



**Gillette**  
College

**CODE OF CONDUCT**

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## INTRODUCTION

The Student Code of Conduct (“Code”) sets forth the community standards and procedures that maintain and protect an environment that is conducive to learning and supports Gillette Community College District’s educational objectives.

In line with the Gillette Community College District mission, vision, and values, the Code upholds community and college standards through interventions where students are heard, respected, and treated with dignity. The College views the Code as a developmental opportunity that encourages personal growth, accountability, and responsible decision-making; promotes reflection and restoration; and reduces and prevents behavior that undermines student success and community safety.

The College may initiate the student conduct process on the basis of information received from any source, including but not limited to any individual, a college official, staff, faculty, student, social media, online reports, or a law enforcement agency. When informed of a potential violation of the Code, the report may be resolved informally, without referring the report to a conduct process. Additionally, conduct allegations will be resolved even when a student chooses to withdraw before the allegations have been resolved.

### **DUE PROCESS**

Due process in a conduct proceeding includes a right to be heard and a right to adequate notice of the alleged conduct violation. For any conduct allegation involving an identified Impacted Party, the Responding Party and Impacted Party have equitable rights.

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## DEFINITIONS

This list of definitions is not exhaustive.

1. **Action Plan** is a combination of administrative sanction(s) and educational, reflective, and/or restorative outcomes assigned when there is a violation of the Code or as part of an informal resolution. An “Action Plan” is intended to promote reflection and growth, repair any harm caused, and help the Responding Party recommit to institutional values.
2. **Advisor** is a parent, friend, attorney, or other individual who provides the student support, guidance, or advice during proceedings.
3. **Consent** is a freely and affirmatively communicated willingness to participate in particular sexual activity or behavior, expressed either by words or clear, unambiguous actions. Initiators of sexual activity are responsible for obtaining consent. Silence or passivity does not imply consent. The use of intimidation, coercion, threats, force, violence or through exploitation of another’s mental or physical condition negates any consent obtained. Consent is not present if obtained from an individual who is incapable of giving consent due to lack of consciousness, age, mental disability, or incapacitation due to ingestion of drugs or alcohol.
4. **Hearing Chair** is the designee who manages the conduct and fact-finding proceedings.
5. **Impacted Party** is someone identified by the Dean of Students Office, or the Hearing Officer, as an individual or individuals directly impacted by alleged violence and/or abuse (including domestic violence, dating violence, sexual misconduct, or stalking).
6. **Reporting Party** or Reporter is an individual who reports a possible violation of the Code, including concerns about discrimination or sexual misconduct.
7. **Responding Party** is the person against whom a complaint/allegation is brought or initiated.
8. **Sexual Misconduct** is engaging in non-consensual contact or conduct of a sexual nature. Sexual misconduct incorporates a range of behaviors including dating violence, domestic violence, hostile environment sexual harassment, sexual assault, sexual exploitation, sexual harassment, stalking, and any other conduct of a sexual nature that is nonconsensual.
9. **Student** means any person who has accepted an offer of admission to GCCD, or any person registered or enrolled in a GCCD credit-bearing course or certificate program. Student status shall last through actual degree conferral or permanent dismissal, or until the person is not in attendance for two (2) complete, consecutive terms, not including the summer session. Student status also includes any person who was enrolled in the College at the time of the misconduct.
10. **Student Clubs and Organizations** is the designation given to all student groups who have completed the registration requirements to be classified and formally registered with the College per policy 5000.4 *Student Governance and Organizations*.
11. **Written Notice** is delivery of mail to a party’s local, permanent, and/or College email address. Students are responsible for checking any/all email addresses listed on their NWCCD account. Students are responsible for providing the college with current and updated addresses, email addresses, and phone numbers.

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## SCOPE, AUTHORITY, AND JURISDICTION

The Student Code of Conduct shall be published and distributed by the Vice President of Academic and Student Affairs Office and shall be available on the College's website.

