



Western
Colorado
University

*Student
Handbook*

Community Standards and Student Conduct

UNDERGRADUATE & GRADUATE STUDENT POLICIES AND COMMUNITY STANDARDS OF CONDUCT

This is the approved Student Handbook for 2022-2023

This handbook should not be construed as a binding contract between Western and the Student. Western reserves the right to amend the provisions herein, as necessary.

If there are any changes made to the 2022-2023 Student Handbook, students will be notified electronically using Official University Communications. For additional information, contact the Office of Student Affairs in Taylor Hall 301.

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Section 1: Definition of a Student

A student is any person taking courses at Western Colorado University (Western), either full- or part-time. This includes individuals pursuing an undergraduate, graduate, enrolled in the Center for Learning and Innovation or Concurrent Enrollment courses, online or as a residential student, as well as non-degree seeking, exchange (National Student Exchange), 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 9 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Students who have or are withdrawn from Western, on academic or conduct suspension, expelled, or not currently enrolled in courses will not be considered “students.”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 their absence, will not be considered a “student” 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 a “student” 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 the university’s mission or otherwise is not in compliance with federal law, the Colorado Revised Statutes, local ordinances, or university policies.

Individuals who fall into any of the foregoing categories have an obligation to inform the university immediately.

Eligibility for Student Housing

To be eligible to reside in Western Student Housing, an individual must meet the definition of a “student” appearing in the Student Handbook. Western may grant exceptions to these eligibility requirements at its sole discretion. Requests for an exception to eligibility requirements must be submitted in writing and will be determined by the Director of Residence Life or designee.

Section 2: Living on Campus

I. Alterations to Provided Services

Students are not permitted to install additional services, including but not limited to high-speed internet, air conditioning units, space heaters, video cameras, and/or mounted televisions that will alter the physical structure of a residence hall/apartment, room, hallway, or lounge.

II. Bunk Beds

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

A. Process

Bunk beds are allowed in the Escalante Complex (Dolores, Colorado, Tomichi, Crystal) and Ute Hall. There is a limited number of bunk beds available. Approval is based upon a first come, first serve basis. The bunk bed application and agreement must be filled out online by the deadline specified by Residence Life staff. Staff will then contact the student before moving in to notify them of the next steps. Both roommates must apply, specifying their approval of bunking their beds. Each resident will also be required to sign a 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. If residents request the removal of bunked beds at any point after set-up, it 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 a bed 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.

B. Guidelines

- i. All room furniture and room fixtures will not be removed from the room or located as a result of a bunk bed.
- ii. 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.
- iii. 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 items requiring periodic maintenance; and that do not interfere with or obstruct exit from the room in case of emergency.
- iv. 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.

Warning: falling from the top of a bunk bed can result in injuries – please use caution!

III. Check-In & Check-Out

Each resident is considered checked-in when they obtain their room key. When moving into the assigned room, the resident will complete, sign, and submit for approval a Room Condition Contract (RCC) form. When vacating the assigned room/apartment, the resident must check out with Residence Life professional staff or Resident Assistant. Each resident agrees to follow the proper check-out procedures when vacating the premises or relocating within campus housing. Failure to follow established check-out procedures will result in improper check-out charges being assessed, as determined by Residence Life.

If a resident fails to check in at their assigned residence hall, they will forfeit their housing deposit, and all applicable room and board charges will be assessed until written notice of housing cancellation is received by Residence Life.

Residents must vacate the residence halls within 24 hours after their last final exam or when the buildings close, whichever comes first. Charges may be assessed for improper check-outs, and daily room rent charges may apply.

IV. First Year Occupancy Policies

Western's student development philosophy holds that in addition to the benefits of living on campus, 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 allows students to broaden their perspectives and learn about people who are different than them, as well as helps to develop an appreciation for others. All the policies outlined below are based on these philosophies.

A. Residence Hall Living Requirements

We assign student housing based on the number of credit hours completed and availability. We have different occupancy policies for each subset of our student population.

First-Year Student Halls

- Escalante
- Ute

Returning Student Halls

- Mears Complex
- Chipeta Apartments
- Pinnacles Apartments

B. Residence Halls for First-Year Students

- 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.
- 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.
- During the spring semester, first-year students are still ineligible to live in Chipeta or 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:
 - A first-year student must have a pre-existing connection to the continuing student they are requesting to live with.
 - A first-year student must have a clear conduct record.
 - A first-year student must meet with the Resident Directors (of their current building and new building) and explain the reasons they want to move and why we should make an exception for them.
 - 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

- Every effort will be made to ensure that 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).
- 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 this policy. The conduct process may be initiated for failure to comply with a reasonable request by a Western official.

V. Continuing Student Occupancy Policies

Based on past and current research, the needs of students living on campus look very different, based upon their living situation and the amount of time they have spent on a college campus. Therefore, Western chooses to use "first-year" and "continuing" when describing residents, instead of language such as "freshman, sophomore," etc.

They are not guaranteed a single room as it depends on availability. 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 Residence Life professional staff.

Double as a Single

Continuing students are eligible for single rooms and may live in a double as a single. Please check the exact amount as this is subject to change slightly from year to year. This process is based upon housing availability across campus and may not be available because of limited vacancies or other extenuating circumstances.

VI. Courtesy Hours/Quiet Hours

A. Courtesy Hours

Courtesy hours are 24 hours. Students have the right to sleep, study, and be safe in their residence halls. At any point, students may be asked to keep their volume down to prevent disruption to others. If a student continuously disrupts the community, they may go through the conduct process.

B. Quiet Hours

Quiet hours designate those times set apart for study and quiet, when no one should talk loudly, turn up their speakers, 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. 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 to first speak with the responsible individual(s); 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.

School nights (any night that school is in session through the next day): 10 p.m. - 8 a.m.

Non-school nights: 12 a.m. - 8 a.m.

VII. Property Damage and Fines

It is the policy of Western Colorado University and the Office of Residence Life that students share in the responsibility of setting and maintaining a studious and respectful environment in the campus residence halls. Resident students are entitled to an atmosphere that facilitates personal growth and encourages pursuit of academic endeavors. Each student shares in the effort to maintain a high quality of residence life.

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. Students may be charged for the following community damages: personal trash left in common areas, food waste/mess left in common areas, stolen or damaged university furniture, misuse or damage to community bathrooms, vandalism of bulletin boards/hallways/common areas or other students' personal property, excessive cleaning, etc. This is not an exhaustive list.

In light of the above, the Office of Residence Life endorses the following policy regarding damage(s) in the residence halls:

- A. Any damage which is the result of accidental or deliberate actions of an individual or group is the responsibility of the person(s) rather than the resident population as a whole. Every attempt will be made to identify the individual(s) responsible for the damage. These individuals will be charged with the cost of the damage in addition to other appropriate sanctions determined by the administration.
- B. When deliberate or accidental damage is not assigned to an individual or group, the burden of repair costs will be shared by all residents of that unit/floor/wing or building.
- C. The Office of Residence Life believes that residence hall living is a privilege and students need to be aware of concerns within their community and to report them, when appropriate.

- D. Vandalism in residence halls is a problem with financial, psychological and social impacts on those affected. Some consequences include inconvenience, safety hazards, extra work for building maintenance and custodial staff, and lower morale. Students held responsible for vandalism will be promptly referred for appropriate disciplinary action. Such acts are not tolerated.

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 this procedure 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 staff or personnel informs the Residence Life Director and staff members on site that the building is safe for reentry.

In case of an emergency, halls will evacuate to the following locations:

- Mears Complex evacuates to the skate park
- Chipeta Apartments evacuates to the grass area north of Chipeta
- Escalate Complex evacuates to the University Center parking lot or Kelley parking lot
- The Pinnacles evacuates to the Pinnacles fire pit area
- Ute Hall evacuates to the Taylor Hall lawn

VIII. 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 they are going and how they may be reached in the case of an emergency.

IX. Extension Cords

Extension and outlet multiplier cords are prohibited due to power outages. Residents in halls and apartments need to utilize power strips. Electrical outlets must not be overloaded and residents may not plug power strips into other power strips.

X. Flammables, Candles, and Burning Agents

The presence of any device(s) that uses an open flame is prohibited in all residence halls and apartments. This list includes, but is not limited to candles, propane, oil burning lamps, torches, and incense. Small, contained, camping cylinders up to 16oz are allowed to be stored (but not used) in residence halls and apartments, upon approval and inspection by Residence Life. All types of flammables may be confiscated without return.

XI. Upholstered Furniture

Due to potential bug infestations from upholstered furniture (new/old or used) brought into Residence Halls from outside, upholstered furniture (including but not limited to couches and armchairs) 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 of up to \$150.00. If an infestation occurs as a result of bringing in upholstered furniture, you may be assessed additional charges for bug mitigation

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 stands, bookcase, or nightstand 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).

XII. 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. Appliances with exposed heating elements are prohibited in all residence halls (e.g., Escalante, Ute, Mears Complex).

- **Common items that contain exposed heating elements include, but are not limited to:** hot plates, toasters, electric coffee makers, electric frying pans, electric woks, and broilers.
- **Common items that do not contain exposed heating elements include but are not limited to:** Keurig/single brew coffee makers, microwaves, crockpots (with automatic shutoff setting) and toaster ovens (with closable door).

The only living spaces on campus that are exempt from this are the Chipeta and Pinnacles apartments, as they are equipped with kitchens.

XIII. Housing Contract

All students are responsible for abiding by the housing contract and paying all fees associated by the end of the semester. Failure to read the contract or the *Student Handbook* does not discount resident responsibility.

XIV. Housing Deposit

Housing assignments will not be made until 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, its furnishings, or to any other indebtedness owed by the student to Western. The housing deposit must remain on account with the University while 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.

XV. Meal Plan Requirements

Meal plan requirements are as follows unless an appeal has been officially approved by the Housing and Dining Appeals Board.

- Escalante Complex– students are required to purchase either the Blue Mesa or Mountaineer meal plan.
- Ute Hall– students are required to purchase either the Blue Mesa or Mountaineer meal plan.
- Mears Complex– first year students in the Mears Complex are required to purchase either the Blue Mesa or Mountaineer meal plan.
- Mears Complex - returning and transfer students are required to purchase either the Blue Mesa, Mountaineer, or Crimson meal plan.
- Chipeta and Pinnacles apartments - 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.

XVI. Room Care

Residents are responsible for removing waste materials in a proper manner, cleaning their rooms, and maintaining sanitary and safe conditions 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 not have anything covering the ceiling, lights, or heating elements. 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.

XVII. Room Changes

Residents are placed together for an educational experience. If conflicts arise, mediations will be required prior to the approval of any room change. A resident may change rooms only with written authorization from their Resident Director or Assistant Director. Unauthorized room changes, or failure to move out of a room when required, may result in additional sanctions as determined by the University. We reserve the right to move all parties if a roommate mediation is unsuccessful. Room change authorization will not be granted during the first two weeks of each semester. A \$25 fee will be assessed for room changes, per the signed contract.

XVIII. Room Entry

Western administrators or staff will not enter a student's room unless accompanied by the student, or their authorized representative. However, authorized personnel may enter a resident's room with or without the resident's consent when:

There is concern or threat for life, safety and/or health.

There is sufficient information available to conclude that a violation of state law and/or university policy may exist (in the event of which, professional staff may perform a search of resident possessions).

To perform requested or preventative maintenance.

There is a cry for help, the smell of smoke, or visible water coming from an apartment or residence hall room door.

To silence a disruptive noise.

To perform Health and Safety inspections, with prior notice from Residence Life staff.

XIX. 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 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. Mandatory Consolidation

If there is an empty space in a room, mandatory consolidation will become an option. This option will only be applied during the first two weeks of the academic year. The process will be as follows:

- i. 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.
- c. Do nothing, and understand that Western may consolidate them with another student at the end of the first two weeks of classes.
- ii. Rooms must be kept in move-in ready status at all times. Fines may be assessed.
- iii. 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.
- iv. 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.

B. Room Freeze

A room freeze is in effect for the first two 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:

- i. To provide students time to get beyond first impressions and begin to work on establishing a positive relationship with their roommate.
- ii. To ensure residential paperwork is accurate before applying changes.
- iii. To provide time for the mandatory consolidation process.

XX. Student Conflict

The residence halls and apartments are communities designed for residents to learn how to confront concerns. Students are expected 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 or Assistant Director who will assist with the process. All conclusions must be adhered to by the students involved.

XXI. 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 an appeal has been officially approved by the Housing and Dining Appeals Board or for one of the following reasons:

The student is married.

The student is living with parents or a legal guardian.

The student is at least 21 years of age by the first day of classes.

The student has lived on campus for the equivalent of two full academic years (30 credit hours).

The student has medically authorized reasons, as approved by the Housing and Dining Appeals Board.

The student is an honorably discharged veteran.

A first- or second year 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.

XXII. 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.

XXIII. 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 (RA) 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/suitemates of guests that will be staying or visiting. All guests (i.e., any person not registered as a resident in the 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 fully comply 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 and/or the Office of Residence Life). The Roommate Agreement supersedes the guest policy but may not contradict the stated guest policy.

Section 3: Navigating Western

I. Academic Policies

A. Academic Integrity

As members of the academic community, students are expected to recognize and uphold standards of intellectual and academic integrity. Western assumes, as a basic 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:

- i. **Plagiarism** – Presenting another person's work as one's own, including paraphrasing or summarizing the works of another person without acknowledgement, 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 phrases written or spoken by someone else.
- ii. **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 the course instructor.
- iii. **Unauthorized Collaboration** – Submission for academic credit of a product, or a part thereof, represented as being one's own, which has been developed in substantial collaboration is also a violation of academic honesty to knowingly provide such assistance. Collaborative work specifically approved by an instructor is allowed.
- iv. **Falsification** – It is a violation of academic honesty to misrepresent material or fabricate information in an academic exercise or assignment (the falsification of false or misleading citation of sources, the falsification of the results of experiments, or of computer data).
- v. **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 Western. 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

- i. **Complaint** – An informal claim by an affected student that a faculty member(s) or an academic administrator has violated, misinterpreted, or improperly exercised his/her professional duties. (See Step I below).
- ii. **Complainant** – An affected student who makes a complaint.
- iii. **Grievance** – A written allegation by an affected student that a faculty member(s) or an academic administrator(s) has violated, misinterpreted, or improperly exercised his/her professional duties. (Step II below). The grievance should include the possibility of a remedy.
- iv. **Grievant** – An affected student who files a grievance.
- v. **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.
- vi. **Grievance Committee** – A committee, composed of one faculty member selected by the grievant, one faculty member selected by the respondent, and three faculty members selected by the Provost (or assignees), the function of which is described in Step II below.
- vii. **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.
- viii. **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, Provost, and the President.

B. Step I – The Informal Complaint Procedure

- i. The Complainant shall discuss the problem with the Respondent(s).
- ii. If the problem is not mutually resolved at this time, the Complainant shall confer with the immediate supervisor(s) of the Respondent(s). This will usually be the Chair(s) of the Department(s) to which the Respondent(s) is assigned.
- iii. If satisfactory resolution is still not achieved, the Complainant must confer with the Provost.

C. Step II – The Formal Grievance Procedure

- i. If the complaint is not suitably resolved during Step I, the Complainant has the right to file a grievance with the Provost within six (6) 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 accordance with Step I. Preservation of relevant documents and of precise records of actions taken pursuant to Step I is highly needed.
- ii. The grievance committee shall be formed under the supervision of the Provost and a conduct meeting shall be scheduled within fifteen (15) days after that officer receives the written grievance from the grievant.
- iii. The grievance committee shall hear testimony from the grievant, the respondent, and whomever else it deems appropriate.
- iv. Within 15 days after completion of hearing, the grievance committee shall submit its findings to the Provost for implementation as deemed appropriate by that administration. A copy of the finding of the committee and of the implementing decision of the Provost shall be given to the grievant and the respondent.

- v. The grievant may withdraw the grievance at any point in the proceedings by doing so in writing to the Provost.
- vi. The Provost may grant an extension of the time limit for good cause.
- vii. If the grievance has not been resolved satisfactorily after Step II, the grievant is advised that they may appeal to the President of Western Colorado University, and ultimately, to the Board of Trustees.

D. Grievance Committee Procedures

- i. The Grievance Committee shall elect a Chair from among its members.
- ii. The Chair of the Grievance Committee shall appoint a Secretary, who shall keep minutes.
- iii. The procedures of the hearing shall be at the reasonable discretion of the Chair of the Grievance Committee.
- iv. The Grievance Committee shall have access to all relevant information regarding the case, except for un-waived confidential information.
- v. If more than one grievant submits a complaint or grievance for the same cause, the collective grievances may be heard by a single committee.

II. Americans with Disabilities Act (ADA)

A student who believes they have been discriminated against on the basis of disability may seek advice and assistance from the Disability Services Coordinator or the Director's designees. The Coordinator 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 colleges/universities 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, she, or they have been discriminated against on the basis of disability is entitled to file a complaint with the Disability Services Coordinator, an external agency, or both.

Discrimination can include, but is not limited to:

- i. Failure to accommodate the student's disability effectively
- ii. Exclusion from a University program or activity
- iii. Disability-related harassment

The procedure for filing an internal 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 Western 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 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 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.

III. 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 could be life-threatening.

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

Western shall treat AIDS the same as any other disease that may be contracted by students. Individuals with AIDS or those who test positive for the 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, adhering to one's right to privacy, which is derived from the First Amendment of 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.

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

IV. Alcohol and Other Drugs (AOD)

The following conduct actions are in reference to policies concerning alcohol and other drugs (AOD). Based on the severity of the infraction, Western reserves the right to impose appropriate student conduct outcome sanctions. Violations of AOD Policy will be considered a cumulative manner when assigning outcome sanctions by conduct administrators.

Residents 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. Western reserves the right to investigate and subsequently apply disciplinary actions in off-campus situations that may impact the Western community.

A. Alcohol Use and Possession

Western has established policies concerning the use of alcohol to protect and empower students in making positive decisions. Intoxication is not considered an excuse for unacceptable behavior or conduct. All alcohol, paraphernalia, and substances will be confiscated or given to local law enforcement officials.

i. Alcohol Possession and/or Consumptions

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 where no minors are present. If anyone in the room is under 21, then everyone present is in violation of this policy, regardless of who has or has not been drinking.

ii. 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 property or in the residence rooms/halls/apartments of anyone under the age of 21.

iii. Alcohol Paraphernalia Prohibited

“Beer bong” or keg taps, beer pong, water pong, shot glasses, and other such devices that promote irresponsible drinking are prohibited on campus property.

iv. Knowing Presence

Knowing presence in an area of a Western building or 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 and/or posts, including pictures, may be used as evidence of Knowing Presence.

v. Intoxication

Visible intoxication on Western property is not permitted.

vi. Bulk Alcohol

Any alcoholic beverage in a container requiring a tap, e.g., kegs, or capable of holding large quantities of alcohol for group consumption, and/or any amount of alcohol that would be more than one individual should safely consume in one setting, is defined as bulk alcohol and is prohibited on campus.

All students found in possession of, responsible for purchasing, or helping to transport bulk alcohol on Western property will be held responsible. All students 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. Any student on the premises of a gathering in which bulk alcohol is being served can be held responsible.

vii. Transport

Transport to Gunnison Valley Hospital or jail due to excessive alcohol consumption could result in parental, guardian, or emergency contact notification and conduct action. A student is liable for any costs incurred.

viii. Alcohol in Non-Residence Areas

The possession, consumption or distribution of alcohol by students on the grounds and in non-residential buildings of Western, with the exception of designated and approved locations, is prohibited. 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 valid liquor licenses.

The possession, consumption, and/or distribution of alcohol is prohibited in all public areas (i.e., bathrooms, corridors, and lounges) on campus including residence halls and apartments.

ix. **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 21 years of age and it is illegal for any person under 21 years of age to possess or to attempt to purchase alcohol.

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

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

The legal drinking age in Colorado is 21 years of age. Any student involved in underage drinking or is 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.

C. Drugs

i. **Possession of and/or Use of Illegal Substances 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 (i.e., psychoactive hallucinogens), including possession of or use of residue, oils, tinctures, hash, cannabis, wax, and/or paraphernalia, such as, water pipes, bongs, spoofs, vaporizer pens, hookahs, etc. Pictures of drug use or paraphernalia are strongly discouraged and a student(s) involved may be engaged in the conduct process. All drug paraphernalia and substances will be confiscated or given to law enforcement. CBD may be used in oral or ointment forms, but smoking and/or vaping CBD is prohibited.

ii. **Distributions, Sales, and 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. Distribution, sale, and/or manufacturing of illegal substances are serious violations of student conduct. Students found responsible should expect the most severe of conduct sanctions.

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

Visibly altered state of mind or being visibly under the influence on any Western property is not permitted.

iv. **Knowing Presence**

Knowing Presence in an area of a university building or property where any illegal substances are being used or are present is 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.

D. Western Resources

Information on drug and alcohol counseling is available at:

University Counseling Center
Crystal Hall 104, Escalante Complex
970.648.7128

TimelyCare

Download the TimelyCare app and register via your school email address or

Visit <https://app.timelycare.com/auth/login>

Log in by using your Western credentials

As a component of the Student Health and Wellness Office, Peer Health Educators (PHE's) work to reduce binge-drinking among college students, implement strategies to reduce high-risk drinking among students, and provide educational programs through partnerships with campus and community organizations.

E. Community Resources

Alcohol and substance abuse counseling is available at:

Axis Health
710 North Taylor Street
970.641.0229

Axis Health Emergency 24-Hour
970.252.6220

F. Good Samaritan/Amnesty Code

In accordance with the City of Gunnison Municipal Code 18-13-122(4.5): Any underage person shall be immune from criminal prosecution under this section if they follow these guidelines:

- i. The underage person called 911 and reported another person was in need of medical assistance due to alcohol consumption;
- ii. The underage person who called 911 provided their name to the 911 operator;
- iii. The underage person was the first to make the 911 report;
- iv. 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.

G. Parental, Guardian, or Emergency Contact/Notification

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 Dean of Students and appointed designees. Parental guardian, or emergency contact notification may be enacted when students under the age of 21 are found to have committed repeated violations of Western policies related to the possession, use, or distribution of alcohol or other drugs. Repeated violations may include situations when medical intervention is required as a result of consumption of alcohol/drugs; when the violation could result in the 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(s) notification is planned in advance.

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 extraordinary circumstances. Western, therefore, as a matter of general policy, notifies parents or guardians of such events.

In addition, Western may judge that parents, guardians, or emergency contact(s) 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 to ensure that parents or guardians have been 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 this case, a designated Western administrator will discuss the matter carefully with the student and, as appropriate, will consult Western's University Counseling Center or 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, an exception to the general policy will be made.

H. Other policies that may apply

Student athletes may be subject to additional policies per NCAA compliance requirements. If you are unsure of those policies, please visit gomountaineers.com for the Student-Athlete handbook.

V. 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.

VI. Animal Policies

To maintain the health and safety of campus facilities, Western prohibits animals that are not classified as Service Animals or Emotional Support Animals from all University buildings, including animals belonging to guests. Pets are defined as domestic animals kept for pleasure or companionship. A pet is not considered a Service Animal or Emotional Support Animal.

Students living in the residence halls are only permitted to have small fish living underwater 24-hours a day. Students will be held responsible for the care and regular maintenance 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 and/or while away for an extended period of time.

Western reserves the right to remove noisy or menacing animals even if they are outside and on-leash. Dogs can be impounded, and the owners can be fined if complaints are filed. Students may face Student Conduct Programs (SCP) outcome sanctions outlined in the conduct process.

Owners may walk their animals across the campus grounds if they are contained by a leash or tether. If a pet becomes a nuisance to the campus community or appears to be in distress, please notify the following offices:

Office of Student Affairs
Taylor Hall 301
970.943.2011

Office of Campus Security
University Center 104
970.943.3084

Gunnison Neighborhood Services
Between 7:00 a.m. – 5:00 p.m.
970.641.8242

Gunnison Police Department
After 5:00 p.m.
970.641.8200

For policies pertaining to Service Animals or Emotional Support Animals, contact Disability Services Coordinator, Cheyenne Terry, 970.943.2113. Service Animals and Emotional Support Animals are still subject to all applicable policies listed above to the extent acceptable under disability law.

VII. Anti-Bullying

Western prohibits and will not tolerate bullying on the part of any faculty, staff, student, contractor, or third party.

Bullying is defined as any written or verbal expression, or physical or electronic act or gesture, or a pattern thereof, that is intended to coerce, intimidate, or cause any physical, mental, or emotional harm to any student. Bullying is prohibited against any student for any reason, including but not limited to any such behavior that is directed toward a student on the basis of their academic performance or against whom federal and state laws prohibit discrimination upon any of the bases described in Western's Anti-Discrimination Policy.

This definition is not intended to infringe upon any right guaranteed to any person by the first amendment or to prevent the expression of any religious, political, or philosophical views.

Complaints about student conduct: all complaints alleging bullying or retaliation committed by students should be submitted to the Equal Opportunity Officer:

Marita Whalen
Equal Opportunity Officer
970.943.3145
mwhalen@western.edu

VIII. Anti-Discrimination

a. Prohibitions

Western prohibits and will not tolerate discrimination that violates federal or state law or this policy. Western prohibits and does not discriminate on the basis of race, age, color, religion, national origin, gender, sexual orientation, veteran status, or disability. Western upholds the highest standards to comply with the following legislation and policies:

- i. Title VI of the Civil Rights Act of 1964
- ii. Title VII of the Civil Rights Act of 1964
- iii. Civil Rights Act of 1991
- iv. Title IX, Education Amendments of 1972
- v. Age discrimination in Employment Act
- vi. Rehabilitation Act of 1973
- vii. Americans with Disabilities Act
- viii. Executive Order 11246, sections 24-34-301 C.R.S. et seq.
- ix. Trustee Policy Manual

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 Western or undergo the institutions' conduct process.

b. Definitions

- i. **Affiliate** – 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 Western through contracts, affiliation agreements, or otherwise.
- ii. **Equal Opportunity Officer** – Person appointed by Western to investigate complaints or grievances. The contact information for the current Equal Opportunity Officer is available by contacting Western's Office of Human Resources.
- iii. **Calendar Day/Day** – Any day of the year.
- iv. **Campus Community** – Students who are admitted or enrolled at Western or are participating in programs offered by the university, faculty, professional personnel, classified staff and volunteers.
- v. **Complaint** – Written or oral allegation of violation of this policy that has not been formally filed as a grievance.
- vi. **Complainant** – Person making a written or oral allegation of violation of this policy other than by filing a grievance.
- vii. **Deliver/Delivery** – 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.
- viii. **Employee** – Any member of the classified staff, professional personnel or faculty and student employees.
- ix. **Grievance** – Written allegation of discrimination or retaliation that is filed with Western in accordance with this policy. A grievance form is available by contacting Western's Office of Human Resources.
- x. **Grievant** – Any member of the campus community who files a written grievance.
- xi. **Party** – grievant(s) or respondent(s).
- xii. **Protected Status** – Race, color, national origin, gender (including pregnancy), religion, age, disability, veteran, marital status, or sexual orientation.
- xiii. **Remedial Action** – 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.

- xiv. **Respondent** – Member of the campus community against whom a complaint or grievance has been made or filed.
- xv. **Retaliation** – Action taken 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 to a complaint or grievance under this policy.

c. Reporting Discrimination

After a complaint or grievance is received, Western shall promptly investigate the allegations and take any necessary remedial and/or disciplinary actions, as appropriate.

- i. 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 Western. Such allegations shall be reported to the Equal Opportunity Officer. Western shall investigate the credibility of the allegations and promptly notify the affiliate of any credible allegations and administer appropriate action.
- ii. Allegations by an affiliate that a member of the campus community has engaged in discrimination or retaliation against any employee of the Affiliate shall be reported to the Equal Opportunity Officer.
- iii. Allegations of discrimination or retaliation made by applicants for employment shall be reported to the Director of Human Resources, Kim Gailey, at 970.943.3142.
- iv. Allegations of discrimination or retaliation made by undergraduate applicants for admission to Western shall be reported to the Provost.
- v. Allegations of discrimination or retaliation made by applicants for admission to graduate programs shall be reported to the Provost.
- vi. Allegations of discrimination or retaliation made against a member of the Board of Trustees 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.
- vii. 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.
- viii. Equal Opportunity 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 they deem that the interest of Western would be best served, and shall designate another Western administrator if the Equal Opportunity Officer is the subject of the complaint or grievance.

d. Procedure for Campus Community Discrimination Complaints and Grievances

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.

i. Purpose 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 Western pursuant to Personnel Board Rules 8-3 and shall be in lieu of the Grievance Procedures set forth in Chapter 8 of the Department of Personnel Board Rules the Director's or the Administrative Procedures.

ii. **Protection of the Parties**

- a. It will be the Equal Opportunity Office's responsibility to keep the President closely informed about any and all complaints and grievances involving discrimination or retaliation that arise within Western. The Equal Opportunity Officer will have final authority to decide all procedural matters and arrange for and coordinate all informal and formal resolution efforts unless otherwise specified herein. These decisions are final, non-appealable, and non-grievable.
- 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 above or any applicable provision of the 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.

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

Participants should not be promised confidentiality beyond that stated herein.

- e. 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 Western officials in pursuing allegations of discrimination/retaliation may be cause for discipline.
- f. 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.
- g. 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.
- h. 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 them; however, the Classified Staff member is expected to participate in discussions.

iii. 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. Western will investigate all credible allegations of discrimination or retaliation as appropriate to the circumstances and may take remedial and/or disciplinary action if warranted by the available facts, even if the Complainant/Grievant declines to pursue resolution of the matter through this policy, or the Complaint/Grievance does not fall within the jurisdiction of this policy.
 2. The Complainant/Grievant may choose to withdraw their Complaint/Grievance at any point.
- b. The Equal Opportunity 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 Equal Opportunity 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.

iv. 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:
 1. Office for Civil Rights, Denver Office
U.S. Department of Education
1244 Speer Boulevard
Cesar E. Chavez Memorial Building, Suite 310
Denver, CO 80204-3582
303.844.5695
Fax: 303.844.4303
www.ed.gov/ocr/complaintprocess.html
 2. U.S. Equal Employment Opportunity Commission
303 E. 17th Avenue
Suite 510
Denver, CO 80203
800.669.4000
Fax: 303.866.1085
www.eeoc.gov/denver/index.html
 3. Colorado Civil Rights Division
1560 Broadway St.
Suite 1050
Denver, CO 80202
303.894.2997
Fax: 303.894.7830
www.dora.state.co.us/civil-rights/complaint_process.html
- b. If an external complaint, grievance or charge is filed with an equal opportunity enforcement agency or in State or Federal court while a Complaint/Grievance is pending within the University and the complaints arise out of the same incident(s) or make similar allegations of discrimination/retaliation the University may discontinue the internal Complaint/Grievance process. The University may nonetheless require an investigation of all credible allegations of discrimination/retaliation and take remedial/disciplinary action as appropriate even if the Complaint/Grievance process has been discontinued.

v. **Consolidation of Grievances**

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

vi. **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 Equal Opportunity Officer may conduct a preliminary investigation of the situation. Upon approval by the President and consent of the parties, the Equal Opportunity Officer may refer a matter to mediation for informal resolution. Informal resolution may be by-passed or terminated if the Complainant feels it is necessary to do so and provides written notice to the Equal Opportunity Officer of his or her request to by-pass or terminate informal resolution.
- c. The Complainant/Grievant, appropriate supervisory personnel or the Dean of Students, the Equal Opportunity 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 Equal Opportunity 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 Dean of Students 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 Dean of Students, 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.

vii. **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 Equal Opportunity 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 Dean of Students or the Equal Opportunity 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 Equal Opportunity Officer, or if the Complaint is against the Equal Opportunity Officer, the Director of Human Resources. Any student assistant, Resident 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 Dean of Students or the Equal Opportunity Officer. The matter will be referred for appropriate informal discussions as provided above.

1. A supervisory-level employee, Faculty member, student assistant, Resident 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, Resident 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 Equal Opportunity Officer, the Dean of Students 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, Resident Director or Resident Assistant still must inform the Equal Opportunity Officer or Dean of Students of the alleged discrimination/retaliation. The supervisory-level employee, Faculty member, student assistant, Resident 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.

d. 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 Equal Opportunity Officer or in the absence, unavailability or perceived conflict of interest of the Equal Opportunity Officer, with the Director of Human Resources (for employees and volunteers) or the Dean of Students (for students).

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:

- I. The Grievant's name, mailing address, telephone number, and email address;
 - II. The identity of the Respondent(s);
 - III. The type of discrimination or perceived reasons for retaliation;
 - IV. A specific description of the facts and circumstances of the alleged discrimination/retaliation;
 - V. The date(s) on which the alleged conduct occurred;
 - VI. The identity of and contact information for any witnesses which the Grievant believes to possess information about the alleged discrimination/retaliation and a description of the information that each witness is believed to possess; and,
 - VII. 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 Equal Opportunity Officer will determine whether the Grievance is within the jurisdiction of this policy.
 4. Jurisdiction under this process is established when:
 - I. The Grievance is timely filed or good cause is shown for not filing within the 10-day time limit,
 - II. The Grievant has submitted a sufficient written Grievance, and
 - III. The Grievance sets forth facts that, if true, show reasonable cause to believe that a violation of this policy has occurred.
 5. If the Grievance documents do not establish jurisdiction under this policy, the Equal Opportunity 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 Equal Opportunity 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 Equal Opportunity Officer will deliver a copy of the written Grievance on the Respondent with the Grievant's address, telephone and email address redacted.
 8. The Equal Opportunity Officer will contact the Grievant to discuss options for informal resolution. If the Grievant wishes to pursue informal resolution efforts, the Affirmative Action Officer will make the necessary arrangements and inform the parties.
 - I. If the Grievant wishes to pursue informal resolution efforts, the formal Grievance procedure shall be suspended to permit the parties an opportunity to resolve the Grievance pursuant to SECTION TWO, V., D. 7 above.
 - II. The Grievant may at any time terminate informal resolution efforts and proceed to Step 2.

Step 2:

1. After receiving the Response, the Equal Opportunity Officer will investigate to determine the facts. The Equal Opportunity Officer will interview the Grievant, Respondent, and anyone that the Equal Opportunity 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 Equal Opportunity 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 Equal Opportunity Officer. The Equal Opportunity 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 Equal Opportunity Officer will promptly prepare and deliver to the President, or the conduct administrator, 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 administrator shall review the report and act as they deem necessary. The President or the conduct administrator may pursue discipline in accordance with the appropriate disciplinary procedure.

e. Contact Information for Reporting Violations of Anti-Discrimination Policy

Marita Whalen, Equal Opportunity Officer
970.943.3145
mwhalen@western.edu

Kim Gailey, Director of Human Resources
970.943.3142
kgailey@western.edu

Gary Pierson, Dean of Students
970.943.2049
gpierson@western.edu

Dr. Jessica Young, Interim Provost
970.943.3045
jyoung@western.edu

If a member of the campus community feels threatened, he or she should contact Campus Security at 970.943.3084 or 970.901.9857. In an emergency, call 911.

IX. 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 always locked 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 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:

- i. Sidewalks (with courtesy to pedestrians)
- ii. Skate Park

Bicycle and skateboard/longboard riders are responsible for the following moving violation regulations:

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

c. Skateboarding/Longboarding

Skateboard/longboarding is only permitted until quiet hours of 10:00 pm on weekdays and 12:00 am on weekends in the following areas and at your own risk with proper lighting while riding during dark hours:

- i. Skate Park
- ii. Sidewalks: Safety precautions must be always taken with priority to pedestrians.

X. Building Safety

Residents shall comply with all federal, state, and local laws, university rules and regulations, and all safety and security procedures in university buildings and shall not tamper with locked doors or admit unauthorized persons into buildings.

a. Campus Free Expression Policy

I. Authority

This policy is promulgated by the Board of Trustees of Western Colorado University pursuant to C.R.S. § 23-56-102(1).

II. Policy Statement

The First Amendment to the Constitution of the United States assures that “Congress shall make no law ... abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble,” Western acknowledges the rights of its faculty, staff, students, its constituents (together the “Western Community”), and members of the public to engage in free speech and peaceful assembly. The purpose of this policy is to advise the Western Community and members of the public of the procedures and standards of conduct that must be observed by while availing themselves of the use of university campus and facilities in the exercise of those rights.

The primary use of Western’s property and facilities is for activities that are directly related to Western’s educational mission and purpose, including teaching, research, preparation of scholarly material, student activities, as well as campus support operations. Consistent with the Constitution and applicable law, Western may impose reasonable and content neutral time, place, and manner restrictions on the use of its property and facilities and restrict or limit use that disrupts or interferes with academic mission, business operations, or regular functions of the university. Western also prohibits unlawful activity that endangers the safety of the campus community, university property or facilities. This policy both facilitates free expression and exchange of ideas and protects the institution.

III. Definitions

For the purposes of this policy, the following definitions shall apply:

- a. Free Expression Activities

“Free Expression Activity or Activities” means any lawful verbal or written activity by which individuals may communicate ideas to one another, including all forms of peaceful assembly, protests, speaking verbally, holding signs, circulating petitions, and distributing written materials. Expressive activities include voter registration activities, but do not include activities that are primarily for solicitation. Nothing within this policy grants any person the right to engage in expressive activity or conduct that is not protected under the First Amendment of the United States Constitution or Article II, Section 10 of the Colorado Constitution.

b. Literature

“Literature” is defined as any written matter, photos and/or artwork that is not predominantly advertising or commercial in nature.

c. Solicitation

“Solicitation” is defined as approaching another person to communicate a commercial message, including but not limited to communication through the following means: offering information about services or sales; soliciting an email address, phone number or other contact information for commercial purposes; and distributing any sales flier, coupon book, sample, promotional item, coupon, or similar item. Solicitation of charitable donations is considered commercial speech. Solicitation may be regulated by Western to a greater extent than other free expression activities. Western is under no obligation to make any areas or facilities available for solicitation.

d. Unprotected Speech

“Unprotected speech” means expressive activities that are not protected by the Constitution or law such as communicating in a manner that is defamatory, incites violence or unlawful action, constitutes harassment, is obscene, or consists of fighting words or threats of physical harm.

e. Sale

“Sale” is defined as any transaction that involves the exchange of money for an item.

b. Use of University Grounds, Buildings, and Facilities

a. Outdoor Areas on Campus

For purposes of engaging in free expression activities, Western will provide its students, faculty, staff, other members of the Western Community, and the public access to all public and open outdoor areas on Western’s campus on a non-discriminatory, content-neutral basis, with the understanding that activities held or reserved by the Western Community shall have priority over the activities of other users. Western will not designate any area as a free speech zone or otherwise limit free expression to a predetermined and designated area of campus. Generally accessible outdoor areas on the campuses shall be available to members of the university community for free expression in accordance with campus policies authorized by this section.

b. Use of Indoor Facilities by Western Community

In addition, Western will provide its enrolled students access to non-academic and publicly accessible indoor facilities that have traditionally been made available to enrolled students for purposes of free expression activities, subject to the limitations set forth in this section and relevant student and faculty policies.

c. Use of Facilities by Members of the Public

Except for outdoor area use in conjunction with free expression activities, any member of the public or outside organization seeking to use Western's restricted outdoor campus spaces, indoor facilities, equipment, office, laboratory, or parking space or lots, must register the activity and obtain the approval of the VP for Student Affairs or his/her designee. Additionally, a member of the public or outside organization will be required to enter into the appropriate Facilities Use Agreement or appropriate facility rental agreement with Western specifying the terms and conditions under which the requested campus resources may be utilized.

c. Distribution of Literature

Distribution of free literature is permitted outside buildings, provided that such distribution does not disrupt or interfere with normal or previously scheduled activities of a particular place or building, and does not impede ingress and egress to and from campus buildings and pedestrian or vehicular traffic on campus walkways, sidewalks, and streets. Unless otherwise provided in this policy, distribution of free literature that is not part of the teaching, research, or other official functions of the University or not otherwise sponsored by the University or any of its academic or administrative departments, divisions or units is not permitted inside any campus building or any enclosed or special purpose area (such as the stadium), or in any campus residential areas, including University residence halls, campus apartment complexes, and other student housing facilities. The publisher, editor, author or distributor of any literature distributed on campus must be clearly identified on the material distributed. The sale of literature is prohibited without University authorization.

d. Time, Place, and Manner Restrictions

Event Amplification. Amplified sound is generally prohibited on campus, but may be permitted for official University and registered student organization events with the prior approval of the Dean of Students or their designee. Amplification must take place during the normal office hours 8:00 am -5:00 pm, unless otherwise authorized. Sound levels are not to exceed 80 decibels at any time. Due to the proximity of classrooms, offices, laboratories, and the library, a Facilities Services staff member will monitor the sound level and may require lower sound levels when necessary to avoid undue disruption of others.

e. Campus Postings

Postings by members of the general public are limited to designated bulletin boards in common areas. Students, faculty, and staff may also post to these bulletin boards. Obscenity and libelous material are prohibited. No materials posted on designated bulletin boards may be posted more than two weeks. Posted materials that violate these restrictions are subject to immediate removal.

