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# Fox Valley Technical College

## Code of Conduct – General

### SECTION 1: PHILOSOPHY STATEMENT

Fox Valley Technical College believes in maintaining a learning environment that values academic excellence, institutional integrity, justice, equity, civility and diversity. The College is committed to the academic and personal development of all students and requires the behavior of all students to be compatible with the mission and values of the College. Students are required to conduct themselves in a positive and appropriate manner at all times while attending all College-sponsored activities, both on or off any district campus. The *Code of Conduct - General* is established to foster and protect the core mission and objectives of the College, to foster the scholarly and civic development of the College's students in a safe and secure learning environment, and to protect the faculty, staff, and students as well as the properties and processes that support the College and its mission.

Students should be aware that there are different policies and procedures that guide various forms of misconduct. This set of procedures applies to general conduct violations as defined in Section 4. A. Behavior Expectations. Excluded from the procedures contained in this document are sexual misconduct (see Sexual Misconduct Policy and Sexual Misconduct Procedure) and academic misconduct (Academic Misconduct Policy and Academic Misconduct Procedure). Additionally, the student conduct process is quite different from criminal and civil court proceedings. Procedures 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, and consideration of the facts by an objective decision-maker. No student will be found in violation of Fox Valley Technical College policy without information showing that it is more likely than not that a policy violation occurred and/or any sanctions will be appropriate to all relevant facts and circumstances.

### SECTION 2: JURISDICTION

Students at Fox Valley Technical College are provided a copy of the *Code of Conduct - General* annually in the form of a link on the Fox Valley Technical College website. Hard copies are available upon request from the Office of Student Conduct, located in Counseling and Advising Services. Students are responsible for reading and abiding by the provisions of the *Code of Conduct - General*.

The *Code of Conduct - General* and the student conduct process apply to the conduct of individual students, including all Fox Valley Technical College-affiliated student organizations. For the purposes of student conduct, Fox Valley Technical College

considers an individual to be a student when admitted into a program, enrolled in a course, and/or attending a course, seminar, workshop or other learning activities at or from the College, regardless of the mode of program and/or course delivery. These expectations and rules apply to all students, whether the student is in an Associate Degree program, Technical Diploma program, Certificate Program, English Language Institute, Adult Basic Education, and Alternative High School, taking one class, or participating in a workshop or other educational activities.

Fox Valley Technical College retains conduct jurisdiction over students who choose to take a leave of absence, withdraw or have graduated for any misconduct that occurred prior to the leave, withdrawal or graduation. Student conduct proceedings may continue with or without the student's voluntary participation. If sanctioned, a hold may be placed on the student's ability to re-enroll, obtain official transcripts, and/or graduate status and all sanctions must be satisfied prior to re-enrollment eligibility.

The *Code of Conduct - General* applies to behaviors that take place on any campus, at Fox Valley Technical College-sponsored events, Fox Valley Technical College-affiliated housing, and may also apply off-campus when the Vice President of Student and Community Development or designee determines that the off-campus conduct affects a substantial Fox Valley Technical College interest.<sup>1</sup> A substantial Fox Valley Technical College interest is defined to include:

- Any situation where it appears that the student's conduct may present a danger or threat to the health or safety of him/herself or others; and/or
- Any situation that is detrimental to the educational mission and/or interests of the Fox Valley Technical College in accordance with the *Code of Conduct - General* policy; and/or
- Any situation which involves conduct contrary to civil or criminal laws or College policies or regulation.

The *Code of Conduct - General* may be applied to behavior conducted online, via email or other electronic medium. 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 conduct violations if evidence of policy violations is posted online. Fox Valley Technical College does not regularly search for this information but may take action if and when such information is brought to the attention of Fox Valley Technical College officials. However, online speech by students not involving Fox Valley Technical College networks or technology may be protected as free expression and not subject to this Code. While the College respects these properly exercised rights, some exceptions are:

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<sup>1</sup> Adapted, with gratitude, from Penn State University.

- A true threat, defined as “a threat a reasonable person would interpret as a serious expression of intent to inflict bodily harm upon specific individuals”;
- Speech posted online about the Fox Valley Technical College or its community members that causes a significant on-campus disruption or which is contrary to College policy or procedure.