1. The Office of the Vice President of Academic and Student Affairs is responsible for developing written procedures for the practical application of this Code. For good cause, the Vice President of Academic and Student Affairs may make modifications to resolutions and/or procedures, provided those modifications do not jeopardize the fairness owed to any party. The Vice President of Academic and Student Affairs may designate others to fulfill any of the procedural responsibilities outlined in this Code.
2. The Code applies to each student for behavior that occurs while they are a student, as defined in this Code, regardless of when it is reported. The Code also applies to behavior that occurs during an administrative sanction, regardless of enrollment status.
3. The Code also applies to the Conduct of Student Organizations, as defined in this Code. The College retains jurisdiction over conduct that occurred when the Student Organization was recognized, or seeking recognition, regardless of current status.
4. The Code applies to all activities on College grounds, College-supported virtual platforms, and during any College Sponsored Activity or Student Organization event, regardless of location. The College may apply the Code to off-campus behavior, including behavior conducted online or electronically, when the College can demonstrate a clear and distinct interest, including when the behavior:
  - Causes substantial disruption to the College community or any of its members,
  - Involves academic work or any College records, documents, or identifications,
  - Indicates the student or Student Organization may present a danger or threat to the health or safety to themselves or others, or
  - Constitutes a violation of local, state, or federal law.
5. Potential violations of this Code should be reported promptly. Delayed reporting may negatively impact the College's ability to gather evidence or assign appropriate Action Plans to those found in violation.
6. Proceedings under the Code operate independently from civil or criminal proceedings and may be carried out prior to, simultaneously with, or following civil and criminal proceedings. As this Code applies to student behavior, the student conduct process may continue regardless of whether criminal charges or civil actions have been terminated, dismissed, or reduced regarding the same incident.
7. Students with other affiliations, including but not limited to student-organization membership, college-affiliated programs, academic programs, NJCAA or NIRA athlete status, College appointment or employment, or visa status, may be subject to applicable processes or standards in addition to this Code.

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## PROHIBITED CONDUCT

The following list describes conduct that is prohibited for all members of the College community and for which students may be subject to sanctions under this Code.

### SUBSTANCE USE MISCONDUCT

- **Causing another to ingest:** Causing another to ingest alcohol, cannabis, or other controlled substance without their awareness.
- **Furnishing or producing:** Furnishing, cultivating, producing, distributing, or selling alcohol, cannabis, or other controlled substances, including prescription medication, except as expressly permitted by both State and Federal Law.
- **Possession or consumption:**
  - Alcohol: Possession, consumption, or being in the presence of alcohol by individuals under the legal drinking age, or by individuals of the legal drinking age in a manner prohibited by law or College policy or regulation.
  - Cannabis: Possession, consumption, or being in the presence of cannabis, except as expressly permitted by both State and Federal law.
  - Other Controlled Substances: Possession, consumption, or being in the presence of a controlled substance, including prescription medication, except as expressly permitted by both State and Federal law.
- **Tobacco:** Smoking and tobacco use, including but not limited to vape pens and e-cigarettes, is prohibited in all campus buildings and on all College property, including College vehicles and residence halls.
- **Reckless Endangerment:** Reckless endangerment of others including illegal driving under the influence of alcohol and/or controlled substances. Failure of a Student Organization to take reasonable steps to ensure that no person unlawfully is furnished with, possesses, or consumes alcohol, cannabis, or other controlled substances at a group-sponsored, organized, financed, or endorsed activity or event, or within property or transportation it owns, operates, or rents.

### GENERAL MISCONDUCT

- **Adverse Impact:** Conduct that has a substantial adverse impact on the College community, its members, and/or the pursuit of its objectives, regardless of where such conduct occurs.
- **Bullying:** Engaging in repeated and/or severe, aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally, that is not speech or conduct otherwise protected by the First Amendment.
- **Damage and/or Destruction:** Damage to or destruction of College property or the property of another. This includes making a mess that requires professional cleaning to remove.

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- **Disruption and/or Interference:** Engaging in behavior that could reasonably be foreseen to cause, or that causes, the disruption of or interference with:
    - The investigation and/or adjudication of alleged misconduct,
    - The process of instruction, research, service, administration, or any other College operation, including College Sponsored Activities,
    - The rights of others to sleep, study, and/or freely participate in College programs or services,
    - An environment conducive to learning, or
    - Freedom of movement on College Premises, either pedestrian or vehicular.
  - **Failure to Comply:** Failure to comply with any reasonable directives from College Officials in the performance of their duties. This includes but is not limited to, failures to present identification when requested, report to an administrative office, adhere to no-contact-directives and/or interim actions, remove oneself from College Premises, comply with an adaptable resolution agreement, complete conduct outcomes and/or sanctions, and cease and desist.
  - **Failure to Disclose:** Failure to disclose to the Vice President of Academic and Student Affairs in writing, within five (5) business days, any felony related conviction, plea of guilty or deferred judgement occurring after admission to the College; failure to fully disclose conduct information in the College admissions process.
  - **Falsification and/or Fraud:**
    - Knowingly providing/presenting, creating, or possessing falsified or forged material, records, or documents.
    - Intentional misrepresentation of fact to obtain or induce another to surrender a right, benefit, or property.
    - Falsely presenting oneself as a college or public official.
    - Intentionally initiating any false report or providing false or misleading information during a resolution process.
    - Providing false or misleading information to a person acting in their capacity as a College or public official.
  - **Fire Safety:** Misusing or tampering with firefighting equipment, fire sprinkler systems, and other safety equipment or warning devices; creating fire hazards; or failing to evacuate during a fire alarm.
  - **Gambling:** Gambling for money or other things of value on College Premises or at GCCD Sponsored Activities, except as permitted by both State and Federal law.
  - **Harassment:** Engaging in behavior, directed toward a specific individual(s), that is sufficiently severe, pervasive, or persistent and objectively offensive to a degree that it interferes with a reasonable person's ability to work, learn, or live, or to participate in or benefit from the services, activities, or privileges provided by the College.