Posting on all other bulletin boards and surfaces on campus is limited to Western academic or administrative departments, divisions, or units, or affiliated organizations or groups. All posted materials must clearly identify the sponsoring organization or group. Obscenity and libelous material will not be approved for campus posting. With the exception of internal postings by Western academic or administrative departments, divisions or units, no materials may be posted on campus more than two weeks, unless the Dean of Students expressly permits an extension of this posting period. Failure to meet these requirements will result in immediate removal of the posted material and may subject the sponsoring organization or group to disciplinary action or prosecution.

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.

A. 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.

- i. 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.
- ii. 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.
- iii. 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 will not be approved for posting.

B. Posting Provisions

- i. 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.
- ii. 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.
- iii. 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.
- iv. Unauthorized items or those exceeding the expiration date, will be removed and discarded.
- v. Posters must be sponsored by an official University department or recognized student organization.
- vi. Posters that are primarily commercial in nature will be allowed if the content is aligned with the Western's mission and as space permits.
- vii. Posters must carry the name of the department or student organization who is sponsoring the event. All Western graphics used must follow the Western Colorado University Graphics Standards (contact Marketing for assistance).
- viii. 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, could face conduct actions detailed in the Student Conduct Process.
- ix. Any posted material that, incites reasonable people to violence; is harassing; threatens or intimidates; contains obscenity; and/or defames will be removed.

f. Chalking

Chalking is allowed only on the horizontal concrete ground (not on steps, paving stones, buildings or walls) and must be at least 15 feet away from any building entrance. To prevent property damage, only washable chalk may be used; no spray chalk, paint, or similar materials may be used on University property. Violators may be charged for the cost of cleanup and/or prosecuted.

g. Campus Solicitation

Any activity that competes with an existing campus business (such as the bookstore) or businesses with which Western has entered into an exclusive contract (such as food service and beverage/snack vending services) and the solicitation, sale or vending of credit cards, alcohol, illegal drugs and drug paraphernalia, cigarettes or other tobacco products, and any item, product, or service prohibited by state or federal law are prohibited.

h. Other Restrictions.

Any event, demonstration, meeting, assembly, or expressive activity, as well as any persons in attendance, must comply with the applicable rules and policies of the University, including applicable law and University policy regarding restrictions on the consumption and service of alcohol. Any act that unreasonably interferes with the rights of others to peaceably assemble or to exercise the right of free speech, disrupts the normal functioning of the University, damages property, or endangers health or safety is specifically prohibited. No person may attempt to, nor actually interfere with, impair or impede the institution's regularly scheduled classes, events, ceremonies, or normal and essential operations. The University is required by law to provide and maintain reasonable access to, and exit from, any office, classroom, laboratory, or building. This access must not be obstructed at any time. Vehicular and pedestrian traffic cannot be impeded by demonstrations or gatherings. The provision of medical care cannot be impeded by demonstrations or gatherings. The normal operations of the University (classes, scheduled meetings, events, ceremonies, or other educational purposes) must not be interfered with or disrupted.

XI. Activity Registration

Activity held on Western's campus must be registered with the University by filling out and submitting an Event Request Form (see below) to the Dean of Students, Director of Facilities Services, Director of Business Operations, and Director of Campus Security seven (7) days in advance of the proposed activity if the activity has any of the following characteristics:

1. 100 or more people are expected to attend or participate;
2. A member of the public seeks access to Western's indoor facilities for free expression activities;
3. A member of the Western Community seeks access to academic or publicly inaccessible indoor facilities that have traditionally not been made available for purposes of free expression activities for such activities;
4. Authorized University officials determine that the event is likely to significantly affect campus safety and security, or significantly affect normal University operations, including but not limited to providing usual and customary services to students, faculty and staff, classes and educational activities. The following information, at minimum, will be required: (1) contact information for the person organizing the activity; (2) nature and type of activity planned; (3) desired date, time, and duration of the activity; (4) estimated number of people expected to participate in the activity; and (5) the type of sound amplification devices, if any, that will be used. This coordination is required so as to prevent disruption of normal University educational activities, coordinate competing requests for the same venue, and avoid endangering the health or safety of persons and damage to property. In exigent circumstances, Western may waive the seven (7) day requirement for advance registration for activities meeting one of the four above characteristics. Such circumstances include where the organizer could not have reasonably anticipated the activity in advance. In such a circumstance, the Event Request Form should be submitted to the Dean of Students, Director of Facilities Services, Director of Business Operations,

and Director of Campus Security with the required information and a brief statement regarding the exigent circumstance, and will be reviewed as soon as reasonably practicable.

A. Activity Priority

Priority to use Western's campus and facilities for free expression activities will be given as follows:

1. Western community members with an approved Event Request Form.
2. Other individuals or groups with an approved Event Request Form.
3. Western students without a registered activity on a first come, first serve basis.
4. Other individuals or groups without a registered activity on a first come, first serve basis.

B. Objections to Free Expression Activities

The University recognizes that individual or groups may be opposed to certain Expressive Activities or speakers. Disagreement with different opinions is acceptable. Sustained or repeated noise made in a manner that substantially interferes with another speaker's ability to communicate his/her message is not acceptable. Nothing within this policy grants any person the right to materially disrupt previously scheduled or reserved activities or to engage in expressive activity or conduct that is not protected under the First Amendment of the United States Constitution or Article II, Section 10 of the Colorado Constitution.

C. Response to Violations of Policy and Disruptive Activities

Violations of this policy may result in removal from Western's campus, police arrest, and criminal charges. In addition, members of the university community are subject to discipline or consequences based under the applicable student or employment disciplinary policies. No disciplinary action may be taken against a student for expressive activities that are otherwise permitted by this policy based upon the content or viewpoint of the student's expression or the reaction or opposition by listeners or observers to such expression.

D. Freedom of Expression by University Faculty

When engaged in teaching and research, faculty enjoy the associated rights and observe the associated responsibilities of academic freedom. Western can engage in content-based evaluation of faculty who are operating within the professional educational context, as long as this evaluation is based on professional standards or peer assessments of the quality of scholarship or teaching.

University faculty are members of our community and members of a learned profession. When university faculty speak or write as citizens, not in furtherance of their university duties or in the course and scope of their university employment, on matters of political, academic, artistic, or social concern, the university shall not censor their expression, initiate disciplinary action against them, or otherwise subject the faculty members to adverse employment actions because it disapproves of the substance of their expression.

When university faculty speak or write in their personal capacities, not in furtherance of their university duties or in the course and scope of their university employment, they must make every effort to indicate that their expression is their own and does not represent the opinion or position of the university.

The freedom of expression recognized in this section does not grant university faculty the right to refuse to perform official duties, to materially disrupt the university environment or university activities, or to disregard applicable standards of ethical conduct, including but not limited to those expressed in Western's Handbook for Professional Personnel and Trustee Policy Manual.

E. Freedom of Expression by University Staff

All staff of the university are members of our community. When staff of the university speak or write in their personal capacities, not in furtherance of their university duties or in the course and scope of their university employment, on matters of political, academic, artistic, or social concern, the university shall not censor their expression, initiate disciplinary action against them, or otherwise subject the staff members to adverse employment actions because it disapproves of the substance of their expression.

When staff of the university speak or write as citizens, they must make every effort to indicate that their expression is their own and does not represent the opinion or position of the university.

The freedom of expression recognized in this section does not grant staff of the university the right to refuse to perform official duties, to materially disrupt the university environment or university activities, or to disregard applicable standards of ethical conduct, including but not limited to those expressed in Western's Handbook for Professional Personnel and Trustee Policy Manual.

F. Freedom of Expression by University Students

- a. When engaged in educational activities, university students enjoy the associated rights and observe the associated responsibilities of academic freedom.
- b. University students are members of our community. When university students speak or write in their personal capacities on matters of political, academic, artistic, or social concern, not in furtherance of their studies or in the course of their academic duties, the university shall not censor their expression, initiate disciplinary action against them, or otherwise subject the students to adverse academic actions because it disapproves of the substance of their expression.
- c. The freedom of expression recognized in this section does not grant Western students the right to materially disrupt the university environment or university activities or to disregard applicable standards of conduct, including but not limited to those expressed in Western's approved Student Handbook and Trustee Policy Manual.

XII. Complaint Policy

To file a complaint against Western, please follow the steps for reporting a complaint or grievance to the Colorado Department of Higher Education:

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

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

- i. <http://highered.colorado.gov/Academics/Appeals/default.html>
- ii. <http://highered.colorado.gov/Publications/Policies/Current/i-partt.pdf>

XIII. Computer and Data Networks

This policy outlines acceptable 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 and 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 each computer system and maintains the security of stored information. A summary of the security procedures relevant to the end users of computing and networking resources is given below:

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

- ii. Each user should select a strong password and change it frequently.
- iii. Each user should understand the level of protection each computer system automatically applies to files and supplement that protection, if necessary, for sensitive information.
- iv. 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 (IT) 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 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 computers 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:

- i. 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, etc.),
- ii. 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); and,
- iii. 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.

IT Services will remove from campus computers any information that is inappropriate in accordance with the 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 Associate Vice President, Information Technology/CIO.

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:

- i. Harassment of other users.
- ii. Destruction of or damage to equipment, software, or data belonging to Western or other users.
- iii. Disruption or unauthorized monitoring of electronic communications.
- iv. Violations of computer system security.
- v. Unauthorized use of computer accounts, access codes, or network identification numbers assigned to others.

- vi. Use of computer and/or network facilities in ways that impede the computing activities of others.
- vii. Violation of copyrights and software license agreements, including illegal downloading of copyrighted material.
- viii. Violation of usage policies and software license agreements, including illegal downloading of copyrighted material.
- ix. Violation of the usage policies and regulations of the networks of which Western is a member or has authority to use.
- x. Violation of another user's privacy.
- xi. Academic dishonesty (e.g., plagiarism or cheating).

f. Computer and Data Networks Conduct Sanctions

Violations of these 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:

- i. **Authorization** – 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.
- ii. **Computer** – 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.
- iii. **Computer Network** – 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.
- iv. **Computer Program** – 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 a computer system.
- v. **Computer Software** – Computer programs, procedures, and associated documentation concerned with the operation of a computer system.
- vi. **Computer System** – Set of related, connected or unconnected, computer equipment, devices, and software.
- vii. **Financial Instrument** – Any check, draft, money order, certificate of deposit, letter of credit, bill of exchange, credit card, debit card, or marketable security.
- viii. **Property** – 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.
- ix. **Services** – Computer time, data processing, and storage functions
- x. **Use** – 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

- i. 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.
- ii. 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.

- iii. 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 \$300 dollars or more but less than \$10,000, computer crime is a Class 4 felony; if \$10,000 or more, computer crime is a Class 3 felony.

XIV. Disorderly Conduct

Disorderly conduct is defined as individual or group behavior that substantially disturbs other individuals or groups. Such conduct includes, but is not limited to, unwelcome physical conduct and boisterous or threatening conduct that is unwanted and unreasonable for the time, place, or manner in which it occurs.

XV. Drone/Unmanned Aircraft Systems

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 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 all property owned, rented, leased, and controlled by Western. 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.

a. 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.

b. Primary Guidance

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

Any use of a UAS from or over the campus or inside a campus building is strictly prohibited and faculty, employees, students, contractors, volunteers, and the general public are expected to follow the directives below:

- i. The use of drones for hobby or recreational use on university property is not permitted
- ii. All commercial (commercial, contract, or University owned) operated UAS's must comply with all federal (FAA), state, and local laws
- iii. 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
- iv. 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
- v. 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
- vi. A contract operator must be accompanied by a representative of the University at all times
- vii. The UAS must be operated in a responsible manner
- viii. The UAS may not operate over areas of public assembly, stadium, or populated areas
- ix. The UAS may not operate over areas of public assembly, stadium, or populated areas
- x. 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

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 Student Conduct Process. Damages/injuries occurring to university property or individuals will be the responsibility of the UAS operator.

c. 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 campus community.

XVI. Emergency Response

There are times when the University may need to reduce or adjust its normal operations due to unforeseen circumstances caused by national, local, or University emergencies. When this occurs, procedures aimed at maintaining the health and safety of the Western community may be communicated via Official University Communications (Western email) by the Office of Student Affairs. Students are expected to comply with such communications and subsequent directives and/or protocols communicated by Western Officials. Such communication may include campus closures, housing adjustments, and class delivery changes. Directives and/or protocols related to the Emergency Response Policy supersede previously established policies in the *Western Student Handbook* unless communicated otherwise. Disregard for communication involving the Emergency Response Policy could subject students to the Student Conduct Process.

XVII. Event Request

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. 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:

- i. Fill out the [Event Request](#) Form online
- ii. The form will be submitted to the event sponsor listed on the form, the Dean of Students, Director of Facilities Services, Director of Business Operations, and Director of Campus Security (as necessary). Each will approve or deny the event.
 1. 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 disposal, etc.)
- iii. Once the event has been approved by all parties listed above, the Event Contact and Sponsor will receive an email from the Executive Assistant, Office of Student Affairs, outlining any conditions the parties have identified.
- iv. 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.

Official Sanctioned Event – Defined

The information contained within this document is to apply to official Western sanctioned trainings, gatherings, operations, and events by each program and/or activity. Western defines a sanctioned event as any event, gathering, training, practice, program, or activity that is reviewed and approved by a Western Official or that has gone through the Event Request Policy in the *Western Student Handbook*.

XVIII. 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.

XIX. Failure to Comply

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). Students who fail to comply with the reasonable request of a Western official may go through the student conduct process.

XX. Fire Regulations

Fire restrictions on campus property or Western-controlled state property includes, but are not limited to:

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 and warming fire;

Any temporary or permanent fire pit or fire grate;

Any open fire;

Fires in outdoor wood-burning stoves;

Use of all fireworks.

Exceptions to 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 display 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 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. Please consult the Gunnison County government website prior to ensure a fire ban will not be violated.

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.

XXI. Fireworks, Firearms, and Weapons

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.

Weapons may be confiscated by the Director of Campus Security, professional residence life staff or the Gunnison Police Department (GPD). A student who wishes to reclaim their weapon(s) must do so in writing and meet with the Director of Campus Security. 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.

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

Certain exemptions may apply, including:

- i. 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;
- ii. A member of the armed forces of the United States of Colorado National Guard while acting in their official capacity and in conformance with military orders; and
- iii. Explosive substances required for the explicit purpose of academic course instruction or sponsored research.

Students living in apartments or utilizing campus cooking facilities may have kitchen knives for appropriate cooking use.

Colorado Concealed Carry Act

The Colorado Concealed Carry Act states that a person with a **current and valid Colorado state 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.

XXII. 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.

XXIII. Gambling

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

XXIV. Hall Sports

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.

XXV. Harassment

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

Harassment may include one or more of the following:

- i. **True Threat** – Contains 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.
 1. **Intimidation** – A type of true threat in which the 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.
- ii. **Incitement** – Speech that will lead those who agree with it to commit immediate violence.
- iii. **Obscenity** – Expression that depicts or describes 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 do not have serious literary, artistic, political or scientific value.

Such harassment will be assessed by the Office of Student Affairs to determine whether it falls into the above categories based on the nature of the incident. Harassment that falls outside the above categories but still creates an intimidating, hostile or offensive environment is also prohibited in this section.

XXVI. 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:

- a. **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.
- b. **Harassment Hazing** – Behaviors that cause emotional anguish or physical discomfort in order to feel like part of a group.
- c. **Violent Hazing** – Behaviors that do or could cause physical or psychological harm.

XXVII. Impersonation

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

XXVIII. Interference and Infringement

As an academic community, Western is committed to the open exchange of ideas where all views can be freely advocated. The University requires that the conduct of individuals and groups not infringe on the rights of others or interfere with University activities, including, but not limited to, all normal university activities, teaching, research, Residence Life activity or operations, recreation, meetings, public events, and disciplinary proceedings. University activities include on- and off-campus University programs or activities. Conduct which interferes with the normal functioning of the University or infringes on the rights of others is prohibited by this section.

XXIX. 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 their 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.

Western encourages student to purchase personal property insurance to cover any loss of personal property.

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. Students are expected to read their Western email accounts and comply with all communication sent through email. 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 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:

- i. Chipeta Lot
- ii. Dolores Lot
- iii. Escalante North Lot
- iv. Mears Complex Lot
- v. Mountaineer Bowl Lot
- vi. Leslie J. Savage Library/Kelley Hall Lot
- vii. Teller Street
- viii. Pinnacles Lot
- ix. 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 on-campus housing 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 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 Director of Campus Security 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.:

- i. Taylor Hall (including the parking lot south of the Borick Building)
- ii. Wright Gymnasium North Lot (Except for May 1st – August 1st)
- iii. Northwest Mountaineer Field House Lot
- iv. University Center South

Please note: If you have housing concerns or monetary issues that led to camping or living in a vehicle, please contact Office of Student Affairs at 970.943.2011.

H. Parking During Vacation Periods

Vehicles may be left on campus, during Thanksgiving, Christmas and Spring Breaks only in the Dolores Hall 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 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 (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 permitted. 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 Facility Services or Director of Campus Security 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:

- i. Abandoned vehicles
- ii. Parking in No Overnight Parking areas between 11:00 pm to 6:00 am

- iii. Parking in areas which create a danger to safety and welfare of persons and property (e.g. fire lanes, service areas, traffic lanes, walkways, lawns, etc.)
- iv. Parking in non-designated lots during vacation periods
- v. Parking in spaces reserved for the handicapped
- vi. Obstruction of snow removal operations
- vii. Trailers parked without approval of the Director of Campus Security in appropriate designated areas

If you believe your vehicle has been towed, contact H&H Towing at 970.641.2628. Towing rates/fees will be as follows:

	8:00 am – 6:00 pm	6:00 pm – Midnight	Midnight – 8:00 am
Light Duty (under 10,000GVW)	\$125.00	\$150.00	\$200.00
Medium Duty (10,000 – 26,000GVW)	\$200.00	\$250.00	\$350.00
Heavy Duty (26,000+GVW)	\$350.00	\$400.00	\$500.00
Storage Fee	\$20/day after first 24 hours	\$20/day after first 24 hours	\$20/day after first 24 hours

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 Campus Security, University Center 105. The office phone is 970.943.3084 and the Security cell-phone is 970.209.1020.

XXXII. 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. Students are prohibited from, with intent to harass, annoy, or injure another person, striking, shoving, kicking, spitting on, or otherwise touching or subjecting an individual to physical contact. This includes assault, fighting, brawling, or restraining another person against their will. Conduct sanctions may include suspension or expulsion from Western.

XXXIII. Sexual Misconduct Prohibition

The official policy prohibiting Sexual Harassment, Section 3.5 of the Board of Trustees Policy Manual can be obtained from the Office of Human Resources. The below policy encompasses University obligations under the Education Amendments of 1972 (Title IX) as detailed in the Board of Trustees Policy Prohibiting Sexual Harassment and Sexual Misconduct which falls outside the scope of Title IX but within the jurisdiction of this policy and the definitions listed below.

Sexual Misconduct is prohibited at Western Colorado University. It is Western’s policy that all forms of Sexual Misconduct, as defined below, are prohibited and will not be tolerated.

A. 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 Western 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, campus, classroom activities, residence halls and all academic and student facilities and events.

B. Definitions

The following definitions apply to the conduct procedure and encompass both the Sexual Misconduct Prohibition Policy and the Policy Prohibiting Sexual Harassment.

- i. **Complainant** – An individual who is alleged to be the victim of conduct that could constitute sexual misconduct and/or sexual harassment
- ii. **Formal Complaint** – A document filed by a Complainant or signed by the Title IX Coordinator alleging sexual misconduct and/or sexual harassment against a Respondent and requesting that Western investigate the allegation of sexual misconduct and/or sexual harassment
- iii. **Responsible Employee** – An employee who has the obligation to report alleged sexual misconduct and/or sexual harassment and alleged retaliation to the Title IX Coordinator
- iv. **Party** – Complainant or Respondent
- v. **Respondent** – An individual who has been reported to be the perpetrator of conduct that could constitute sexual misconduct
- vi. **Retaliation** – Intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by the Sexual Misconduct Prohibition policy and Title IX or its implementing regulation, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Such retaliation shall be dealt with as a separate instance of sexual misconduct.
- vii. **Sexual Misconduct:**
 - a. Sexual Harassment as defined in the Policy Prohibiting Sexual Harassment, Section 3.5 of the Board of Trustees Policy Manual, whether or not the misconduct falls within the scope of that policy;
 - b. Conduct committed by a student that, if committed by an employee, would constitute Quid Pro Quo under the Policy Prohibiting Sexual Harassment, Section 3.5 of the Board of Trustees Policy Manual, whether or not the misconduct falls within the scope of that policy;
 - c. Conduct that is severe, pervasive, or objectively offensive,
 - d. Sexual Exploitation, defined as 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
- viii. **Quid Pro Quo** – 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.

- ix. **Sexual Assault and/or 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 batter and sexual coercion. All such acts of sexual assault are forms of sexual misconduct covered under the Sexual Misconduct Prohibition Policy 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 by a body part of by an object.

- x. **Domestic Violence** – Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Colorado, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

- xi. **Dating Violence** – Violence by a person who has been in a romantic or intimate relationship with the Complainant. Whether there was such a relationship will be gauged by its length, type and frequency of interaction.

- xii. **Stalking** – Course of conduct directed at a specific person that would cause a reasonable person to fear for their safety, or to suffer substantial emotional distress. Stalking may take the form of, but is not limited to, harassing telephone calls, electronic communications, and/or letter-writing.

- xiii. **Consent** – Affirmative, knowing, and voluntary words or actions that create a mutually understandable and clear agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that they have affirmative consent of the other or others to engage in the sexual activity. Silence, lack of protest, or resistance, by themselves cannot be interpreted as consent. Consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, by itself cannot be interpreted as consent. Consent is not effectively given if force, threats, intimidation or coercion were involved, or if a person is incapable of giving consent due to use of drugs or alcohol, or due to intellectual or other disability.

- xiv. **Days** – For the purposes of this policy, days refers to Calendar Days meaning every day of the week regardless of weekends and holidays.

C. Reporting Sexual Misconduct

Western 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.

i. University Reporting

Western can only respond to allegations of sexual harassment or violence if they are reported. Reporting enables Western 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 they may be the victim of sexual harassment or violence is encouraged to report to Western through one or more of the following resources:

Interim Title IX Coordinator

Emma Hempel
Taylor Hall 301
650.383.4753 x137
ehempel@grandriversolutions.com

ii. 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 Coordinator. A report to these employees constitutes a report to Western and generally obligates Western to follow-up on the report to provide support and assistance while taking 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. The following categories of employees are the University's mandatory reporters:

- a. Faculty
- b. Academic Affairs Administrators
- c. Student Affairs Administrators
- d. Residence Life Staff including the Director, Associate and Assistant Directors, Resident Directors and Resident Assistants
- e. Coaches
- f. Supervisors
- g. Director of Human Resources
- h. President and Vice President of the University

iii. Confidential Reporting

Should a Complainant wish to speak with an individual in confidence, they should speak with someone at the University's Counseling Center or Medical Center. Health care providers generally will only report to Western that an incident occurred without revealing any personally identifying information. Involved parties are encouraged to speak with their provider about confidentiality and reporting obligations.

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

On-Campus Resources:

- a. University Counseling Center
Crystal Hall 104
970.648.7128
- b. Campus Medical Center
Tomichi Hall 104
970.943.2707
- c. TimelyCare – telehealth support for Mountaineers
Download the TimelyCare app and register via your school email address or
Visit <https://app.timelycare.com/auth/login>
Log in by using your Western credentials

Off-Campus Resources:

- a. Project Hope of the Gunnison Valley
970.641.2712
24-Hour Helpline: 970.275.1193

b. Gunnison Valley Health
711 North Taylor Street
970.641.1456

c. Axis Health
710 North Taylor Street
970.641.0229

iv. Non-Confidential Reporting

1. Gunnison Police Department
910 W. Bidwell Ave
970.641.8200
Emergency 911

2. Gunnison Police Department Victim Advocate
970.641.8299

Victims of sexual assault are encouraged to report to the Gunnison Valley Hospital Sexual Assault Nurse Examiner to have evidence collected and stored for future legal system actions if the victim wishes to pursue that option.

D. Amnesty Policy

In those cases where individuals have been involved in incidents of sexual misconduct while under the influence of alcohol and/or drugs, Western 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 Western policy are encouraged to report the violations of this policy that they experienced or witnessed.

XXXIV. Snow Ramps and Winter Activities

Because of the damage to Western property and potential for serious physical injury, building snow ramps or using handrails, stairs, etc. will not be tolerated.

XXXV. Solicitation

Campus residential areas may not be used for any unapproved commercial enterprise. Sales and solicitation on campus are prohibited unless authorized by the Dean of Students. 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.

XXXVI. Theft or Vandalism

Theft or vandalism of Western property is a serious offense. Western property includes, but is not limited to building 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. Law enforcement may be called for any type of vandalism or theft.

Students engaged in acts of theft or vandalism in the community may also be subject to the student conduct process.

XXXVII. Tobacco/Smoking Prohibition

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, marijuana. Students are allowed to store cigarettes and chewing tobacco as long as it is stored out of view. Cigarette and tobacco use is prohibited within 30 feet of any University building. Please check with Residence Life staff for acceptable locations outside specific residences halls where cigarette/tobacco use is admissible.

XXXVIII. Tuition, Fees, Refunds and Emergency Aid

a. Residency of Students for Tuition Purposes

New students are classified as in-state or out-of-state for tuition purposes on 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 eligible for a change to in-state status, applicants must submit petitions with appropriate documentation to the Student Financial Services Office.

b. 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. Western encourages payment be made online through the student's MyWestern account. Western 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.

c. Tuition and Fees – Refund Schedule

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

- i. 100% through the end of the official Drop Period
- ii. 50% for the period between 15 and 25% of the semester
- iii. 25% for the period between 25 and 50% of the semester
- iv. 0% for the period after 50% of the semester

d. Student Housing and Meal Plans – Refund Policy

If a student official withdraws from Western after the official start of the semester, housing and meal plans will be refunding according to the following schedule:

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

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

e. 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.

f. Emergency Loans

To obtain an emergency loan, a student:

- i. Must be enrolled in classes
- ii. 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 Taylor Hall 314.

g. Western CARES

Western CARES is a joint venture between the Student Government Association (SGA), the Western Colorado University Foundation and the Office of Student Affairs. Western CARES 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 Western CARES, please contact the Office of Student Affairs, Taylor Hall 301, 970.943.2011.

h. 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.

XXXIX. 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

XL. 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.

XXXIX. Withdrawal Process

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.

B. Reason for Administrative Withdrawal:

- i. Western is concerned about the physical, mental, and emotional welfare of its students;
- ii. A student's conduct constitutes a disruption or danger to the living/learning environment;
- iii. A student's conduct presents a threat to the health or safety of others.

C. Procedure for Instituting an Administrative Withdrawal

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 Dean of Students. In the event that the Dean of Students determines that the student's conduct is a potential danger or disruption to others, the following procedure will be initiated:

- i. The Dean of Students, 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.
- ii. The Dean of Students 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 Dean of Students or designee will encourage the student to voluntarily withdraw, thereby eliminating the need to complete the process for an administrative withdrawal.
- iii. When an administrative withdrawal is being considered, the Dean of Students or designee will convene a committee made up of representatives from the Behavioral Intervention Team (BIT), which may include, but is not limited to, representatives from Campus Security, the Office of Student Affairs, the Office of Residence Life, the Office of Academic Affairs, the Academic Resource Center, the University Counseling Center and the Office of Human Resources. The Behavioral Intervention Team will review the situation and make a recommendation.
- iv. During this review, the BIT 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.
- v. Following this review, the Dean of Students 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.)
- vi. 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.

D. Administrative Withdrawal Not Recommended

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

E. Administrative Withdrawal Recommended

The Dean of Students 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 Dean of Students. The student must leave campus within the time frame set forth within the notification letter. The student must obtain permission in writing from the Dean of Students or designee to visit the campus during the duration of the leave. The Dean of Students 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.

F. 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 (10) days of the date of receipt of the decision of the Dean of Students. 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.

G. 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 Dean of Students and the BIT that recommended the administrative withdrawal. This group must approve the re-enrollment. The Dean of Students reserves the right to require clearance by a health professional before the student is allowed to be considered for re-enrollment.

Section 4: Student Conduct Process and Student Conduct Programs

Students who violate Western's standards of conduct, or the university's Community Standards, are subject to undergoing the student conduct process. The process and subsequent Student Conduct Programs (SCP) shall provide procedural fairness to an accused student(s) or recognized student organization. The process is educational and developmental in nature.

I. Process

The process for student conduct begins with informal or formal documentation. After a conduct violation or incident submitted, a conduct administrator will follow-up to gather additional information, assess the severity, and determine appropriate the next steps. Various potential steps, actions, and/or outcomes are described below.

II. Sanctioning Philosophy

Student outcomes and sanctions must be educational, developmental, and not solely punitive and follow ethical guidelines for the field of Student Conduct. As well, student outcomes and sanctions will be appropriately and equitably assigned and consider the potential disproportionate impact on students with marginalized identities. As well, Western will consider the overall safety needs of those involved in the process as well as the general campus community and address any impacts and harms of the behavior on those involved, including the campus and local community.

III. Scope of Policy

The student conduct process applies to all Western students regardless of if they reside on or off-campus, within or outside a university program or activity. While the process may be altered slightly to account for off-campus incidents, all Western students will be held to the same high standards.

IV. Standard of Evidence

For the purposes of the student conduct process, Western uses the "Preponderance of the Evidence" standard, which is defined as having enough testimony or information to make it more likely than not that the fact sought to be proven is true. The preponderance is based on the more convincing information and its probable truth or accuracy, and not on the amount of information. This standard of evidence is different from the criminal justice system's "Beyond a Reasonable Doubt".

V. Student Conduct Programs (SCP) Sanctioning Matrix

The following table outlines the possible outcomes and actions within the conduct process.

Violation Level	Description	Student Conduct Program	Examples
Level 1	<ul style="list-style-type: none"> – Little or no impact on others – No damage to property – No-health or safety concerns 	<ol style="list-style-type: none"> 1. Written Warning/Review (status-based). 2. Acknowledge potential harm (restorative, educational). 3. Conflict coaching, facilitated dialogue, and mediation (collaborative). 	<p>Knowing Presence Empty Containers Quiet Hours and/or Noise Violation</p>
Level 2	<ul style="list-style-type: none"> – Damage to property – Health and safety concerns – Impact on others 	<ol style="list-style-type: none"> 1. Participate in skill-building and educational workshop or online module (educational). 2. Fines, fees associated with workshops or online modules, etc. (administrative). 3. Complete community service work intended to repair harm and rebuild trust (restorative). 4. Loss of rights and privileges; possible restrictions (disciplinary). 	<p>Second Noise Violation Second Alcohol or Other Drug (AOD) Violation Pet Policy Violation Furniture Violation Posting Violation Weapon Violation Animal Preparation Violation</p>
Level 3	<ul style="list-style-type: none"> – Significant damage to property – Significant health and safety concerns – Significant impact on others and the greater community – Law enforcement involvement 	<ol style="list-style-type: none"> 1. Level 1 and 2 program components, based on history, violation(s), and/or determined as appropriate by conduct administrator. 2. Screening Brief Intervention Referral to Treatment (SBIRT) and/or referral to substance treatment (health promotion, risk reduction support). 3. Probation or eviction (disciplinary). 	<p>Theft Alcohol Transport Bulk Alcohol or Other Drugs (AOD) Vandalism Three or More Recurring Violations</p>
Level 4	<ul style="list-style-type: none"> – Assault (physical and/or sexual) – Hazing – AOD manufacturing – AOD distribution 	<ol style="list-style-type: none"> 1. Conduct hearing and investigation. 2. In addition to Level 3 SCP, possible suspension or expulsion (disciplinary). 	<p>Physical Assault Sexual Assault Bias-Related Violation Rohypnol (flunitrazepam) “Roofie” or Similar Distribution</p>

VI. Coordination with the Court System

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 administrator or panel selected by the Director of Student Wellness may adopt the conduct determination of responsibility without conducting a fact-finding conduct meeting or hearing. However, a conduct meeting for the purpose of determining conduct outcome sanction(s) may be provided to the student, during which the student may present any qualifying 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 appropriate outcome sanctions for violations of campus policies.

VII. Athlete or Academic Student Conduct

If a student is involved in a conduct situation pertaining to Academic or Athletic policies, the student may be subject to processes outlined in the respective policies/policy handbooks. To learn more about the Academic processes, see the **Academic Policies** above. To learn more about student-athlete policies, visit gomountaineers.com.

VIII. Conduct Administration

Western uses a collaborative approach to student conduct and adjudication. Conduct administrators represent all aspects of campus with direct support from the Director of Student Wellness and the Office of Student Affairs. Conduct administrators serve on conduct panels, if they are necessary. Additionally, conduct administrators provide support and resources to students and inform students about the conduct process.

For questions regarding policies and procedures, contact:

Nicole Swaggerty
Director of Student Wellness
970.943.2616
nswaggerty@western.edu

McKenzie Mathewson
Assistant Director of Residence Life
970.943.2264
mmathewson@western.edu

IX. Conduct Process

Below is a general overview of the conduct process at Western. These processes are flexible and vary based on the situation and severity; however, Western aims to be consistent and equitable. The conduct process and all applicable timelines commence with a report of a potential violation.

A. Informal or Formal Report and Initial Assessment

If a written or verbal report, informal or formal, of a conduct violation has been received by Western, the university may proceed with an initial assessment to gather information and communicate with the responding student.

The conduct administrator assigned to the case may conduct an initial assessment into the nature of the incident, complaint, or report; gather information; and, review evidence available.

Following the assessment, the conduct administrator will determine the appropriate path forward based on the nature of the complaint, evidence presented, and the student's collaboration with the conduct administrator. Prior to any additional conduct proceedings, the Responding student(s) will receive an email identifying:

- The alleged misconduct violation(s) and related violation level(s);
- Description of the information pertaining to the alleged misconduct;
- Evidence, if presented and/or obtained;
- Possible resolution options and next steps; and,
- Information regarding due process for the student(s) involved.

After the conduct process has been initiated, a conduct meeting with either a conduct administrator or a conduct panel, comprised of Western faculty and staff members will be convened. The conduct meeting is to be held within ten (10) business days of the date a student receives a notification letter via email with details of the meeting, including the date and time.

If a student does not attend their conduct meeting, other than for an unexpected emergency communicated in advance to the conduct administrator, a decision on the conduct violation(s) and outcome sanctions, may be made by the conduct administrator(s) based on the information available.

B. Conduct Meeting or Panel Investigation/Hearing

- Conduct meetings shall be conducted by a conduct administrator or panel appointed by the Director of Student Wellness.
- The Western conduct process is not a court procedure, but every effort will be made to ensure a fair conduct meeting and process.
- The accused student(s) (i.e., Respondent) and any Complainant(s) may have an advisor or support person present. The advisor, including legal counsel, may not speak on the student's behalf and may only advise the student or recommend breaks during the meeting or hearing.
- The conduct meeting or hearing shall be closed to the public due to privacy law and confidentiality.
- The conduct administrator or panel may approve or call for witnesses to be interviewed from all parties, if appropriate. Witnesses may be interviewed prior to or after any conduct meeting or hearing.
- The Respondent(s), Complainant(s), conduct administrator, 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 to communicate that they acknowledge they are aware that the proceedings are being recorded.
- After a determination of the Respondents' responsibility to the conduct violations has been reached, a written decision shall be issued within five (5) days after the conclusion of the conduct meeting/hearing.

C. Conduct Resolution

Taking into consideration the nature of the incident report and the seriousness of the reported violation, the Director of Student Wellness or designated conduct administrator may pursue the options outlined in the SCP matrix. Definitions of conduct outcome sanctions are provided below; Western prioritizes student development and education.

The following outcomes are divided into two sections: Collaborative Sanctions and Administrative Sanctions. Collaborative sanctions involve active participation from all parties and a willingness to engage in meaningful and honest conversations about the incident. Without active, honest participation, the conduct administrator and/or victim(s) in the incident may request Administrative Sanctions be pursued.

Collaborative Sanctions:

Conflict Coaching Students seek counsel and guidance from administration to engage a conflict more effectively and independently. Students need not go through the conduct procedure to seek support from administration to resolve conflicts.

Facilitated Dialogue Students seek counsel and guidance from administration to facilitate conversations aimed at gaining a better understanding of each other and managing conflicts. In a facilitated dialogue, parties maintain ownership of decisions concerning the conversation or any resolution of a conflict.

Mediation Students seek counsel and guidance from 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 Involved parties collaborate with the Conduct Administrator to create a space and facilitation for students taking ownership for harmful conduct and those parties affected by the conduct to jointly construct an agreement to restore community.

Administrative Sanctions:

Educational/Service Projects Students found responsible for misconduct must perform educational programs for Residence Halls, sports teams, classes, etc. and/or campus or community service projects aimed at establishing an understanding of the harm caused to the community.

Conduct Fines Students may be assessed fines for incidents involving damage to property or communal spaces. Relevant fines may be assessed to groups of students as well in cases which warrant generally assigned responsibility. An example of such would be charging an entire floor for vandalism committed by an unidentified person. Fines collected for conduct violations may be used by the Office of Student Affairs to provide prevention education, wellness, and student development training opportunities.

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 and will be the student's responsibility to cover.

Substance Abuse Treatment Recommendations and Referrals Conduct Administrators may recommend substance abuse treatment, classes and awareness programs to students who are found responsible for substance use violations. There may be a fee associated with this sanction and will be the student's responsibility to cover.

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 Administrators' notification.

Strengths Probation Western administers evidence-based Strengths processes in a variety of ways and situations. Strengths use in conduct is two-fold. First to assist students in discovering and using their identified strengths towards personal growth and identifying conduct that may interfere with the student's future goals. Secondly strengths discussion groups are used with a group of students to encourage social growth, civil discourse, citizenship and future planning as a student. 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 \$25.00 administration fee associated with this outcome sanction.

Restitution Conduct administrators 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.

Residence Life Probation Conduct administrators 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 a designated 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.

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.

Persona Non-Grata (PNG) Western reserves the right to deny access, or treat as unwelcome, to the campus property 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 law enforcement will be notified.

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.

Conduct Probation Conduct administrators 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.

Conduct Suspension Conduct administrator or such member(s) of the university staff as appointed by the Office of Student Affairs, in consultation with the Dean of Students, may suspend a student 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 regardless of how they are conducted, use campus 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.

Expulsion Conduct administrator or such member(s) of the university staff, as appointed by the Office of Student Affairs, in consultation with the 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 without access to re-apply for admission. 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.

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 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:

"Any act by students or non-students which interferes with the rights of others, disrupts or impairs the normal functioning of the University, damages or destroys property, or impairs health or safety is grounds for suspension or expulsion from the University. The President or the President's representative may summarily suspend those individuals in the violation of any of these standards pending final disposition of the case by the appropriate body having jurisdiction thereof. The President or the President's representative may call on any law enforcement agency to enforce the suspension and to maintain order."

Utilizing Past Conduct A student's previous disciplinary record, including conduct sanctions and disciplinary status, may be considered for a current conduct violation. The conduct administrator may assign the violation to a higher violation level based on previous violations.

D. Timeline

Western will make every attempt to complete the conduct process within thirty (30) days of the report of the incident. For the purposes of this policy, days refers to business days meaning every day of the week excluding university holidays, Saturdays, and Sundays.

Students in violation of policy and under a conduct outcome sanction(s) will generally have three (3) weeks from the date of their conduct meeting or resolution notification to complete the conduct program sanctions unless otherwise noted in the student's notification letter. Student who do not complete their conduct sanctions in the determined time period or fail to attend the conduct meeting or hearing may have a hold placed on their class registration, be subject to additional fines, suspension of their Mountaineer Card, and/or eviction from the residence halls/apartments as determined by the Director of Student Wellness.

E. Appeal Process

A student is given the opportunity to appeal a conduct decision by the following process:

- i. Appeals must be filed using the **Student Conduct Appeal Form** which may be obtained on the Community Standards webpage or by contacting the Director of Student Wellness.
- ii. **The Student Conduct Appeal Form** must be completed to fidelity to be considered.
- iii. Appeals will only be considered based upon one or more of the following reasons:
 - New information not available at the conduct meeting related to the case is presented. In other words, new information that was not readily available to be presented as evidence during the conduct meeting. This does not mean information that could have been presented but was withheld intentionally or unintentionally.
 - Due process as described has not been followed. This means that the student's due process rights were violated by the conduct administrator or the conduct panel did not follow the process and the Respondent was not afforded an appropriate opportunity to engage in the process.
 - The outcome/sanction(s) is not reasonable to the misconduct determination of responsibility. This means that the conduct sanction(s) imposed by the conduct administrator or panel are disproportionate or inconsistent with precedent for the type of conduct for which the student was found responsible.

Once completed, the **Student Conduct Appeal Form** should be submitted directly to the Director of Wellness. The director will determine whether the appeal is valid based on the following conditions:

- a. Whether the appeal falls into the reasons detailed above;

- b. Whether the information provided in the appeal should have been available at the conduct meeting but was either intentionally or unintentionally withheld; and,
- c. Whether the appeal was submitted by the timeline.

Appeals will be decided based upon the record of proceedings from the conduct meeting or hearing. If an appeal panel is established, the panel may, at their discretion, ask for a meeting with involved parties. Appeals are not a new conduct meeting or hearing but will address only the specific information concerning the appeal made by the student.

The conduct appeal panel shall issue a written decision on the appeal within five (5) days from the date that the appeal is submitted. All conduct outcome sanctions will be considered in effect during the appeal process unless otherwise specified in the decision; that is, students will be expected to be in the process of completing conduct outcome sanctions throughout the appeal process.

Any member who served on the original conduct panel or as the conduct administrator is not able to serve on the appeal panel.

Section 5: Title IX and Sexual Misconduct – Procedures

Students who violate Western’s Sexual Misconduct Policy or the Board of Trustees Policy Prohibiting Sexual Harassment, section 3.5, will be subject to the conduct procedures detailed below. Alleged violations that fall outside the Sexual Misconduct Policy and/or the Policy Prohibiting Sexual Harassment but happen concurrently with violations of those stated policies shall be pursued together through the Sexual Misconduct Procedure.

I. Reporting of Alleged Sexual Misconduct/Sexual Harassment

At any time, any person may report sex discrimination, including sexual misconduct and sexual harassment (whether or not the person reporting is the person alleged to be the victim of sex discrimination), in person, by mail, by telephone, or by electronic mail to the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving a verbal or written report.

Any Responsible Employee who receives a report of alleged sexual misconduct/sexual harassment must promptly report the alleged sexual misconduct/sexual harassment to the Title IX Coordinator.

Upon receiving a report, the Title IX Coordinator will:

- i. Inform the Complainant of the method for filing a Formal Complaint.
- ii. Inform the Complainant of the availability of Supportive Measures with or without filing a formal complaint.
- iii. Offer Supportive Measures to the Complainant, the Respondent, or both as detailed below.

II. Supportive Measures

The Title IX Coordinator will ensure that Supportive Measures are offered to the Complainant and/or Respondent as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent. Supportive Measures may be offered before or after the filing of a Formal Complaint, or where no Formal Complaint has been filed.

The purpose of Supportive Measures is to restore or preserve equal access to Western’s education programs or activities without unreasonably burdening the other Party. Supportive Measures include measures designed to protect the safety of all parties or Western’s educational environment, as well as measures designed to deter sexual misconduct/sexual harassment.

Supportive Measures may include, but are not limited to:

- i. Counseling
- ii. Extensions of deadlines or other course-related adjustments

- iii. Modifications of work or class schedules
- iv. Campus escort services
- v. Mutual restrictions on contact between the Parties
- vi. Changes in work or housing locations
- vii. Leaves of absence
- viii. Increased security and monitoring of certain areas of campus
- ix. Other similar measures

Supportive Measures do not include disciplinary sanctions. The Formal Resolution Process must be completed before disciplinary sanctions may be imposed on a Respondent.

Western may issue an interim suspension or a PNG from campus on an emergency basis if the Title IX Coordinator in collaboration with the Behavioral Intervention Team:

- i. Undertakes an individualized safety and risk analysis;
- ii. Determines that an immediate threat to physical health or safety of any student or other individual arising from the allegations of sexual misconduct/sexual harassment justifies removal; and
- iii. Provides the Respondent with notice and an opportunity to challenge the decision immediately following the suspension or PNG.

Western may place a non-student employee Respondent on administrative leave during the pendency of the Formal Resolution Process set forth below.

Western will maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of Western to provide Supportive Measures.

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

III. Fair and Equitable Process

Western will insure a fair and equitable process for both Parties in a Sexual Misconduct investigation. If at any point either Party feels the process is no longer fair or equitable, that Party is encouraged to reach out to the Title IX Coordinator immediately to remedy those concerns.

Western will ensure a fair and equitable process through the following steps:

- i. No individual designated as a Title IX Coordinator, Deputy Title IX Coordinator, Investigator, Decision-Maker, Appeal Decision-Maker, or person designated to facilitate an informal resolution process may have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.
- ii. Western will not make credibility determinations based on a person's status as a Complainant, Respondent, or witness.
- iii. A Respondent is presumed not responsible for alleged conduct until a determination regarding responsibility is made at the conclusion of the Formal Resolution Process.
- iv. Throughout the processes described herein, Western will objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence.
- v. The processes described herein are subject to the State of Colorado suggested timeframes of 60-90 days to complete an investigation of a case. These timeframes may be extended for good cause upon written notice to the Parties setting forth reason for such extension. Good cause may include considerations such as the absence of a Party, a Party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

IV. Formal Complaint

A Formal Complaint may be filed by a Complainant or by the Title IX Coordinator.

A Formal Complaint may be brought to the attention of the Title IX Coordinator by contacting:

Emma Hempel
Interim Title IX Coordinator
650.383.4753 x137
ehempel@grandriversolutions.com

Western will investigate the allegations in a Formal Complaint.

V. Written Notice

Upon receipt of a Formal Complaint, the Title IX Coordinator will issue written notice of allegations to the Respondent and Complainant, if known. Written notice will be provided to each Party within five (5) days of receiving the Formal Complaint. The notice of allegations will include:

- i. Notice of this policy and the processes within this policy, including the Informal Resolution Process described below;
- ii. The identities of the Parties involved, if known;
- iii. The conduct allegedly constituting sexual misconduct/sexual harassment;
- iv. The date and location of the incident, if known;
- v. A statement that the Respondent is presumed not responsible for the alleged conduct;
- vi. A statement that a determination regarding responsibility is made at the conclusion of a Formal Resolution Process;
- vii. A statement that Parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
- viii. A statement that Parties may inspect and review evidence;
- ix. A statement that retaliation is prohibited and will not be tolerated.

If, during an investigation, Western decides to investigate additional allegations about the Complainant or Respondent relating to the same facts or circumstances but not include in the earlier written notice, Western will provide notice of the additional allegations to the Parties whose identities are known.

VI. Dismissal

The Title IX Coordinator will dismiss a Formal Complaint from a Title IX investigation, but may pursue the allegations under the Sexual Misconduct Prohibition Policy, if:

- i. The conduct alleged in the Formal Complaint would not constitute Sexual Harassment under Title IX regulations described in the Board of Trustees Policy Prohibiting Sexual Harassment; or
- ii. The conduct alleged in the Formal Complaint did not occur within the jurisdiction/applicability of the Policy Prohibiting Sexual Harassment.

While part of a Formal Complaint may be dismissed under Title IX Regulation, student safety is a priority and sexual misconduct which falls outside the Title IX definition of sexual harassment may be addressed through the processes identified below.

VII. Informal Resolution Process

A complainant who wishes to file a complaint with the Title IX Coordinator, but who does not wish to pursue a Formal Conduct process may request a less formal proceeding known as an Informal Resolution Process. Although informal, this is an official conduct process. The Informal Resolution Process could include, but is

not limited to, restorative justice, mediation, dialogue facilitation, and/or any process that does not involve a full investigation and adjudication.

In order to pursue an Informal Resolution Process, the Complainant must choose to utilize this process and the Respondent must agree to engage in the Informal Resolution Process.

A. Availability of Informal Resolution Process

The Informal Resolution Process will not be available to parties who do not agree to pursue such a process.

The Title IX Coordinator may offer the Informal Resolution Process to the parties with the following conditions:

- i. The Informal Resolution Process is only available after a Formal Complaint is filed and only if all Parties voluntarily consent, in writing, to the Informal Resolution Process.
- ii. Any time prior to agreeing to a resolution, any Party has the right to withdraw from the Informal Resolution Process and resume the Formal Process described below.
- iii. The Informal Resolution Process may be implemented any time prior to reaching a determination regarding responsibility if the above conditions are met.

B. Notice of Availability of Informal Resolution Process

If the Informal Resolution Process is available, the Title IX Coordinator will issue written notice to the parties disclosing:

- i. The allegations;
- ii. The requirements of the informal resolution process, including the circumstances under which it precludes the Parties from resuming a Formal Complaint arising from the same allegations;
- iii. Any consequences resulting from participating in the Informal Resolution Process, including the records that will be maintained or could be shared;
- iv. That either Party may withdraw from the Informal Resolution Process and resume the formal grievance process prior to agreeing to a resolution.

C. Timeframe

Western will make a good faith effort to complete the Informal Resolution Process within an average of sixty to ninety days, without jeopardizing the rights of a Party

After the parties have agreed to a resolution that is accepted by the Title IX Coordinator, neither Party may appeal the resolution.

VIII. Formal Resolution Process

A Complainant or Title IX Coordinator may choose to pursue a Formal Resolution Process if an Informal Resolution Process is deemed inappropriate for the specific case details or the level of the violation warrants a formal intervention.

i. Consolidation

The Title IX Coordinator may consolidate Formal Complaints as to allegations of sexual misconduct/sexual harassment where the allegations of sexual misconduct/sexual harassment arise out of the same facts or circumstances.

ii. Advisor

Each party has the right to have an advisor of their choice but Parties are not required to have an advisor. The advisor may be, but need not be, an attorney. The advisor may be present at any proceedings that are part of the formal resolution process. If a Party wishes to have an advisor present at a proceeding, Western will work within reason to schedule the proceeding so the advisor may attend without unreasonably delaying the progress of the formal resolution process.

Except as described below in the section on “Hearing”, a Party’s advisor may not speak on behalf of the Party and will be expected to follow Western’s Rules of Decorum for the Hearing.

iii. Investigation

- i. Western will investigate the allegations in a Formal Complaint.
- ii. Western, and not the Complainant or the Respondent, has the burden of proof and the burden of gathering evidence sufficient to reach a determination
- iii. Western cannot access, consider, disclose, or otherwise use a Party’s records that are made or maintained by a health care professional acting in his or her professional capacity, and which are made or maintained in connection with the provision of treatment to the Party, unless Western obtains that Party’s voluntary written consent to do so for the resolution process.
- iv. Investigative Process:
 - a. During the investigation, each Party has an opportunity to present witnesses and evidence to the investigator.
 - b. The investigator will provide written notice of the date, time, location, participants, and purpose of the investigative interview or other meeting to any Party whose participation is invited or expected.
 - c. Prior to conclusion of the investigation, the investigator will send to each Party and to each Party’s advisor, if any, all evidence obtained as party of the investigation, whether or not Western intends to rely on such evidence in reaching a determination regarding responsibility, that is directly related to the allegations raised in the Formal Complaint.
 - d. Each Party may submit a written response, which the investigator will consider prior to conclusion of the investigation and completion of the investigative report.
 - e. The written response, if any, must be submitted to the investigator by the deadline designated by the investigator, which will be at least ten days after the investigator send the evidence to the Party.
 - f. The investigator will create an investigative report that fairly summarizes relevant evidence.
 - g. The investigator must conduct an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence.
 - h. At least ten days prior to the scheduled hearing, the Title IX Coordinator will send to each Party and to each Party’s advisor, if any, the investigative report.
 - i. Each Party may submit a written response, which the Title IX Coordinator will submit to the Decision-Maker for consideration at the hearing.
 - j. The written response, if any, must be submitted to the Title IX Coordinator by the deadline designated by the Title IX Coordinator.

iv. Hearing

After the conclusion of the investigation, the Title IX Coordinator will refer the case to a panel of up to three faculty and staff members from around campus, herein referred to as the Decision-Maker. The Decision-Maker will conduct a live, virtual hearing.

- i. Prior to the hearing, the Decision-Maker will review the investigative report and the written responses provided by the Parties, if any.
- ii. The hearing will occur live and virtual via Zoom to allow participants to simultaneously see and hear the Party or witness answering questions.
- iii. Hearings will be recorded. Audio recordings and/or transcripts will be available to the Parties for inspection and review.
- iv. **Standard of Evidence**
 - a. The determination of responsibility will be made by the Decision-Maker using the preponderance of the evidence standard.
 - b. The preponderance of the 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.

v. Relevant Evidence

In making a determination of responsibility or sanctions, the Decision-Maker may only consider relevant evidence. Relevant evidence is evidence having any tendency to make the existence of any fact that is of consequence to the determinations to be made more probable or less probable than it would be without the evidence. The Decision-Maker will not consider:

- a. Evidence about the Complainant's sexual predisposition or prior sexual behavior, except when offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant or evidence concerning specific incidents of the Complainant's prior sexual behavior with respect to the Respondent when offered to prove consent.
- b. Information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

The Decision-Maker must conduct an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence. Credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness.

vi. Witness Examination

The Decision-Maker will allow each Party's advisor to examine witnesses. Cross examination may not be conducted by either Party. Cross examination may only be conducted by an advisor acting on a Party's behalf.

- a. Western will provide an advisor to support each Party through the hearing and cross examination, free of charge, for the limited purpose of conducting cross examination.
- b. Only relevant cross-examination questions may be asked of a Party or witness. Before a Party or witness answers a question, the Decision-Maker will determine whether the question is relevant and explain any decision to exclude a question as not relevant.

IX. Remedies/Sanctions

Remedies/sanctions are designed to restore or preserve equal access to Western's education programs or activities. Remedies/sanctions may be disciplinary or punitive and need to avoid burdening the Respondent. The Decision-Maker is responsible for identifying and recommending appropriate sanctions. The Title IX Coordinator is responsible for accepting the remedies/sanctions recommendations and the effective implementation of remedies/sanctions.

The Decision-Maker will base the recommended remedies/sanctions on Western's core values of student development and education. If a Respondent is found responsible for sexual misconduct/sexual harassment under this procedure, potential sanctions include:

- i. **Educational/Service Projects** – Students found responsible for misconduct must perform educational programs for Residence Halls, sports teams, classes, etc. and/or campus or community service projects aimed at establishing an understanding of the harm caused to the community.
- ii. **Conduct Fines** – Students may be assessed fines for incidents involving damage to property or communal spaces. Relevant fines may be assessed to groups of students as well in cases which warrant generally assigned responsibility. An example of such would be charging an entire floor for vandalism committed by an unidentified person. Fines collected for conduct violations are used by the Office of Student Affairs to provide ongoing prevention education, wellness, and training opportunities.

- iii. **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 and will be the student’s responsibility to cover.
- iv. **Substance Abuse Treatment Recommendations and Referrals** – Conduct Administrators may recommend substance abuse treatment, classes and awareness programs to students who are found responsible for substance use violations. There may be a fee associated with this sanction and will be the student’s responsibility to cover.
- v. **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 Administrators’ notification.
- vi. **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. 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 and will be the student’s responsibility to cover.
- vii. **Restitution** – The Conduct Administrators 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.
- viii. **Residence Life Probation** – The Conduct Administrators 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 a designated 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.
- ix. **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.

- x. **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.
- xi. **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.
- xii. **Conduct Probation** – The Conduct Administrators 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.
- xiii. **Conduct Suspension** – The Conduct Administrator or such member(s) of the University staff as appointed by the Office of Student Affairs, in consultation with the 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 regardless of how they are conducted, 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.
- xiv. **Expulsion** – Conduct administrators or such member(s) of the University staff, as appointed by the Office of Student Affairs, in consultation with the 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 without access to re-apply for admission. 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.

X. **Written Determination**

After considering the investigative report, including any Party's written response to the investigative report, and all relevant evidence presented at the hearing, the Decision will issue a written determination within ten (10) days of the hearing. The Title IX Coordinator will provide the written determination simultaneously to the Parties.

The written determination will include:

- i. Identification of the allegations constituting sexual misconduct/sexual harassment;

- ii. A description of the procedural steps from the receipt of the Formal Complaint through the determination, including any notifications to the Parties, interviews, site visits, methods used to gather other evidence and hearings held;
- iii. Findings of fact supporting the determination;
- iv. Conclusions regarding the application of the Sexual Misconduct Prohibition Policy and Policy Prohibiting Sexual Harassment;
- v. A statement of, and rationale for, the result as to each allegations, including;
 - a. A determination regarding responsibility;
 - b. Any disciplinary sanctions imposed on the Respondent;
 - c. Remedies provided to the Complainant;
 - d. Procedures and permissible bases for the Parties to appeal.
- vi. The written determination becomes final five (5) days after it is sent to the Parties, unless an appeal is filed.

XI. Appeal

Either Party may appeal:

- i. Dismissal of a Formal Complaint or any allegations therein; or
- ii. A determination regarding responsibility.

No other issue may be appealed.

A. Bases for appeal:

A Party may only appeal on one or more of the following bases:

- i. Procedural irregularity that affected the outcome of the matter;
- ii. New evidence that was not reasonable available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter
This basis for appeal is not satisfied simply because evidence was not presented during the proceedings, if the evidence was reasonable available at the time the determination was made.
- iii. The Title IX Coordinator, investigator, or Decision-Maker had a conflict of interest or bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent, that affected the outcome of the matter.

B. Filing an Appeal

If a Party wishes to file an appeal, the Party must complete the Student Conduct Appeal Form found on the Community Standards and Student Conduct webpage or by contacting the Title IX Coordinator to request the form. The Student Conduct Appeal Form must be submitted no later than five (5) days after the notice of dismissal or written determination is sent to the Party.

The written appeal must state with specificity:

- i. The issues being appealed; and
- ii. The bases for the appeal.

Incomplete Student Conduct Appeal Forms will not be accepted.

C. Timeframe

Western will make a good faith effort to complete the appeal within five (5) days. The timeframe for completion may be extended for good cause. If the timeframe for completion of appeal is extended, the Title IX Coordinator will notify both Parties in writing of the delay or extension and the reasons for the delay or extension.

D. Appeal Procedure

- i. After receiving a timely written appeal, the Title IX Coordinator will notify the Parties in writing:
 - a. That the appeal was filed;
 - b. The process for submitting a written statement in support of, or challenging, the issues being appeals.
- ii. The appeal, including any written statements submitted by the Parties, will be considered by the Appeal Decision-Maker. The Appeal Decision-Maker may also consider the investigative report, including any Party's written response to the investigative report, all relevant evidence presented at the hearing, and the audio recording and/or transcript of the hearing.
- iii. The Appeal Decision-Maker may consist of one to three faculty and staff members.
- iv. The Appeal Decision-Maker will issue a written determination of appeal, which will describe the result of the appeal and the rationale for the result.
- v. The Title IX Coordinator will provide the written determination of appeal simultaneously to the parties.

The result of the appeal is final.

XII. Retaliation

Retaliation is prohibited.

- i. A report of alleged Retaliation may be made to the Title IX Coordinator in person, by mail, by telephone, or by electronic mail.
- ii. Any Responsible Employee who receives a report of alleged Retaliation must promptly report the alleged Retaliation to the Title IX Coordinator.
- iii. Alleges of Retaliation may be investigated and adjudicated under the Sexual Misconduct Prohibition Policy and/or the Policy Prohibiting Sexual Harassment.

Section 5: Sexual Misconduct Involving Employees of Third Parties

This procedure is promulgated under the Western Sexual Misconduct Prohibition Policy and Board of Trustees Policy Prohibiting Sexual Harassment.

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 Misconduct Prohibition Policy and Board of Trustees Policy Prohibiting Sexual Harassment 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 will vary depending on the complexity of the investigation, the severity and extent of the harassment, the quantity and availability of witnesses, and other factors of significance that may affect the length of the investigation. If the formal complaint process cannot be completed within 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

Complaints about Employee of Third-Party Conducts: all Complaints alleging sexual misconduct/sexual harassment or retaliation committed by employees and/or third parties, whether informal or formal should be submitted to:

Kim Gailey
Director of Human Resources
970.943.3142
kgailey@western.edu

Complaints about Student Conduct: all Complaints alleging sexual misconduct/sexual harassment or retaliation committed by students should be submitted to the Title IX Coordinator:

Emma Hempel
Interim Title IX Coordinator
650.383.4753 x137
ehempel@grandriversolutions.com

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.

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 expedient path to resolution than the formal process entails. The informal resolution efforts will be focused on bringing the Complainant's concerns to the attention of the alleged harasser and, if the concerns are valid, obtaining the voluntary cooperation of the parties to address and resolve the matter.

If a complaint is filed informally, the process is expected to be completed in a relatively brief period of time, usually within 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:

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

- i. A description of the conduct s or actions upon which the complaint is based;
- ii. Identification of the alleged harasser or harassers (Respondent);
- iii. A statement of the Complainant's desired outcome and resolution; and
- iv. 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:

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

D. Notification of Legal Counsel, Title IX Coordinator 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. Acknowledgement 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

i. Timing

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

ii. 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.

iii. 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:

- i. Providing counseling and victim support services.
- ii. Providing medical services.
- iii. 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.
- iv. 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.
- v. Providing an escort to the Complainant so that he/she can move safely between classes and activities.
- vi. Moving the Complainant or Respondent to a different residence hall/apartment.
- vii. Providing academic support services, such as tutoring.
- viii. 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.
- ix. Additional campus-wide office or department specific training or access to assistance.
- x. Any other steps the University determines are appropriate given the nature and circumstances of the harassment.

Section 6: Family Education 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."

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

- i. **Directory Information** – Classified 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.
- ii. **Education Records** – Records directly related to a student and maintained by Western or by a party acting for Western. The term does not include those records specifically excluded by Section Nine. III of the Act.
- iii. **Eligible Student** – 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.
- iv. **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.
- v. **Personally Identifiable Information** – Includes, but is not limited to:
 - 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.
- vi. **Record** – Any information or data recorded in any medium, including but not limited to, handwriting, print, tapes, film, microfilm and microfiche.

Section 7: Solomon Amendment

The Solomon Amendment (codified at U.S.C. § 983) is a federal law that allows military recruiters to access some address, biological and academic program information on students aged 17 and older.

The Department of Education has determined the Solomon Amendment supersedes most elements of FERPA. The University is therefore obligated to release data included in the list of “student recruiting information,” which may or may not match the University’s FERPA directory definition list. However, if the student has submitted a Request to Prevent or Allow Disclosure of Directory Information form through the Office of Student Affairs to restrict the release of their Directory Information, then no information from the student's education record will be released as specified in the Solomon Amendment.

The following is a list of information that may be released to military recruiters pursuant to the Solomon Amendment:

Name, address, email address, and telephone listings. 10 U.S.C. § 983(b)(2)(A).

Date and place of birth, levels of education, academic majors, degrees received, and most recent educational institution enrolled in. 10 U.S.C. § 983(b)(2)(B).

Under the Solomon amendment, information will be released for military recruitment purposes only. The military recruiters may request student recruitment information once each term or semester for each of the 12 eligible units within the five branches of the service:

- i. Army, Army Reserve, Army National Guard
- ii. Navy, Navy Reserve
- iii. Marine Corps, Marine Corps Reserve
- iv. Air Force, Air Force Reserve, Air Force National Guard
- v. Coast Guard, Coast Guard Reserve

The request must be submitted in writing on letterhead clearly identifying the unit of service requesting the student recruitment information.

The request should specify whether the information needed is for the current or previous semester.

Section 8: Student Handbook Updates and Changes

The Office of Student Affairs will update the Western Student Handbook on an annual basis and distribute the updates via official university communications to all Western students, faculty and staff. The updated version of the Student Handbook will then be published on the Western Community Standards webpage. If grammatical edits are needed, the Western Student Handbook may be updated without notification to students. Edits may be necessary prior to the prescribed annual review, in which case, Western will be notified of the updates via official university communications.

Last reviewed: Summer 2022 | Next official review: Summer 2023