule

When a student officially withdraws from Western, 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.

G. Student Housing and Meal Plans - Refund Policy

If a student officially withdraws from Western after the official start of the semester, housing and meal plans 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.

XLV. Unauthorized Possession and/or Use of University Keys

University keys, including swipe access cards, are University property. The unauthorized possession and/or use of University keys (particularly master keys) is a serious breach of University security. Any action that disrupts building security or door integrity including the propping open of doors or allowing individuals to access any building without proper identification/need is strictly prohibited. Conduct sanctions may include suspension or dismissal from the University.

XLVI. Western Identification Card - Mountaineer Card

All students are required to carry their valid Western ID with them at all times. Within this policy, students are required to present their Western identification card when requested to do so by any Western official. Possession, use or attempted use of another student’s identification card is strictly prohibited. Approval to use another student’s card on their behalf due to sickness or incapacitation must have the approval of Student Affairs or Residence Life professional staff.
Section 3: Disciplinary Response to Misconduct - Sanctions

Note: Title IX Sex Harassment cases require a specific investigative and procedural process. For more information regarding Title IX Sexual Misconduct Response, please see SECTION SEVEN.

Students who violate Western Colorado University’s standards of conduct are subject to conduct 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 conduct actions begins with documentation by a Resident Assistant, Campus Security guard, other University personnel, or Gunnison Police Department Incident Report 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 Vice President for Student Affairs, who will serve as the final conduct authority.

The Conduct Officer is any person(s) designated by the Office of Student Affairs to administer conduct matters. Any of the following sanctions may be assigned in the event that the Conduct Officer(s) determines that the student is responsible for violating the University’s rules and policies. In assessing what conduct sanctions to assign, the Conduct Officer(s) shall attempt to provide the individual with an opportunity to alter his/her conduct so that s/he may benefit from the experience. The Conduct Officer(s) shall also take into account mitigating circumstances. Such conduct sanctions could include conduct 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 conduct sanctions for violations of campus rules or policies. Campus conduct 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 or information to make it more likely than not that the fact sought to be proven is true. This preponderance is based on the more convincing information and its probable truth or accuracy, and not on the amount of information.

The following chart demonstrates the general but not necessarily all inclusive Alcohol and Other Drug sanctioning options:

<table>
<thead>
<tr>
<th>Violation Tier</th>
<th>Description</th>
<th>Behavior</th>
<th>Mandatory Sanctions/Options</th>
</tr>
</thead>
<tbody>
<tr>
<td>First</td>
<td>First time Alcohol violations that do not involve consumption, distribution to minors, hosting, damage or health related consequences</td>
<td>Empty Containers, Knowing Presence, ID not provided</td>
<td>Informal process: Verbal or written warnings</td>
</tr>
<tr>
<td>Violation Tier</td>
<td>Description</td>
<td>Behavior</td>
<td>Mandatory Sanctions/Options</td>
</tr>
<tr>
<td>---------------</td>
<td>-------------------------------</td>
<td>----------------------------------------------</td>
<td>-----------------------------------------------------------------</td>
</tr>
<tr>
<td>Second</td>
<td>1. Any second violation of the above.</td>
<td>2nd empty container</td>
<td>Formal Administrative Conduct</td>
</tr>
<tr>
<td></td>
<td>2. Consumption</td>
<td>2nd knowing presence</td>
<td>Parent notification</td>
</tr>
<tr>
<td></td>
<td>3. Possession</td>
<td>1st Underage Consumption of alcohol</td>
<td>Residence Life Probation</td>
</tr>
<tr>
<td></td>
<td>4. Hosting</td>
<td>1st alcohol possession</td>
<td>Strengths Probation Option (student choice): $10 access fee</td>
</tr>
<tr>
<td></td>
<td>5. Marijuana paraphernalia</td>
<td>1st marijuana paraphernalia possession</td>
<td>Alcohol fine: $50</td>
</tr>
<tr>
<td></td>
<td></td>
<td>including vape pens/ecigs</td>
<td>Notification of law enforcement (marijuana, regardless of DSAP)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1st marijuana possession</td>
<td>Marijuana fine $90</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1st marijuana consumption</td>
<td>SBIRT/BASICS</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Hosting with underage students</td>
<td>Other, per conduct administrator</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Violations of 21+ policy</td>
<td></td>
</tr>
<tr>
<td>Third</td>
<td>1. Any violation of Second Tier</td>
<td>Any associated damage</td>
<td>Formal Administrative Conduct</td>
</tr>
<tr>
<td></td>
<td>2. Marijuana consumption</td>
<td>Any associated health risk</td>
<td>Parental Notification</td>
</tr>
<tr>
<td></td>
<td>3. AOD transport to Detention</td>
<td>2nd Marijuana consumption</td>
<td>Conduct Probation</td>
</tr>
<tr>
<td></td>
<td>4. AOD transport to GVH/ER</td>
<td>2nd Alcohol consumption</td>
<td>Alcohol fine: $100</td>
</tr>
<tr>
<td></td>
<td>5. Probation violation</td>
<td></td>
<td>Marijuana find: $180</td>
</tr>
<tr>
<td></td>
<td>6. DSAP Probation violation</td>
<td></td>
<td>Notification of law enforcement (marijuana)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Additional damages fine</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Other, per conduct administrator</td>
</tr>
<tr>
<td>Violation Tier</td>
<td>Description</td>
<td>Behavior</td>
<td>Mandatory Sanctions/Options</td>
</tr>
<tr>
<td>---------------</td>
<td>-------------</td>
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<td>----------------------------</td>
</tr>
<tr>
<td>Fourth</td>
<td>AOD recidivism</td>
<td>3+ AOD violations within one academic year</td>
<td>Law enforcement notification, Conduct Panel, Parental notification, Possible suspension/expulsion, Alcohol fine: $200, Marijuana fine: $360, Other, per conduct panel</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Distribution</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Manufacturing</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Associated violence</td>
<td></td>
</tr>
</tbody>
</table>

I. Conduct Warning/Informal Conduct Response

Officials of the University responsible for conduct matters may give warnings for certain infractions of standards of conduct based on their prerogative and circumstances of the incident. These warnings may be given verbally or in writing with or without a conduct meeting and are a notice to a student or group of students that continuation or repetition of the misconduct shall be cause for additional conduct proceedings and possible sanctions including dismissal from the University.

II. Conduct Fines

Within the conduct process, administrative staff may assess fines to students (residents or non-residents) who fail to comply with policies. Such fines are intended to be more administrative rather than just punitive. Relevant fines 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 for vandalism committed by an unidentified person. Another example would be furniture being removed from the common areas and utilized as personal furniture; mandatory individual fines may include the following:

- Alcohol ($50.00 for 1st violation, $100 for 2nd violation, 200.00 for 3rd and any subsequent violations)
- Marijuana: ($90.00 for 1st violation, $180.00 2nd violation, $360.00 for 3rd and subsequent violations).

Students may also receive additional fines for required online courses that may be issued as sanctions.

Fines collected for conduct violations are used by the Office of Community Standards and Conduct to provide ongoing prevention education, wellness and training opportunities.

III. Educational/Service Projects

The Conduct Officer may require, as part of the conduct sanctions, that students found responsible for misconduct must perform educational programs for Residence Hall floors, sports teams, classes, etc. and/or
campus or community service projects.

IV. Screening Brief Intervention Referral to Treatment (SBIRT)

SBIRT is an evidence based approach to screening for substance abuse. When risky substance use is identified, students receive a brief intervention—a conversation designed to move an individual to change and reduce substance use. SBIRT is a typical sanction for substance violations. There may be a fee associated with this sanction to provide the assessment and follow up materials.

V. Substance Abuse Treatment Recommendations and Referrals

Administrators may recommend substance abuse treatment, classes and awareness programs to students who are found responsible for substance use violations (All costs associated with these programs will be the student’s responsibility).

VI. Parental Notification

In accordance with the Federal Educational Rights and Privacy Act (FERPA), Western Colorado University utilizes and encourages a partnership with parents whose students experience difficulties related to substance use. Notifications may be made by written letter or telephone conversation.

Students are encouraged to notify parents prior to or in conjunction with the conduct officer's notification.

VII. Strengths Probation

Western administers evidence based Strengths processes in a variety of ways and situations. Strengths use in conduct is used two fold. First to assist students in discovering and using their identified strengths towards personal growth and identifying conduct that may interfere with the students future goals. Secondly strengths discussion groups are used with a group of student to encourage social growth, civil discourse, citizenship and future planning as a student.

Strengths Probation is a voluntary sanction that if chosen, and upon completion, will expunge the current violation from a student’s conduct record. A conduct violation during the Strengths Probation will result in being placed in a Tier 3 violation level and a mandatory fine equivalent to the highest possible fine for the violation. There is a mandatory $10.00 administration fee associated with this sanction.

The following process describes the Strengths Probation option:

- Strengths Probation Option
  - Any Tier 2 Violation
  - Students may opt in to the Strengths Probation instead of the Formal Administrative Conduct

Step 1: Administrative Meeting
Step 2: DSi online within 5 days and Strengths Probation
Step 3: Strengths Consultation #1
(Meet with conduct administrator within 5 days of...
VIII. Restitution

The Conduct Officer may assign 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. Restitution applies to University owned property, and may apply to restitution for damages and loss of private personal property.

IX. Residence Life Probation

The Conduct Officer may place a student on Residence Life Probation after having a conduct meeting 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 conduct authority imposing it shall designate. A student will be notified in writing of the probation issued.

X. Eviction from the Residence Halls or Apartments

Western 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 (this eviction may or may not follow a time of housing probation). Once a student is evicted from a residence hall or apartment complex, they will be considered Persona Non-Grata (see below), that is unwelcome, in any on-campus residence hall or apartment complex. Failure to comply with this status will be considered trespassing and treated as such.
XI. Persona Non-Grata (PNG)

Western reserves the right to deny access, or treat as unwelcome, to the University campus and/or its facilities to anyone, including non-students, who do not comply with campus policy or if there is a perceived threat to campus safety and security. Failure to comply with this status will be considered trespassing and may result in Law Enforcement being notified.

XII. Avoidance of Contact Directive

The Avoidance of Contact Directive may be set in place to clearly define behavioral expectations between individuals and to provide a sense of safety and security for all involved. Restrictions may include, but are not limited to, walking path restrictions, classroom seating restrictions, specific times to use campus facilities, reassignment of Residential Life living arrangements, etc. Avoidance of Contact Directives are given to all parties involved in any type misconduct, including sexual harassment. The directive is not meant to assign blame or responsibility, but to keep all parties safe and provide an equitable resolution process.

XIII. Conduct Probation

The Conduct Officer may place a student on conduct probation after having a conduct meeting in which procedural due process is afforded. Conduct probation shall be a final period of trial. Students on probation who violate policies may be subject to suspension or expulsion. Conduct probation shall be for such period and subject to such terms and conditions as the conduct authority imposing it shall designate. A student will be notified in writing of the probation issued. Conduct probation is generally the final conduct action prior to conduct suspension or expulsion. Students on Conduct Probation are required to complete all additional sanctions assigned and meet with their Conduct Officer at least monthly while on Conduct Probation.

XIV. Conduct Suspension

The Conduct Officer or such member(s) of the University staff as appointed by the Office of Student Affairs, in consultation with the Vice President for Student Affairs/Dean of Students, may suspend a student from the University after having a conduct meeting in which procedural due process is afforded. Conduct 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 conduct suspension penalty may become a part of the student’s academic, personal and/or conduct record.

XV. Expulsion

The Conduct Officer or such member(s) of the University staff, as appointed by the Office of Student Affairs, in consultation with the Vice President for Student Affairs/Dean of Students, may expel a student from the University after having a conduct meeting 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 may become a part of the student’s academic, personal and/or conduct record.
XVI. Summary Suspension Pending Disposition/Utilization of Law Enforcement

Western 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 conduct meeting 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 conduct meeting will be held within three (3) business days to determine whether or not such dangers reasonably continue to exist.

The Board of Trustees has passed the following resolution:

“All 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.”

A student’s previous disciplinary record, including conduct sanctions and disciplinary status, may be taken into account for any current conduct violation.

Conduct officers have the authority, in consultation with the Chief Conduct Officer, to assign the violation to a higher tier based on extenuating circumstances.

Students in violation of policy and under a conduct sanction(s) will generally have three (3) weeks from the date of their conduct meeting to complete the conduct sanctions.

Students who do not complete their conduct sanctions in the pre-determined three week period or fail to attend the conduct meeting may be subject to having a hold placed on their next Western class registration, service hours, fines, suspension of Western Student ID Card, and/or eviction from the residence halls/apartments as determined by the conduct officer.

Section 4: General Overview of the Conduct Process

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

This overview gives a general idea of how the University campus conduct proceedings work, but it should be noted that not all situations are of the same severity or complexity. Thus, these procedures are flexible, and may not be exactly the same in every situation, though consistency in similar situations is a priority. The campus conduct process and all applicable timelines commence with notice to an administrator of a potential violation of University rules.

NOTICE. Once notice is received from any source (victim, RA, 3rd party, online, Law Enforcement, etc.), the University may proceed with a preliminary investigation or may schedule an initial conduct meeting with the responding student to explain the conduct process and gather initial information.
I. Preliminary Conduct Meeting/Informal Resolution

A. Informal Conduct Meetings

Informal conduct meetings can range from dialogue, conflict coaching, facilitated dialogue, mediation, restorative practice, or shuttle diplomacy, and/or warnings. It is at the discretion of the Conduct Officer(s) which process they would like to apply for misconduct.

The following informal resolutions may be decided with or without a formal conduct meeting.

- **DIALOGUE**- Students engage in a conversation to gain understanding or to manage a conflict independent of administrator intervention or third-party facilitation.
- **CONFLICT COACHING**- Students seek counsel and guidance from administration to engage a conflict more effectively and independently.
- **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.
- **MEDIATION**- Student’s 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.
- **RESTORATIVE JUSTICE PRACTICES**- (such as conferences, circles, and boards)- Through a diversion program or as an addition to the conduct process, administration provides space and facilitation services for the students taking ownership for harmful conduct and those parties affected by the conduct to jointly construct an agreement to restore community. This method may be an alternative to a formal conduct process or part of the process associated with the conduct process.
- **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 conduct process or part of the process associated with the conduct process.
- **VERBAL OR WRITTEN WARNINGS**- Officials of the University responsible for conduct matters may give warnings for certain infractions of standards of conduct based on their prerogative and circumstances of the incident. These warnings may be given verbally or in writing with or without a conduct meeting and are a notice to the student or group of students that continuation or repetition of the misconduct shall be cause for additional conduct proceedings and possible sanctions including dismissal from the University.

B. Preliminary Inquiry

The University may conduct a preliminary inquiry into the nature of the incident, complaint or notice, the evidence available, and the parties involved. The preliminary inquiry may lead to:

- A determination that there is insufficient evidence to pursue the investigation, because the behavior alleged, even if proven, would not violate the Code of Student Conduct, (e.g.: for reasons such as mistaken identity or allegations of behavior that falls outside the code);
- A more comprehensive investigation, when it is clear more information must be gathered (see detailed procedures below)
- A formal complaint of a violation and/or a conduct meeting with the responding student.

When an initial inquiry is held, the possible outcomes include:

- A decision not to pursue the allegation based on a lack of or insufficient evidence. The matter should be closed and records should so indicate;
- A decision on the allegation, also known as an “informal” or “administrative” resolution to an uncontested allegation (see immediately below);
A decision to proceed with additional investigation and/or referral for a formal resolution.

Not Responsible Findings

If a decision on the allegation is made and the finding is that the responding student is not responsible for violating the Code, the process will end.

Uncontested Allegations

If the University’s finding is that the responding student is in violation, and the responding student accepts this finding, the University considers this an “uncontested allegation.” If the responding student accepts responsibility for a policy violation, this will be considered an uncontested allegation. In an uncontested violation the conduct process will move directly to the sanctioning process.

The administrator conducting the conduct meeting may then determine the sanction(s) for the misconduct. The student found in violation of policy or accepting responsibility in an uncontested violation may have 3 days to make an appropriate appeal on sanctions only. If there is not an appeal registered or the appeal is denied the process ends.

Contested Allegations

If the administrator conducting the initial inquiry determines that it is more likely than not that the responding student is in violation, and the responding student rejects that finding in whole or in part, then it is considered a contested allegation and the process moves to the Formal Conduct Proceedings.

Formal Conduct Proceedings

In a contested allegation, additional investigation may be commenced and/or a formal conduct meeting may be held when there is reasonable cause to believe that a rule or rules have been violated.

A formal written notice of a conduct violation will be issued, and in the case of sexual misconduct, both the complainant and the respondent will receive notice of an investigation.(See below, II. Initiation, Formal Conduct Proceedings and Appeals).

A conduct investigation meeting will be held by a Conduct Officer(s) or Conduct Panel. A finding will be determined and is final. If the finding is that the responding student is not responsible, the process ends. Applicable appeals options are described in "II. Initiation of Formal Conduct Proceedings."

II. Initiation of Formal Conduct Proceedings

A. Complaints are made in writing and presented both to the accused student and the Conduct Officer(s) or designee for the Office of Student Affairs. The designee will serve as the investigating officer when conduct accusations are made. At a minimum, the complaints will set forth the type of alleged misconduct and a specific description of the facts and circumstances of the alleged misconduct.

Note: Any Conduct meeting may be heard by a three (3) member conduct panel comprised of Western faculty and staff.

B. The conduct meeting shall be held within ten business days of the date a student receives his/her notification letter; date and time to be established at the discretion of the Conduct Officer(s) (extenuating circumstances can allow for an extension of this time frame at the discretion of the Conduct Officer(s), providing advance notice is given within the ten (10) business day period).
Note: When numbers of days are specified herein, they shall be understood to exclude Saturdays, Sundays, any State or Federal holidays University vacation days, and other days when the University is not in session and holding classes.

C. The accused student shall be notified in writing regarding complaints, rights of the student, and the date and place of the conduct meeting.

D. The student may request to have the conduct meeting as soon as possible, and the Conduct Officer(s) should accommodate such a request at his/her own convenience.

E. If a student does not attend his/her scheduled conduct meeting, other than for an unforeseeable emergency documented to the satisfaction of the Conduct Officer(s), a decision on the conduct violation(s) and conduct sanctions, may be made by the Conduct Officer(s), based on the information available at the time of the scheduled conduct meeting.

III. Formal Conduct Meeting

A. Conduct meetings shall be conducted by a Conduct Officer(s) or conduct panel appointed by the Office of Student Affairs or the Title IX Administrator in the case of sexual misconduct.

B. This is not a court procedure, but every effort will be made to arrive at the truth and to insure a fair conduct meeting.

C. The accused student(s) (Respondent(s)) and any Complainant(s) may have an advisor present upon the discretion of the Conduct Officer(s). The advisor, including legal counsel may not speak on the student’s behalf, but may only advise the student.

D. The Conduct Officer(s) may approve or call for a list of witnesses to be interviewed from the respondent and the complainant if appropriate. Witness may be interviewed prior to or after any conduct meeting.

E. The conduct meeting shall be closed to the public unless prior approval has been granted by and at the discretion of the Conduct Officer(s) in consultation with the AVPSA/Chief Conduct Officer.

F. The, accused student(s), complainant(s), Conduct Officer(s) and/or Conduct Panel may make a recording of any conduct meeting provided that all present are made aware of the recording. Parties may be asked verbally to acknowledge they are aware that the proceedings are being recorded.

G. If the respondent student(s) admits responsibility to the conduct violations or if the Conduct Officer(s)/Conduct Panel determines that the student is found responsible for the conduct violation(s), mitigating circumstances and the student’s history at Western may be considered in the development of the conduct sanctions. The Conduct Officer(s)/Conduct Panel shall issue a written determination within ten (10) business days after the conclusion of the deliberation.

IV. Appeal Process

A. A Conduct Appeal Officer(s)/Conduct Appeal Panel is the person(s) designated by the Office of Student Affairs to administer conduct appeal matters. A higher appeals administrator will not hear appeals of conduct decisions until conduct violations against the student have been determined and conduct sanctions formulated by the Conduct Officer(s)/Conduct Panel.

B. The appeals process will always follow the administrative hierarchy, unless there is a conflict of interest. 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.

C. Appeals must be filed in writing, using the Student Conduct Appeal Form which may be obtained from the conduct officer, or online at https://www.western.edu/community-standards-student-conduct/disciplinary-response to the administrator designated as the Appeal Officer(s) within three (3) business days of the decision of the Conduct Officer(s)/Conduct Panel. Appeals for sexual misconduct determinations/sanctions are to be delivered to the Title IX Administrator who will then assign the appeal to an appeal panel.

D. Appeals will only be granted consideration based upon one or more of the following reasons: 1) new information, not available at the first conduct meeting, pertaining to the case can be produced, 2) due process as delineated in the “Conduct Response to Misconduct” (SECTION FOUR) has not been followed, 3) the conduct sanction(s) is not reasonable to the misconduct determination of responsibility.

E. Appeals will be decided based upon the record of proceedings from the conduct meeting. The appeal officer or appeal panel may, at their discretion, ask for a meeting with any involved party if necessary. Appeals are NOT a new conduct meeting/hearing but will address only the specific information concerning the appeal made by the sanctioned student according to D. above.

F. The Conduct Appeals designee shall issue a written decision on the appeal within ten (10) business days from the date that the written notice of appeal is filed.

G. All conduct sanctions will be considered in full effect during the appeal process unless otherwise specified in the sanction decision; that is, students will be expected to abide by and be in the process of completing all conduct sanctions throughout and in spite of the appeal process.

H. The outcome decision of the appeal officer/appeal panel will be final. No further appeal will be heard.

**Conduct Appeal Form**

[Student Conduct Appeal Form PDF](https://www.western.edu/book/export/html/24808)

Download, complete and submit this form to the office of Student Affairs to be considered for a hearing appeal.

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**Section 5: Sexual Misconduct - Student Conduct Procedures**

**I. Conduct/Investigation 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.
A. Where to File a Complaint

- Complaints about Student Conduct: Any Western employee may receive a complaint about sexual misconduct. Western employees are NOT considered Confidential and must report all complaints alleging sexual harassment or retaliation committed by students to the University Title IX Administrator at titxadministrator@western.edu, or the Deputy Administrator below. Students are encouraged to report to a faculty member or staff professional with whom they feel comfortable.
- Complaints about Employee or Third Party Conduct: All complaints alleging sexual harassment or retaliation committed by employees and/or third parties should be submitted to the Director of Human Resources/Deputy Title IX Administrator, Taylor Hall 321.
- Confidential Resource. Any student who does not want the University to be informed of or follow up with a sexual misconduct report, is encouraged to speak with a confidential resource. The following Confidential Resources may be contacted without the University receiving specific information. 1) Project Hope 970.209.1193, www.hope4gvs.org, 2) Campus Counseling Center, Crystal Hall 104, 970.642.4615, health@western.edu.

II. Title IX Administrator

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

Shelby Schuppe
Title IX Administrator
titxadministrator@western.edu
970.943.2616

Office of Student Affairs
970.943.2232

A. Deputy Title IX Administrators:

- Human Resource Director (For complaints involving any employee) - Kim Gailey, kgailey@western.edu
- Director of Residence Life –Shelley Jansen, sjansen@western.edu
- Student Affairs Designee - Sara Phillips, sphilips@western.edu, Scott Cantril, scantril@western.edu and Duncan Callahan, dcallahan@western.edu

B. Responsibilities of the Title IX Administrator/Deputies:
Compliance of sexual misconduct policies for matters involving students, including training, education, communication, may assist in the investigation and administration of grievance procedure for all complaints of sexual misconduct.

III. 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.
IV. Standard of Proof

The standard of proof is the amount of information needed to establish a violation of policy has occurred. In the adjudication of student conduct issues, in accordance with Federal compliance mandates concerning Title IX and the Violence Against Women (VAWA) Reauthorization Act, the University uses a “preponderance of evidence” standard. The Preponderance of Evidence is the official standard of evidence used in all University conduct proceedings. The Preponderance of Evidence is defined as just enough testimony and information to make it more likely than not that the fact sought to be proven is true. This preponderance is based on the more convincing information and its probable truth or accuracy, and not on the amount of information.

IX Remote Student Conduct and Title IX

This section provides guidance on Western policies as they pertain to remote learning in light of the COVID-19 Pandemic.

FAQs

If I have left campus, does the Western Colorado University Student Handbook still apply to me?

The Western Colorado University Student Handbook applies to all enrolled students, whether the behavior occurs on or off campus. If the university is made aware of a student’s behavior that may violate the Student Handbook while a student is away from campus, that report will be investigated and adjudicated using regular conduct procedures outlined in Section 4.

If I am granted the ability to remain on-campus during the closure of the university, does the Western Colorado University Student Handbook still apply to me?

Yes, the Western Colorado University Student Handbook applies to all enrolled students during this time of university closure and remote instruction, whether on or off campus.

Can I still report misconduct, even if I am off campus?

Yes, as a student, faculty, or staff member of Western Colorado University, you are still encouraged to report misconduct that happens in your class, on campus, and off campus. Reporting options are listed below and can be found online at western.edu. By such entrance to the University, the student voluntarily assumes obligations of performance and conduct reasonably imposed by Western relevant to its lawful missions, processes, and functions.

What does misconduct look like in an online learning environment?

Examples of misconduct include, but are not limited to, academic dishonesty, cyber bullying, inappropriate use of Zoom, etc. Students will be held to the same standards as if classes were conducted in person. I.e., students are expected to arrive on time, fully clothed, participate as expected by the instructor, and follow online etiquette.

If I am living on campus, do I still have to abide by the County and State Public Health Orders?

Yes, whether you are living on or off campus, as a student at Western Colorado University you are expected to follow the University, County and State Public Health Orders. Such Orders include but are not limited to, self-isolation, social distancing, staying at home, avoiding group activities, and wearing non-medical face coverings. Violating University, County and/or State Public Health Orders will be investigated and
adjudicated using regular conduct procedures outlined in Section 4 and could subject you to law enforcement involvement.

I currently have an open and pending disciplinary matter with Student Conduct or Title IX, what happens to the investigation?

The investigations in all pending disciplinary matters will continue, uninterrupted, until a decision has been reached. The individual working on your case with you will communicate ways to connect via remote options to ensure timely follow-up and conclusion.

Will I have the opportunity to appeal a decision made by Student Conduct or Title IX even though I am not on-campus?

Yes, the procedures for appeal of disciplinary decisions will not change and do not require students to be present to participate, however, on-line options will be made available.

Do I have to participate in an investigation if I no longer live on campus?

Students are never required to participate in any pending investigation; however, the process will continue to a decision regardless of a student’s decision to participate.

I have left campus according to the instructions from university administration to vacate. What happens if I return to campus without permission from a Western Colorado University official?

Students who have been required to leave campus for the remainder of the semester are not permitted to be on-campus. Students that return to campus without explicit permission, for any reason, will face additional disciplinary charges and the consequences for such behavior can be more severe.

Am I obligated to complete my sanctions while I am away from campus?

Yes, students who are currently fulfilling the requirements of a disciplinary sanction(s) must still be in communication with the individual overseeing their conduct case about meeting the requirements of her/his sanction(s).

How private is the Zoom platform?

Zoom has its own set of privacy policies listed on its website that details the information stored within the platform. We will be utilizing Zoom for conduct meetings. If you have concerns about being unable to meet privately on Zoom due to your current living situation, we will make alternative arrangements.

Resources

A list of remote campus and community resources are listed below. If you or someone you know has experienced an incident of misconduct in or out of the classroom, is looking for mental health support, or wants to explore their options these resources are accessible to you. This list includes current remote resources for support and assistance, safety and security, counseling and advocacy, health services.

Western Support Responsible Employees

Western Colorado University employees are required to report all the details of a known incident (including the identities of both the Complainant and alleged Respondent) to the Title IX Administrator.

Title IX Administrator, Shelby Schuppe

970.943.2616 | sschuppe@western.edu
Prevention

Western’s Peer Education Program – Peer Health Educators (PHEs)
Advisor: Scott Cantril
970.943.2891 scantril@western.edu

Project Hope (confidential)

Hope4gv.org
24/7 Helpline: 970.275.1193
Office: 970.641.2712

Crisis Support and Counseling

Campus Counseling Center (confidential) 24-Hour Crisis Line: 970.252.6220
24-Hour Text Line: Text “HOME” to 741741 To schedule a remote session: 970.642.4615

Center for Mental Health (confidential)

24-Hour Crisis Line: 970.252.6220
970.641.0229

GPD Victim Advocate (NOT confidential)

970.641.8299
Offers assistance through legal system

Gunnison Police Department

After hours or in an emergency: 911 970.641.8200

Gunnison County Sheriff’s Office

Office: 970.641.1113 (voicemail 24/7)

Reporting Sexual Misconduct

Shelby Schuppe, Title IX and Student Conduct Coordinator, sshuppe@western.edu, 970.943.2616

Campus Assessment, Response and Evaluation (CARE) Team Report

It can be challenging to navigate the world right now as it makes dramatic shifts in how it functions. If you or someone you know is demonstrating any concerning behaviors, related or unrelated to COVID-19, reach out through the CARE Reporting Form to allow us to support each other: CARE Reporting Form

Campus Security Services

24-Hour On-Call: 970.209.1020
Office: 970.641.3084

Gunnison Valley Hospital

Emergencies: Call 911
Front Desk: 970.641.1456
Gunnison Valley Hospital is a level IV Trauma Center and local physicians staff the ER 24-hours a day, seven
days a week. GVH’s program provides medical and forensic examinations for sexual assault victims (SANE) and follow-up medical services to guard against STIs and pregnancy. A SANE can coordinate with the Rape Crisis Center to make an advocate available at the time of the exam.

**Gunnison County Public Health**

Emergencies: Call 911  
Office: 970.641.0209  
Gunnison County Public Health offers services and testing for individuals in Gunnison County, including: birth control options, STI testing and treatment, emergency contraception (Plan B), women’s annual exams, pregnancy testing.

**V. 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 reasonably available accommodations and/or protective services, but are not limited to the following:

- Issuing an Avoidance of Contact directives to all parties involved;  
- Issuing temporary “PNG” or “no trespassing” directives to all parties involved;  
- Temporarily suspending a student’s enrollment; and  
- Obtaining restraining or similar protective orders through appropriate law enforcement and conduct mechanisms.  
- Academic and course requirement accommodations  
- Change of on campus living assignment  
- Change in working assignment  
- Information concerning Financial Aid related services  
- Information concerning a Sexual Assault Forensic Exam (SANE)  
- Information on contacting a Confidential Victim’s Advocate  
- Information on contacting law enforcement

**VI. Initial Inquiry Meetings with Complainant and Respondent**

The Title IX Administrator, deputy, or other designated staff person will contact the Complaining party 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 Administrator, Deputy, or designee, will also seek to determine whether the Complainant wishes to pursue adjudication through the University’s Standards of Conduct.

Title IX Administrator, Deputy, or designee, will contact the Responding Party 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 initial contacts/meetings with the Complainant and Respondent, the Title IX Administrator or Deputy may assign investigator(s) to conduct an investigation.

When confidentiality is requested or the Complainant does not wish to pursue adjudication through the University Conduct process, 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 Administrator or Deputy 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.

VII. Informal Conduct Process

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

Purpose and Timing: The Informal Conduct process provides an opportunity for the Complainant to provide the Title IX Administrator 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 Administrator or Deputy will communicate this information to the Respondent and allow the Respondent an opportunity to respond. The Informal Conduct Process is expected to be completed in a reasonably brief period of time of the date the complaint is received by the Title IX Administrator or Deputy. If additional time is needed for this informal process, the Title IX Administrator 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 Conduct:** Informal Conduct cannot result in a formal sanction involving suspension or expulsion of the Respondent. Informal Conduct resolution 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 University at the time of the Informal Adjudication.

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

VIII. Formal Conduct Procedures

[https://www.western.edu/iv-appeal-process](https://www.western.edu/iv-appeal-process) The Formal Conduct Process is utilized when a Complainant wishes to file a formal complaint with the University regarding the conduct of a student. The Formal Conduct process, including the issuance of a written decision, will normally be completed within 60 calendar days of the Title IX Administrator or Deputies receipt of the formal complaint. If additional time is needed for this process, the Title IX Administrator 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.

A. INVESTIGATION AND CONDUCT MEETING: If the Complainant notifies the University that he/she wishes to pursue Formal Conduct proceedings during the Intake meeting, the Title IX Administrator or Deputy will determine if the complaints have merit, that is meet the requirements of Title IX and University policy regarding sexual misconduct. If the complaint(s) has merit, the Title IX Administrator will assign the case to an investigator(s).

1. The assigned investigator(s) will conduct a thorough, reliable and impartial investigation. This investigation will include interviews with the Complainant, Respondent and any identified witnesses. The investigators will also examine any evidence that might be available during the investigation including any on campus location(s) of the alleged violation, any electronic and social media evidence that may be available. The Title IX Administrator, Deputy or assigned Investigators will notify the Respondent and the Complainant in writing that an official investigation will take place. The notification, per the Department of Education’s Office for Civil
Rights, (DOE/OCR) 2017 Guidance, will provide the Respondent and the Complainant with the alleged violations including: 1) The identities of the parties involved, 2) the Policy section which may have been violated, 3) the precise conduct violation(s) which are alleged, 4) the date and location of the alleged incident.

a. 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.

b. An advisor or support person of his/her choosing may accompany the Respondent and/or the Complainant during any interview or conduct meeting. Such advisor may be an attorney. Since direct interaction with the Respondent and the Complainant involved is essential to the student’s educational relationship with the School, the advisor’s roles is limited to an advising role only. The advisor may not act as a representative of the Respondent or Complainant, speak on the Respondent’s or Complainants 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 Administrator, Deputy, or investigator holding the meeting may consult with or choose to have the University’s Legal Counsel present at the meeting in a similar advisory capacity.

c. The Complainant and Respondent may each submit a list of relevant witnesses to the Title IX Administrator, Deputy, or investigator. The investigator, Title IX Administrator or Deputy will arrange for witnesses to meet with them independently to provide information about the alleged incident.

d. Conduct 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 conduct officer(s)/panel.

e. 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 conduct officer (s)/panel considers as the basis for the complaints.

f. 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, or any other evidence that the respondent may want to present.

g. The Respondent and the Complainant will be given opportunity to ask questions of the other through recorded or written formats. Face to face cross examination/questioning will not be allowed.

h. At the Investigators, Conduct Officers/panels discretion, any interview, or conduct meeting may be recorded. This recording is the property of the University. If such a recording exists and the Respondent or Complainant 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.

i. If information presented in the investigation or any conduct meeting creates the need for clarification or additional investigation, or to accommodate scheduling conflicts with witnesses, the complainant or the respondent, the investigator, Title IX Administrator, Deputy, or conduct officer/panel may request to schedule additional meetings and/or continue the meeting at a later time and date.

j. If the investigation involves more than one student or multiple Respondents, the Title IX Administrator or Deputy may permit the meeting concerning each student to be conducted either jointly or separately.

k. The Title IX Administrator or Deputy 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.
I. General Complaint Information

A. Who May File a Complaint

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

B. 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

Section 6: Sexual Harassment Complain, Investigation, and Resolution Procedure for Complaints Involving Employees of Third Parties

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

I. General Complaint Information

A. Who May File a Complaint

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

B. 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.

C. 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.

D. 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 sixty (60) calendar days following receipt of a formal complaint. However, the length of time with 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 sixty (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.

E. Where to File a Complaint

1. **Complaints about Employee of Third Party Conducts.** 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).

2. **Complaints about Student Conducts.** All Complaints alleging sexual harassment or retaliation committed by students should be submitted to the Title IX Administrator Office of Student Affairs (970.943.2616).

F. Employee Obligation to Report

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

G. 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.

H. 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.

**Title IX Administrator**

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

Shelby Schuppe  
Title IX Administrator
II. Informal Complaint Procedure

A. 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 expeditious 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 ten (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.

B. 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.

III. Formal Complaint Procedure

A. 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 Western. 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.

B. Contents of Formal Complaint

A formal complaint must be in writing and contain at least these four elements:
- A description of the conduct 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).

C. 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 conduct mechanisms.

D. Notification of Legal Counsel, Title IX Administrator and Management

Promptly after receipt of the complaint, Human Resources will provide the complaint to the University’s legal counsel, the Western Title IX Administrator, 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.

E. Acknowledgment of Complaint and Notification of Respondent

Western 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. Western will make best efforts to notify the Complainant by phone or e-mail prior to the delivery of the complaint to the Respondent.

F. 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.

G. Investigation of Complaint

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

2. 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.

3. 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.
H. 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. The report of findings will be provided to the Complainant and Respondent within a reasonable time following the issuance of the University’s decision.

I. Decision and Resolution of the Complaint

The President 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 conduct sanctions to be imposed upon the Respondent, if any. The decision, including any conduct 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 twenty (20) calendar days from the end of the investigation.

*If the President is the Respondent, the Chairman of the Board of Trustees will be the decision maker.

J. 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.

IV. 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 Western 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.

Section 7: Campus Security Services

Western 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. Western Campus Security Services is located in University Center 105, 970.943.3084 (office) or 970.209.1020.

I. 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 Western website: https://www.western.edu/administration/security-services/reports

II. RAVE

Rave Mobile Safety is our primary emergency notification system. As a student Western, you will receive an email at your Western email address asking you to sign-up with Rave Mobile Safety. All students are automatically enrolled with their Western email accounts and will receive emergency alerts from Western. Students have the option to add a cell phone number to receive text messaging emergency alerts. Western 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 Western email on a regular basis for any updates or news about the Rave Mobile Safety system.

Section 8: Fire Regulations

I. 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.

II. 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.

Section 9: 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.”

**As of Nov. 26, 2018, "hometown" has been added to Directory Information. Please see the Definitions tab below for a full description of Directory Information.**

I. 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 conduct meeting 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.

II. 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.

III. Release of Information Exceptions

Western 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; Agents acting on behalf of the institution; 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 conduct 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.

IV. Proof of Identification

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

V. Definitions

A. 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, Western
enrollment status (e.g., full/part-time, undergraduate/graduate, grade level), dates of attendance at Western,
degrees/honors/awards received at Western, Western email address, date and place of birth, hometown, 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. Western 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 (SECTION NINE. III).

B. 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.

C. 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, refer to “Definition of a Student” at the beginning of this handbook.

D. Enrolled Student

FERPA rights begin at the first day of Orientation or first day of classes, whichever occurs first. After initial
enrollment, refer to "Definition of a Student" at the beginning of this handbook.

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. Record

Any information or data recorded in any medium, including but not limited to handwriting, print, tapes, film,
microfilm and microfiche.
Section 10: Health/Medical

I. 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, Taylor Hall 301. 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 all online classes.

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. The State of Colorado requires that all new students living in campus housing receive a meningococcal vaccination within the last five (5) years. If a new students living in campus housing chooses not to get the meningococcal vaccination, they are required to read and sign the “Information Regarding MENINGOCOCCAL DISEASE” education document on the reverse side of the Certificate of Immunization.

II. Medical Health Insurance

The University does not require students to have medical insurance; however the student is responsible for any costs associated with medical services provided by the on campus health clinic, or any medical provider chosen by the student. Student Health Insurance Plan (SHIP) information is available on the Western web page at https://www.western.edu/student-affairs/student-health-insurance.