The *Code of Conduct - General* applies to guests of community members whose hosts may be held accountable for the misconduct of their guests. This is inclusive of all individuals who participate in partnership programs and other contracted services, visitors to and guests of Fox Valley Technical College. Visitors and guests of FVTC may seek resolution of violations of the *Code of Conduct - General* committed against them by members of Fox Valley Technical College community.

There is no time limit on reporting violations of the *Code of Conduct - General*; however, the longer someone waits to report an offense, the harder it becomes for Fox Valley Technical College officials to obtain information and witness statements and to make determinations regarding alleged violations. Prompt reporting is strongly encouraged.

Though anonymous complaints are permitted, doing so may limit Fox Valley Technical College’s ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Office of Student Conduct and/or to Safety and Security.

**It should be noted that in instances of alleged sexual misconduct, in accordance with the Sexual Misconduct Policy, Fox Valley Technical College employees are required to report to Safety and Security.**

Students are responsible for updating their student accounts with a functional email address. All communication regarding conduct will utilize email as the preferred means of communication.

### **SECTION 3: VIOLATIONS OF THE LAW**

Alleged violations of federal, state and local laws may be investigated and addressed under the *Code of Conduct - General*. When an offense occurs over which Fox Valley Technical College has jurisdiction, the Fox Valley Technical College conduct process will usually go forward and sanctions may be imposed notwithstanding any criminal complaint that may arise from the same incident. In the event of a law enforcement investigation, College student conduct processes may be temporarily delayed for police fact gathering.

The College reserves the right to exercise its authority of interim suspension upon notification that a student is facing criminal investigation and/or complaint. Interim suspensions are imposed until a final determination can be made, typically within two weeks when possible. Within that time, the suspended student may request an immediate

conference with the Manager-Student Conduct to show cause as to why the interim suspension should be lifted. This conference may resolve the allegation, or may be held to determine if the interim suspension should be continued. The interim suspension may be continued by the College including situations where a danger to the community is posed and the College is inhibited from conducting its own investigation and resolving the allegation by parties involved with the criminal process.

Students accused of crimes may request to take a leave from the College until the criminal charges are resolved. In such situations, the College procedure for voluntary leaves of absence is subject to the following conditions:

- The responding student must comply with all campus investigative efforts that will not prejudice their defense in the criminal trial; and
- The responding student must comply with all interim actions and/or restrictions imposed during the leave of absence; and
- The responding student must agree that, in order to be considered for reinstatement to active student status, they must first be subject to, and fully cooperate with, the campus conduct process and must comply with all sanctions that may be imposed.

## SECTION 4: THE RULES

### A. Behavioral Expectations

The Fox Valley Technical College considers the behaviors described in the following sub-sections as inappropriate for the Fox Valley Technical College learning community and in opposition to the mission, vision and values of the College. Fox Valley Technical College encourages community members to report to Fox Valley Technical College officials all incidents that involve the following actions. Any student found to have committed or to have attempted to commit the following misconduct is subject to the sanctions outlined in Section 7: Conduct Procedures.<sup>2</sup>

- 1) **Falsification.** Knowingly furnishing or possessing false, falsified or forged materials, documents, accounts, records, identification or financial instruments;
- 2) **Unauthorized Access/Use/Trespass.** Unauthorized access to any Fox Valley Technical College building (i.e. keys, cards, etc.) or unauthorized possession, duplication or use of means of access to any Fox Valley Technical College building or failing to timely report a lost Fox Valley Technical College identification card or key; trespass on College property; unauthorized use of Fox Valley Technical College property or facilities;

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<sup>2</sup> References to other College policies shall be meant to incorporate the entire policy by reference.

- 3) **Collusion.** Action or inaction with another or others to violate the *Code of Conduct - General* or encouraging such violation;
- 4) **Trust.** Violations of positions of trust within the community;
- 5) **Election Tampering.** Tampering with the election of any Fox Valley Technical College-recognized student organization;
- 6) **Taking of Property.** Taking or attempted taking of Fox Valley Technical College property or the personal property of another, including goods, services and other valuables;
- 7) **Stolen Property.** Knowingly taking or maintaining possession of stolen property;
- 8) **Disruptive Behavior.** Substantial disruption of Fox Valley Technical College operations including obstruction of teaching, administration, other Fox Valley Technical College activities, and/or other authorized non-Fox Valley Technical College activities which occur on campus or within established jurisdiction;
- 9) **Rioting.** Causing, inciting or participating in any disturbance that presents a clear and present danger to self or others, causes physical harm to others, or damage and/or destruction of property;
- 10) **Unauthorized Entry.** Misuse of access privileges to Fox Valley Technical College premises or unauthorized entry to or use of buildings, including trespassing, propping or unauthorized use of alarmed doors for entry into or exit from a Fox Valley Technical College building;
- 11) **Trademark.** Unauthorized use (including misuse) of Fox Valley Technical College or organizational names and images;
- 12) **Damage and Destruction.** Intentional, reckless and/or unauthorized damage to or destruction of Fox Valley Technical College property or the personal property of another;
- 13) **IT and Acceptable Use.** Violating the Fox Valley Technical College Acceptable Use and Computing Policy, found online Under “Administrative Policies” at: <http://www.fvtc.edu/About-Us/Policies/All-College-Policies> ;
- 14) **Gambling.** Gambling as prohibited by the laws of the State of Wisconsin (Gambling may include raffles, lotteries, sports pools and online betting activities);
- 15) **Weapons.** The use, placement, concealment, creation, manufacture, transportation, or possession of weapons and/or potentially dangerous devices in FVTC buildings (owned or leased), FVTC-owned vehicles, or at an FVTC

sponsored event as defined in Sec. 943.13(1.e.)(h.), Wis. Stats. held on public or private property off campus which is posted is strictly prohibited, except as expressly permitted hereafter or allowed by law or College policy. For the full Weapons Policy, select “Health and Safety at: <http://www.fvtc.edu/About-Us/Policies/All-College-Policies>;

- 16) Tobacco.** All Fox Valley Technical College campuses and leased facilities, including the grounds, are tobacco-free as part of the College’s effort to create a safer and healthier environment for students, faculty and staff, and visitors to the College. A tobacco-free campus will prohibit use of all tobacco products including, but not limited to, cigarettes, electronic cigarettes, cigars, pipes, and chewing tobacco, in all buildings and vehicles owned and leased by FVTC. Individuals may use tobacco inside their personal vehicles; however, disposal of cigarette butts, smoking materials, or any garbage on College grounds is strictly prohibited. For full policy, select “Health and Safety” at <http://www.fvtc.edu/About-Us/Policies/All-College-Policies>;
- 17) Fire Safety.** Violation of local, state, federal or campus fire policies including, but not limited to:
- a) Intentionally or recklessly causing a fire which damages Fox Valley Technical College or personal property or which causes injury.
  - b) Failure to evacuate a Fox Valley Technical College-controlled building during a fire alarm;
  - c) Improper use of Fox Valley Technical College fire safety equipment; or
  - d) Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on Fox Valley Technical College property. Such action may result in a local fine in addition to Fox Valley Technical College sanctions;
- 18) Animals.** Animals, with the exception of animals that provide assistance (e.g. seeing-eye dogs), and pets as outlined in the Residence Life Handbook, are not permitted on campus except as permitted by law;
- 19) Wheeled Devices.** Skateboards, roller blades, roller skates, bicycles and similar wheeled devices are not permitted inside Fox Valley Technical College buildings, or residence halls. Additionally, skateboards and other wheeled items may not be ridden on railings, curbs, benches, or any such fixtures that may be damaged by these activities, and individuals may be liable for damage to Fox Valley Technical College property caused by these activities;
- 20) Discrimination.** Any act or failure to act that is based upon an individual or group’s actual or perceived status (sex, gender identity, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, or sexual orientation, or other protected status) that is sufficiently severe that it limits or denies the ability to participate in or benefit from the Fox Valley Technical College’s educational program or activities. See “Health and

Safety” for policy regarding Gender based discrimination and “Students” for policy on other forms of discrimination <http://www.fvtc.edu/About-Us/Policies/All-College-Policies>;

**21) Harassment.** