

NWTC STUDENT CODE OF CONDUCT – HANDBOOK

Our college community is filled with individuals from all walks of life who share a common bond: the desire to go after their dreams. To ensure all our students can learn in a safe and welcoming environment, NWTC has guidelines, policies, and procedures in place for appropriate behavior and consequences for violations. We want everyone in the NWTC community to feel comfortable, confident and safe while pursuing their college and career goals. We are committed to providing a respectful place for all to soar higher!

NWTC has established a Code of Conduct for students, to clearly lay out our expectation for appropriate behavior while on the campus or attending NWTC sponsored activities. This Code of Conduct is set up to support the College's mission, to help every student learn and grow in a safe environment, and protect everyone at the College, including faculty, staff, and students, as well as the College's property and processes.

STUDENT RIGHTS & RESPONSIBILITIES

- **YOU** have a right to learn in a safe environment.
- **YOU** have an obligation to act with integrity, both inside and outside the classroom.
- **YOU** are accountable for the consequences of **YOUR** actions.

NWTC's faculty and staff will encourage open discussion and questions in class and during meetings. You will be evaluated/graded only on your academic work, not on your opinions or behavior unrelated to coursework.

- **FREEDOM OF EXPRESSION:** You can disagree with what you learn in class and have your own opinions. However, you still need to learn and understand the course material as required by the instructor.
- **FAIR EVALUATION:** You are protected from unfair and biased grading. You should follow the course requirements and maintain good performance. If you feel you have not been evaluated fairly, learn more about the grade appeal process [HERE](#)
- **CONFIDENTIALITY:** Information about your personal beliefs or political views shared with instructors or advisors should remain private. Instructors can share their opinions on a student's abilities and character only with the student's consent.

CARE – COLLEGE ASSESSMENT RESPONSE AND EVALUATION

The CARE Team serves as a cross functional behavioral intervention team focused on prevention and early intervention with students who may be experiencing extreme distress or may be engaging in threatening or disruptive behaviors. This team has members from across the college: Student Affairs, Academic Affairs, and Security. These members are trained to recognize and address student conflict management issues and threat to self and/or others and may utilize various methods and strategies in dealing with student concerns.

The primary goal of this team is to provide safe learning and working environments for all students, employees and visitors. If you are involved in an incident that has come to the attention of the CARE team, you may be required to meet with a CARE team member. During this meeting, there will be a discussion about the incident as well as to determine whether you are a potential threat to yourself or the NWTC community. Depending on the scope and severity of the concern, you may be required to meet with a mental health professional (either a member of NWTC's professional counseling staff or someone within the community), who will conduct additional assessments/evaluations to help the CARE team determine whether you pose any significant risks to the NWTC campus community. (Once a threat is reduced, you still may be charged with a violation to NWTC's Student Conduct and will go through the Student Conduct process – see below for more information on that process).

We want to help you succeed after an incident. You may be asked to meet with the Student Conduct and CARE Case Manager to create a plan for your success. Your success is important to us.

STUDENT CONDUCT

To maintain high standards of instruction and to permit all who attend NWTC to obtain the most from their educational experience, you are expected to:

- Conduct yourself in a way that complies with all civil and criminal laws, and NWTC policies and regulations while on NWTC properties or at off-site school sponsored events;
- Not interfere with the educational or business processes of NWTC in any manner;

- Conduct yourself in a manner both on and off campus that does not endanger the safety or well-being of other students, staff or faculty.

The student conduct process is quite different from criminal and civil court proceedings. Processes and rights in student conduct procedures are conducted with fairness to all, but do not include the same structure or process afforded by the courts. Due process, as defined within these procedures:

- Assures written notice of the alleged violations;
- Access to evidence, which is considered;
- The opportunity to respond;
- Consideration of the facts by objective investigators or a decision-maker.

NWTC uses a burden of proof called “**preponderance of the evidence**” meaning that, when a reasonable person looks at the evidence, that person can determine that it is “more likely than not” that a violation occurred.

For the purposes of student conduct, the term “**student**” applies to any person currently enrolled in a credit and/or non-credit course(s) at NWTC, either full-time or part-time.

The student conduct process may occur simultaneously, prior to, or following any criminal, employment, or other proceeding. If you are charged with violating the NWTC Student Code of Conduct, you may not avoid the conduct process by withdrawing from NWTC. Student conduct proceedings may continue without your participation, and/or an enrollment hold may be placed on your record until the matter is resolved. An enrollment hold will prevent you from initiating any enrollment activity, such as adding or dropping classes, receiving transcripts, etc. You may be sanctioned regardless of your enrollment status.

The Student Code of Conduct lists procedures to respond to such behaviors, and it provides for sanctions that are intended to educate and to safeguard members of the NWTC community.

If you have any questions about this Code, please contact the Student Conduct and CARE Case manager at 920-498-6390 or kelly.schumacher@nwtc.edu.

PROCEDURAL RIGHT TO DUE PROCESS

Any individual (e.g. student, guest) facing possible disciplinary action is entitled to the following procedural due process:

- To be notified of the allegations against them;
- The right to a timely and fair investigation and hearing process;
- To know the nature of the information against them, unless release of the information would endanger the health or safety of the complainant or witness(es);
- To have an opportunity to respond and to present information and/or witness(es) relevant to the allegation;
- To an appeal, if applicable.

VIOLATIONS

Whenever a student commits or attempts to commit a violation of the Student Code of Conduct as explained below, either on the campus, at an activity, function or event sponsored or supervised by NWTC, sanctions may be imposed on the student. Sanctions may also be imposed whenever a student commits a violation of the Student Code of Conduct off campus, if the misconduct adversely affects the NWTC community. NWTC academic programs may have program specific handbooks with additional expectations and possible sanctions specific to the program. Students may be subject to possible sanctions from both their specific academic program as well as the general Student Code of Conduct.

Violations of the Student Code of Conduct include, but are not limited to:

1. Violating NWTC's Alcohol, Tobacco, and Drug-Free Policy;
2. Theft or attempted theft, including forging documents for money;
3. Intentional or unintentional damage to property, with potential restitution if NWTC property is damaged;
4. Assault and/or battery;
5. Harassment, bullying, or abuse, including through social media. Students should be aware that online postings such as blogs, web postings, chats and

social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of Student Code of Conduct violations if evidence of policy violations is posted online. NWTC does not regularly search for this information but may act when such information is brought to the attention of NWTC officials;

6. Sexual harassment or misconduct, including non-consensual sexual acts or inappropriate behavior;
7. Possession or use of weapons or explosives, except in specific course-related situations;
8. Trespassing or unauthorized use of college property;
9. Misuse of college equipment, vehicles, computers or networks, including violating the Acceptable Use Policy;
10. Disrupting the peace or education process, including using inappropriate language. If a student is asked to leave a classroom or other college area, they must get approval from their instructor or a Dean/Associate Dean to return;
11. Not following directions from college staff;
12. Violating disciplinary terms or retaliating against those involved in a conduct process;
13. Violating program-specific handbooks or rules;
14. Breaking any federal, state, or local laws or NWTC policy on NWTC property or at NWTC events;
15. Any behavior harmful to students, the college community, or the learning process;
16. Failure to provide appropriate identification when asked by College personnel.

NOTIFICATION OF ALLEGED CONDUCT VIOLATIONS & PRELIMINARY INVESTIGATION

Upon learning of a potential conduct violation, appropriate staff will conduct a preliminary investigation. During this stage of an investigation, the following determinations are being considered by the CARE team:

- **INSUFFICIENT CAUSE:** If the CARE team finds insufficient cause to charge a student with violating the Student Code of Conduct, and/or if the investigation indicates that the student is not responsible for the violations, the case will be closed.
- **SUFFICIENT CAUSE:** If sufficient cause is found (suggesting a potential conduct violation), the student will be informed in writing of the charge(s) against them. Students alleged to have violated the Student Code of Conduct may request to view the incident form. NWTC may redact personally identifying information of victims or witnesses. Requests for viewing these reports must be made in writing to the Student Conduct and CARE Case Manager (kelly.schumacher@nwtc.edu or 920-498-6390) at least one (1) business day in advance.

INTERIM ACTION (IF NECESSARY)

The CARE team may impose interim action(s) prior to a conduct meeting and/or while an investigation or conduct process is occurring. Such action is reserved for those cases when it is necessary to protect the health, welfare, or safety of a student or the community. Such action may also apply if the student poses a threat of significant disruption to the educational process and/or the normal operations of the College, or if the student cannot be located, and/or does not participate in the conduct process. Should such events occur, the Student Conduct and CARE Case Manager shall send written notice of such measures/actions to the student, at his or her last known address by certified mail, return receipt requested as well as through the student's NWTC email account. The notice shall state the specific action imposed and the reason for the action as well as instructions regarding next steps in the conduct process.

NWTC will request that the student participate in a mandatory meeting with members of the Student Conduct/CARE team. The purposes of the mandatory meeting are to:

- Review the charge(s) and possible sanctions if the student is found to be responsible for the violation(s) in question;
- Provide the student with an opportunity to respond to the charge(s);
- Review discipline and appeal procedures and inform the student of their rights in connection with those procedures.

Except under extreme emergency circumstances, premises occupied by students and the personal possessions of students will not be searched unless reasonable suspicion exists, and appropriate authorization has been obtained. For premises such as lockers and other

facilities controlled by the College, an appropriate and responsible authority will be designated to whom application should be made before a search is conducted. This person is the Associate Vice President of Student Affairs or his/her designee, at NWTC (i.e. Security Manager).

If it has been determined that NWTC property must be searched, this search will be done by either the NWTC Security, Manager or the NWTC Security, Supervisor. This search will be documented through the student conduct software and will include information such as: scope of search, date, time, etc. The student will be present, if possible, for the search.

An application will be prepared specifying the reasons for the search and the objects or information sought. The student will be present, if possible, for the search. For premises not controlled by the College, the ordinary requirements for lawful search will be followed.

In any investigation or conduct meeting, a student may request to bring an advocate, whose function is to support and advise the student, NOT to represent them. NWTC will attempt to accommodate all parties' schedules, however, conduct meetings are required and students will be expected to attend.

FINDINGS/DETERMINATIONS

At the completion of an investigation, using “preponderance of evidence” (more likely than not), a decision will be made, indicating whether a student is found **RESPONSIBLE** or **NOT RESPONSIBLE** of committing a code of conduct violation.

RESOLUTION PROCESS

- 1. INFORMAL RESOLUTION:** The student and the Student Conduct and CARE Case Manager, faculty member, and/or dean or associate dean shall agree to resolve the matter informally. In that event, the student and the Student Conduct and CARE Case Manager shall review the charges, and the student accepts responsibility for the charged violations of the Student Code of Conduct.
- **MEDIATION:** In appropriate cases, the Student Conduct and CARE Case Manager or designee may coordinate a mediation process with the involved parties. Mediation is a voluntary process in which the parties involved meet with a neutral third party to discuss and design a resolution to the issues of concern. Mediation often results in a written agreement that is drafted and signed by both parties. If students elect not to participate in the mediation process, adjudication of the case would revert back to the Informal Resolution process.

- **RESTORATIVE JUSTICE:** Restorative justice in schools is a philosophical approach that aims to resolve conflicts by building relationships and focusing on the needs of all involved. It's based on the idea that wrongdoing is an offense against relationships, not the school or state. Restorative justice practices emphasize repairing harm instead of punishment, and can help create a positive learning environment.

A student who disagrees with a finding of “responsible” or the sanctions levied may choose to request a formal resolution through a decision-maker. The request for a formal resolution must be made in writing (may include electronic correspondence) to the office of the Student Conduct and CARE Case manager within 3 business days of the informal resolution discussion. Informal resolution is a required step before a student, or the College requests a formal resolution.

2. **FORMAL RESOLUTION:** If, after an attempt at informal resolution occurs and there is no agreement/resolution agreed upon by all participants, the student would meet with the Associate Vice President of Student Affairs or their designee (decision-maker). The decision-maker would meet with the investigators (or be provided with an investigation report) and the student. After reviewing the information provided, a decision would be made (Insufficient cause, Not Responsible, Responsible) and sanctions would be decided.

The decision will be sent to the student electronically, via their student email account (mymail.nwtc.edu). This decision will be provided within 24 hours of the meeting with the decision-maker.

3. **APPEAL:** Students who meet with the decision-maker have the right to appeal disciplinary decisions, with the exception of students who request a meeting with a decision-maker but do not attend their scheduled meeting time. Appeal requests must be made within three (3) business days after written notification of the finding and sanction. To submit an appeal, click [HERE](#)

A student would only be able to appeal this decision if:

- a. There was an introduction of new information;
- b. There was a failure to uphold the student’s rights.