- **Interfering with Active Bystander:** Intentionally interfering with, intimidating, threatening, harassing, or retaliating against others for engaging in bystander intervention to prevent or report potential harm, violence, or sexual misconduct.
- **Interfering with the Conduct Process:** Interfering with conduct procedures or outcomes, including, but not limited to: falsifying, distorting, or misrepresenting information; knowingly filing complaints without good cause; harassing or intimidating Conduct Officers, Conduct Hearing participants, or College personnel before, during, or after proceedings; violating interim measures; and failing to comply with sanctions imposed by the Vice President of Academic and Student Affairs, their designee, or Conduct Officer.
- **Physical Violence or Abuse:** Inflicting bodily harm upon or using physical force against any person or animal regardless of intent. Includes but is not limited to assault, fighting, restraining someone against their will, or unwanted physical contact, such as shoving, spitting, smacking, or grabbing.
- **Public Exposure:** Exposing one's genitals in a public place or where members of the public could see, including but not limited to exposure that may occur during sexual activity or public urination or defecation, when it does not constitute Discriminatory Misconduct
- **Retaliation:** Retaliation includes any adverse action taken toward a person who is, or is perceived to be, engaged in a report, an investigation, or College or legal proceeding—either because they participated in the process or to prevent them from participating. Adverse action does not include minor annoyances or petty slights. For example, giving angry looks, declining to socialize, or making justified negative comments would not typically count as retaliation.
- **Safety Hazard:** Any action or behavior that creates a health and/or safety hazard.
- **Theft and/or Possession:** Taking or using money, property, services, or any item of value without authorization or possessing, retaining, or disposing of any stolen property.
- **Threatening Behavior:** Any direct or implied conduct—whether physical, written, or verbal—that causes reasonable fear of physical harm to persons or property, or was intended to cause such fear. This applies regardless of whether the student has the actual intention or ability to carry out the threatened action(s), or whether the threat is made in the present, conditionally, or for the future.
- **Unauthorized Access or Use:** Unauthorized access to, entry to, or use of physical or virtual space, including misuse of access privileges. Unauthorized use of College electronic resources, property or services, or the property of others. Includes conduct prohibited by College policies 3000.22 and 3000.23.
- **Violation of College Housing Contract:** Behavior prohibited by the Residence Life and Housing Contract when the alleged violation occurred within College-managed housing and the Responding Party is a resident of College-managed housing.
- **Violation of College Policies:** Any action or behavior that violates written College policies, rules, regulations, or other guidelines contained in any official publication, administrative announcement, contracts, and/or postings, including College websites.

- **Violation of Law:** Any action or behavior which violates federal, state, or local law.
- **Weapons:** Any action or behavior prohibited by College policies and procedures regarding weapons, explosives, and dangerous chemicals, including but not limited to *3000.36 Dangerous Weapons*.

### **ACADEMIC MISCONDUCT**

Violation of academic integrity policy: Any action or behavior prohibited by College policies regarding academic, including but not limited to *6000.2 Academic Honesty*.

### **DISCRIMINATORY CONDUCT**

Any action or behavior prohibited by College procedure *5000.5C Sexual Misconduct and Intimate Partner Violence Procedure*, including but not limited to Discrimination, Harassment, Sexual Assault, Stalking, Dating and/or Domestic Violence, Title IX Sexual Harassment, and Sexual Exploitation.

## **RESPONDING TO REPORTS OF PROHIBITED CONDUCT**

### **1. Report.**

Any person may report suspected misconduct by a Student or Student Organization for review. Complaints may be submitted in person or in writing via email to a GCCD Official, Conduct Officer, the Vice President of Academic and Student Affairs, or directly to [communitystandards@gillettecollege.org](mailto:communitystandards@gillettecollege.org). Reports may also be submitted via the CARE Report Form on The Hub. If the report alleges a potential violation of the Code and requires further response, it may be referred for an informal resolution, formal student conduct proceedings, or another resolution process. If a resolution is not pursued, the College may respond in other ways to facilitate dialogue or education.

A written complaint should include as much of the following information as possible to assist in the review and resolution of the matter:

- The date and time.
- The grounds on which the Reporting Party(s) believes that a violation of the honor principle or college rules has occurred.
- A brief description of the actions that the Reporting Party(s) believes do constitute a conduct violation.
- A list of the names of the persons believed to have committed a violation, if the names of such violators are known to the Reporting Party(s).
- A list of witnesses with information pertinent to the case.
- A statement of why informal resolution was unsuccessful or did not occur.
- A statement that consents to the disclosure of the complaint to the Responding Party(s).
- The Reporting Party(s) identification verification information such as name, student ID number, and an institutional email address.

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Reports of discrimination, work-place violence or sexual misconduct are submitted to the Title IX Coordinator (titleix@sheridan.edu). Cases under Title IX do not have a statute of limitations.

Students should be advised that Gillette Community College employees are considered mandatory reporters, and must report any disclosure of sexual misconduct, civil rights discrimination and workplace violence to the Human Resources Title IX Coordinator.

**2. No Student Conduct Action.**

If the reported conduct does not constitute a violation, or there is insufficient information to move forward with conduct proceedings, the case will be closed, and relevant parties will be notified and offered support resources or referrals.

**3. Notice of Allegations and Informational Meeting.**

Each party will be issued written notice of the allegations, which will include:

- A description of the alleged misconduct;
- Reference to the specific Code provisions allegedly violated;
- Information about the student conduct process;
- The right to have an advisor and instructions on how to request one; and
- A scheduled date, time, and location for an Informational Meeting, along with directions for rescheduling if necessary.

The Informational Meeting is an opportunity for the Responding Party to:

- Review the allegations and the student conduct process;
- Ask questions and seek clarification;
- Receive an overview of possible resolution options.

While attendance at the Informational Meeting is not required, it is strongly encouraged. The Responding Party may choose to share information about the incident at this time but is not obligated to do so.

**4. Informal Resolution Pathway.**

An informal resolution may be proposed at any time before an administrative conference. This may involve direct discussion, restorative practices, mediation, shuttle diplomacy, or other conflict resolution methods.

Informal resolutions are mutually agreed upon, binding, and not subject to appeal. If a responding party fails to complete informal outcomes, additional disciplinary action may be taken. If no agreement is reached, a written complaint may be submitted to the Vice President of Academic and Student Affairs or designee at [communitystandards@gillettecollege.org](mailto:communitystandards@gillettecollege.org) to initiate the formal conduct process.

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## **5. Formal Student Conduct Pathway.**

Cases not resolved informally may proceed through the formal student conduct process, including a Judicial Board hearing and possible sanctions. Additionally, certain types of misconduct—such as those involving violence, threats, or potential criminal behavior—are not eligible for informal resolution and will be referred directly to the Judicial Board. These cases may involve heightened safety concerns, legal implications, or serious violations that require a formal adjudication process.

### **Accepting Responsibility**

If suspension or dismissal is not being considered, the Responding Party may receive a Violation Agreement with the alleged violation(s) and sanction(s). If not contested within five (5) business days, the agreement is deemed accepted and sanctions will be applied.

If suspension or dismissal is a potential outcome, the Responding Party may still choose to accept responsibility and waive the Judicial Board hearing. Doing so must be a knowing, voluntary, and explicit decision, and generally waives the right to appeal.

## **6. Judicial Board Hearing.**

If the Responding party contests the allegations or is subject to suspension or dismissal, the case proceeds to a Judicial Board Hearing. This decision-making meeting is an administrative proceeding—not comparable to a criminal or civil trial. The Judicial Board Hearing process is further defined in this Code.

## **7. Failure to Respond.**

If the Responding Party fails to attend meetings, fails to follow instructions given in the notice or submit requested documentation within a reasonable specified time, fails to reschedule by the date specified in the notice, a hold may be placed on the Responding Party's account. The Judicial Board may proceed in the student's absence and issue a decision based on available information.

## **8. Action Plan.**

When responsibility is accepted or assigned, appropriate sanctions are outlined in an Action Plan. Sanctions are intended to promote reflection and growth, repair any harm caused, and help the Responding Party recommit to institutional values. Sanctions may be imposed individually or in various combinations and are detailed in this Code.

## **9. Appeals.**

The Responding Party may appeal a Judicial board decision within five (5) business days of receiving the hearing outcome. Appeals must be in writing, include the grounds for appeal, and be delivered as directed in this Code.

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## RESOLUTION OF ACADEMIC MISCONDUCT ALLEGATIONS

- 1. Academic Misconduct Procedures.** The definitions and procedures for resolving allegations of Academic Misconduct at GCCD are in accordance with the procedures set forth by policy *6000.2 Academic Honesty*. Unlike other prohibited conduct outlined in this Code, academic misconduct cases are first managed and resolved by the course instructor and the respective school. During the academic misconduct resolution process, there is a determination of whether policy violation occurred, and, if so, an academic sanction (reduced grade, course failure, etc.) may be applied at that time.
- 2. Determining an Action Plan.** If a student accepts responsibility or is found in violation through the academic resolution process, the Vice President of Academic and Student Affairs may be referred to review the case for additional administrative sanctions. This review considers the nature and severity of the academic misconduct, any instructor or committee administrative sanction recommendations, and the Responding Party has prior academic misconduct violations. If it is decided that administrative sanctions are warranted, the Responding Party can either accept the proposed Action Plan or request a Judicial Board Hearing for the sole purpose of determining an Action Plan. The Judicial Board Hearing does not allow for a reconsideration of the finding of an academic integrity violation.
- 3. Appealing a Suspension or Dismissal.** If an Action Plan includes sanctions of suspension or dismissal, the Responding Party may choose to submit an appeal. Neither the academic sanction nor the finding of a violation may be appealed in the student conduct process. Appeals must be in writing and submitted to the Vice President of Academic and Student Affairs within five (5) business days of the receipt of the conduct hearing outcome.

## RESOLUTION OF DISCRIMINATORY MISCONDUCT ALLEGATIONS

- 1. Discriminatory Misconduct Procedures.** In accordance with college policy, allegations of Discriminatory Misconduct, are resolved in accordance with the procedures set forth by policy *5000.5 Student Rights and Responsibilities*. Should there be a conflict between this Code and those procedures, the 5000.5 policy will supersede the Code.

## JUDICIAL BOARD HEARING

### PRIOR TO A HEARING

The conduct hearing will be scheduled within ten (10) business days of the decision to move to a hearing. All relevant case documents shall be exchanged with the Judicial Board no later than two (2) business days prior to the conduct hearing. A Hearing Board will then be formed by the Vice President for Academic or Student Affairs or designee, composed of at least three (3) members of the Judicial Board, with one (1) member serving as the Hearing Board Chair.

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The Conduct Officer will contact and meet first with the Reporting Party, next with the Responding Party, and then the witnesses (if applicable) to have each individual sign a consent and affirmation agreement and go over their rights and obligations. If this consent and affirmation agreement is not signed, the individual cannot participate in the case.

No individual is bound, either by honor, policy, or law, to participate in the case or to be present at the conduct hearing. Any party or witness can submit written testimony five (5) business days before the conduct hearing in lieu of or in addition to being present at the conduct hearing. The Hearing Board may consider the evidence in the absence of the participant(s) and come to a decision. Additionally, conduct allegations will be resolved even when a student chooses to withdraw or have graduated from the College before the allegations have been resolved.

### **JUDICIAL BOARD HEARING PROCEDURE**

The order of the hearing proceeds as follows:

1. The Hearing Board Chair opens the hearing by explaining the hearing procedure, reviewing the alleged violation(s) that led to the conduct hearing, and summarizing the record. At this stage, the complainant, Responding Party, and any witnesses are present.
2. Both parties—the Complainant and the Responding Party—present information related to the alleged Code violation(s). Witnesses are not present during this portion.
3. The Hearing Board questions both parties and considers all relevant documents or evidence submitted.
4. The Hearing Board may take a recess to determine if additional questions are needed for any party or witness. If necessary, individuals may be called back into the hearing.
5. The Hearing Board Chair formally closes the hearing and all parties, including the Conduct Officer, are excused. The Hearing Board then enters deliberation to determine whether the Responding Party is responsible for the alleged violation(s).

*Note: A Hearing Process Advocate will be present throughout the hearing to support the procedural integrity of the process. The Advocate will use a standardized checklist to ensure each step of the hearing is conducted in accordance with institutional policy and that all participants are afforded fair and equitable treatment.*

### **HEARING BOARD DELIBERATIONS AND RECOMMENDATIONS**

After the conduct hearing has closed and all testimony has been submitted, the Hearing Board deliberates on:

- The facts and events of the case,
- Any violations found, and
- A recommendation to the Vice President of Academic and Student Affairs (or designee) regarding sanctions as part of an Action Plan.

Deliberations are closed to the public, the Conduct Officer for the case, and the rest of the Judicial Board not on the Hearing Board. If a violation of the Code has been found, the Hearing Board will determine appropriate sanctions, as part of an Action Plan, based on the violation's severity, impact on others, and the Responding Party's student conduct record.

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## **NOTICE OF DECISION**

The Hearing Board submits their findings of responsibility and recommended Action Plan to the Vice President of Academic and Student Affairs, or designee, who will issue a written decision letter to the Parties no later than five (5) business days following the Judicial Board Hearing. Delays may occur if additional investigation is deemed appropriate. This letter will include:

- Whether the Responding Party has been found in violation;
- The sanction(s) as part of an Action Plan as determined by the Board, if applicable; and
- Information on the appeal process.

## **APPEALS**

The Responding Party may appeal the decision by filing an appeal within five (5) business days of the receipt of the conduct hearing outcome. The Hearing Board's decision is considered final if an appeal is not submitted within the specified time. An appeal may be made in writing to the Vice President of Academic and Student Affairs, on the basis of any (or all) of the following three (3) appeals criteria:

- a) The sanctions were too severe,
- b) There was procedural error in the original hearing of the case that significantly affected the outcome, or
- c) There is new or newly discovered evidence that would have significantly affected the original decision.

The Action Plan imposed by the College will remain in effect through the appeals process. The appeal is submitted to the Appeals Board. This board is comprised of one (1) to three (3) GCCD staff members who made no prior decision in the case. The Appeals Board submits their final outcome to the Vice President of Academic and Student Affairs, or designee, within five business days of the appeal notice. One (1) of the following actions will be taken:

- a) Affirm the findings of responsibility and sanctions. Written notification will be provided to the Responding Party and Impacted Party (if applicable) at the same time.
- b) Affirm the findings of responsibility but make recommendations to the Vice President of Academic and Student Affairs on modified sanctions. Written notification will be provided to the Responding Party and Impacted Party (if applicable) at the same time.
- c) Recommend to the Vice President of Academic and Student Affairs a reversal of the finding(s) if the Appeals Board disagrees with the Hearing Board's evaluation of the information in the record and does or does not believe sufficient information exists to support a violation of the Student Code of Conduct. The Vice President of Academic and Student Affairs will notify the parties simultaneously of the final outcome.

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## **ACCOMMODATIONS**

Consistent with federal and state law, reasonable accommodation will be provided to persons with disabilities upon request. A Student requesting an accommodation must follow the appropriate process for requesting an accommodation through the Accessibility Services Office. The Director of Accessibility Services will make a determination regarding the request and notify the appropriate parties. In most instances, a Responding Party's disability will not be relevant to finding whether a conduct violation occurred. The extent to which the disability contributed to the prohibited conduct may, however, be considered a mitigating factor to the sanction(s) determination.

## **HEARING RECORDING**

Student Conduct Hearings will be recorded by the Conduct Officer. The recording may be made available to the Responding Party and any Impacted Party for viewing at the Office of the Vice President of Academic and Student Affairs. Reproduction of the recording in any way by a Responding Party, Impacted Party, witness, or Advisors is prohibited.

## **ROLE OF AN ADVISOR**

Advisors serve to provide support, advice, and guidance to students involved in the investigation of allegations or conduct proceedings. Students may have an advisor of their choice to assist them throughout the investigatory and/or student conduct processes at their own expense. The advisor may not serve in a dual role as a witness in the hearing. The advisor is a silent and non-participating presence who is there to observe the proceedings and provide support, guidance, or advice to their student. The College reserves the exclusive right to determine what constitutes appropriate behavior on the part of the advisor. The availability or lack of availability of an advisor will in no way impact or impair the investigation or student conduct process. Advisors may not participate in the process in the absence of the student.

## **ROLE OF A CONDUCT OFFICER**

The Conduct Officer acts as source of information for the parties called to a case and is responsible for communicating information between involved parties and the Board. The Conduct Officer answers questions, informs participants of their rights and obligations, and maintains the organization/distribution of documents in the case file. They are present for the hearing, but do not play any role in the deliberations of the case (they are not present and can't vote).

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## POSSIBLE SANCTIONS

The following are possible sanctions that may be imposed, either individually or in various combinations, as part of an Action Plan, for a student or Student Club and Organization if a violation of the Code is found. It is not intended to be an exhaustive list.

- **Written Warning** is an official written notice that the student has violated College policies, is on notice that they must correct their behavior, and that more severe conduct action will be taken should the student be involved in other violations while enrolled at the College.
- **Conduct Probation** is a specified period during which the student is placed on formal notice that they are not in good standing with the College and that further violations of College policies may subject them to suspension or dismissal from the College.
- **Conduct Suspension** is the exclusion from enrollment in classes and other privileges or activities for a definite period of time until the conditions and all sanctions which are set forth in the hearing outcome letter are satisfied. A record of the action is maintained in the student's record in the Vice President of Academic and Student Affairs office. A transcript notation will be made indicating the student has been suspended from the College for conduct violations. Any refund of tuition or fees will be subject to the College's normal withdrawal policy. Students will receive a "W" on all pending course work. A suspension for misconduct shall be effectuated by the Vice President of Academic and Student Affairs.
- **College Dismissal** is a permanent termination of student status. A permanent record of the action is maintained in the student's record in the Dean of Students office. A transcript notation will be made indicating the student has been permanently dismissed from the College for conduct violations. Any refund of tuition or fees will be subject to the College's normal withdrawal policy. Students will receive a "W" on all pending course work. A dismissal for misconduct shall be effectuated by the Dean of Students. Students who are dismissed from the College may be issued a trespass, pursuant to the College's trespass procedures. Trespasses students are not permitted on campus or in College buildings, facilities, or activities at any time for any reason, unless otherwise permitted by the College's Risk Manager.
- **Restriction** is a limitation on a student's privileges for a period of time and may include, but not be limited to, the denial of the use of facilities or access to parts of campus, denial of the right to represent the College, or denial of participation in extracurricular activities not directly associated with academics (e.g., intramural sports, attending athletic events, Student Clubs and Organizations, or leadership positions within housing, fraternities/sororities, or other organizations). Restrictions can also include trespass as outlined in the College's trespass procedures.
- **Parent/Guardian Notification:** The College may notify parents/guardians when a student under the age of 21 is found responsible for violations of the Student Conduct Code involving alcohol and drugs. Parental/guardian notification may also be made when a student is suspended or dismissed from residence halls or the College and a health/safety exemption exists under FERPA.

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- **Residence Hall and GCCD Apartment Status Change and Access Restrictions:**

The following sanctions may include:

- restrictions on visitation to specified buildings or all College-managed housing;
  - reassignment to another College-managed housing facility as determined by Residential Life staff;
  - suspension from College-managed housing for a specified period of time, after which the student is eligible to return. Conditions for returning may be specified;
  - removal from living in or visiting any College managed-housing facility;
  - trespass from College property as outlined in the College's trespass procedures.
- **Educational and Behavioral Change Requirements** are assigned as an opportunity for personal development and can include, but are not limited to, attending alcohol or other substance education, writing a reflection essay, doing community service, seeking academic counseling, attending a decision-making class, and other relevant educational opportunities.
  - **Restitution** is compensation for damaged caused to the College or any person's property. This is not a fine, but rather a repayment of value of property destroyed, damaged, consumed, or stolen.

#### **STUDENT CLUBS AND ORGANIZATIONS SANCTIONS**

As appropriate, all other sanctions listed above may be imposed on Student Clubs and Organizations for violations of this Code. The following sanctions may also be imposed on Student Clubs and Organizations:

- **Organizational Warning:** Official disciplinary action conveying to the organization that its behavior was unacceptable and that any future violation of this Code may result in more severe disciplinary action, including Organizational Probation, Organizational Suspension, or Revocation of College recognition. Notification will also be sent to any national or regional organization with which the group is affiliated.
- **Organizational Probation:** A period in which the organization's behavior is under College review, conveying that the behavior was unacceptable and that any future violation of this Code may result in more severe disciplinary action, including Organizational Suspension or Revocation of College recognition. Notification will also be sent to any national or regional organization with which the Student Club and Organization is affiliated.
  - Organizational Probation shall be imposed for a period no less than the remainder of the current semester.
  - A Student Club and Organization that has been found to have violated this Code while currently on Organizational Probation shall be placed on Organizational Suspension as a minimum sanction. Student Clubs and Organizations that have been found to have violated this Code and has previously been on Organizational Probation, but is not currently on Organizational Probation, may be placed on Organizational Probation as a minimum sanction.

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- **Organizational Suspension:** Suspension of official College recognition for a period no less than the remainder of the current semester. Notification will also be sent to any national or regional organization with which the College Recognized Student Clubs and Organizations are affiliated.
    - Suspension will be effective immediately upon a Hearing Officer's decision
    - During the period of suspension, the Student Club and Organization will have all benefits of College recognition suspended. A suspended Student Club and Organization may not participate in College Sponsored Activities, participate in events and activities as an organization, use or schedule College facilities, and cannot use the College of Wyoming's name or marks in any manner for any purpose.
    - The suspension and all associated documentation shall be maintained in the Student Clubs and Organizations official College records maintained by the Office of Student Life.
    - A date at which time the Student Club and Organization may request to be cleared by and returned to good organizational standing can be established contingent upon fulfillment of all requirements set forth by the Hearing Officer.
    - A Student Club and Organization that has violated this Code and has been suspended within the last two (2) years shall be suspended as a minimum sanction.
  - **Loss of Recognized Status:** Student Clubs and Organizations that lose their recognized status as a result of the conduct process will not be eligible to be recognized for a minimum period of one (1) academic year. Sanctions shall be effective immediately and all benefits given to a Student Club and Organization shall be permanently removed. Recognized status may be revoked.
    - If an club or organization's purpose or activities are illegal, deviate significantly from its stated purpose, or violate College regulations, policies and/or procedures;
    - If under existing circumstances a clear and present danger exists that such activities may disrupt the education process of the College, endanger or destroy property, or create a condition that is dangerous to the safety of individuals;
    - When revocation is deemed by the President of the College to be in the best interest of the College.

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- **Additional Sanctions:** sanctions that may be given include, but are not limited to, the following:
    - Loss of privileges or benefits granted to Student Clubs and Organizations;
    - Restitution for loss, damage, or actual expenses incurred as a result of the Recognized Student Club and Organization behavior;
    - Participation of Student Club and Organization (its officers, other members or full membership) in educational programming, including alcohol and other drugs counseling or reflection activities;
    - Trespass from all or a portion of any College premises or College-sponsored activities;
    - Any other sanction determined appropriate as a result of a conduct proceeding.

### **FAILURE TO COMPLY**

As members of the GCCD community, students are expected to comply with conduct sanction(s), as part of an Action Plan, within the timeframe specified. Failure to fully complete the assigned conduct sanctions by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions and a hold placed on the student's account.

## **INTERIM ADMINISTRATIVE MEASURES**

The Vice President of Academic and Student Affairs or designee may take immediate administrative action deemed necessary for the safety of the College community and/or preservation of property. These actions may be taken without a formal complaint, conduct process, or a finding of responsibility. All Administrative actions may be appealed in writing to the Vice President of Academic and Student Affairs or designee. These administrative actions include, but are not limited to:

- Temporary Suspension
- Temporary Housing Suspension
- No Contact Order
- Trespass
- Student Account Holds
- Pending Conduct Transcript Notation
- Class and/or Lab Removal Alternatives
- Degree Revocation
- Other Administrative Actions

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## RECORDS AND DISCLOSURE

### 1. Student Conduct Records.

Reports will result in the development of a conduct record in the name of the Responding Party. If the Responding Party is found not responsible for the conduct allegations, the record will be marked no action. Records with sanctions less than suspension or dismissal will be maintained for seven years following the calendar year of record and then destroyed. Records of cases in which suspension or dismissal from the College occurred, and those that fall under Title IX, are kept indefinitely.

### 2. Disclosure of Records.

Pursuant to the Family Educational Rights and Privacy Act (FERPA), GCCD may disclose personally identifiable information when necessary to protect the health or safety of the student or others. For more information about FERPA, including when and to whom student records can be released, please visit the College's FERPA webpage.

Individual conduct records may be requested by the student via NWCCD email to the Vice President of Academic and Student Affairs at [communitystandards@gillettecollege.org](mailto:communitystandards@gillettecollege.org). Conduct records are considered part of a student's educational record and are maintained separately from academic transcripts but remain protected under FERPA

Access to conduct records is limited to in-office viewing only. Copies of records will not be printed or distributed. Students may not take photographs or screenshots of any part of the conduct record. The names and identifying details of other individuals involved will be redacted to protect their privacy. Records may not be disclosed in whole or in part except as permitted by law, by the student's written authorization, legal compulsion, or in cases where the safety of others may be involved.

## STUDENT CODE OF CONDUCT ADOPTION AND REVISION

1. Any question of interpretation regarding the Code shall be referred to the Vice President of Academic and Student Affairs for final determination.
2. The Vice President of Academic and Student Affairs retains the authority to immediately enact and enforce changes to the Student Code of Conduct.
3. The Student Code of Conduct supersedes all previous versions of this Code at the time it is published on the College website.

## CONTACT

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