An appeal must contain the following information:

1. Reason for appeal request;
2. The name, email address, and telephone number of the party;

3. A clear statement explaining the nature and circumstances of the appeal, citing new evidence or how their rights have been violated during the conduct process.

The Vice President of DEI and Talent & Culture will review the material submitted and will make a decision to be sent to the student via their NWTC email account within ten (10) academic days after receipt of the appeal.

At the discretion of the Decision-maker, sanctions may be deferred while a request for an appeal is being considered.

DETERMINATION OF SANCTIONS

In keeping with the values of NWTC, sanctions are designed to promote the College's educational mission. Sanctions may also serve to promote safety or to deter students from behavior that harms, harasses, or threatens people or property. Some behavior is so harmful or disruptive to the College community or to the educational process that it may require more serious sanctions, such as removal from specific programs, courses or activities, suspension, or expulsion. More than one sanction may be recommended.

FACTORS CONSIDERED IN DETERMINING SANCTIONS

Although not binding or definitive, the following factors may be considered in determining what sanctions are appropriate in a case:

1. The nature of the violations(s);
2. Prior violations and disciplinary history;
3. Mitigating circumstances surrounding the violation;
4. The student's motive or purpose for engaging in the behavior;
5. Sanctions which have been imposed in similar cases in the past;
6. The developmental and educational impact on the student.

POSSIBLE SANCTIONS

Multiple sanctions may be imposed, including but not limited to one or more of the following:

- **FORMAL WARNING;**

- **EDUCATIONAL REQUIREMENTS:** A provision to complete a specific educational requirement directly related to the violation committed. The provision will be clearly defined. Such educational requirements may include, but are not limited to, completion of an alcohol education workshop, a diversity awareness workshop, essays, reports, etc.;
- **RESTITUTION;** Student found “Responsible” may be required to compensate the “victim” for damages or losses they have caused, either to property or individuals within the NWTC community. This might include financial reimbursement, repair of damaged property, or other actions determined to restore (as close as possible) the condition that existed before the harm/damage occurred.
- **SUSPENSION:** temporary removal from a NWTC program, course or activity or from the College for a specified period of time.
- **EXPULSION:** Permanent removal from a NWTC program, course or activity.

DISCIPLINARY RECORDS

The outcome of the conduct process is part of the education record of the responding student and is protected from release under FERPA, except under certain conditions. Under these exceptions, NWTC is permitted to disclose personally identifiable information from education records without consent, though the college is not required to do so. The following is general information regarding some of these exceptions:

- Prior written consent by the student to the Student Conduct and CARE Case Manager requesting the release disciplinary records to a third party.
- Requests to release disciplinary records from an “eligible student's” education records, without consent, to another school in which the student seeks or intends to enroll.
- Disclosure to “school officials” with “legitimate educational interests”. A school official has legitimate educational interest if the official needs to review a disciplinary records in order to fulfill their professional responsibilities.
- In a situation where a student is enrolled in both a high school and a postsecondary institution, the two schools may exchange information on that student. If the student is under 18, the parents still retain the rights under FERPA at the high school

and may inspect and review any records sent by the postsecondary institution to the high school.

Additionally, in cases where NWTC determines through the student conduct process that a student violated a policy that would constitute a “Crime of Violence,” NWTC may also release disciplinary records publicly and/or to a third party. FERPA defines “crimes of violence” to include arson, assault offenses (includes stalking), burglary, criminal homicide (manslaughter by negligence), criminal homicide (murder and non-negligent manslaughter), destruction/damage/vandalism of property, kidnapping/abduction, robbery, forcible sex offenses, statutory rape, incest, and non-forcible sex offenses.

Lastly, FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when they reach the age of 18 or attends a school beyond the high school level regardless of age. Students to whom the rights have transferred are "eligible students." FERPA permits a post-secondary institution like NWTC to let parents of students under the age of 21 know when the student has violated any law or policy concerning the use or possession of alcohol or a controlled substance.

Student disciplinary records are normally maintained in the Student Conduct and Care Case Manager’s office for a period of seven years, after which the file records may be purged. Records may be maintained for a longer time at the discretion of NWTC. Files of students who are suspended or expelled will be retained.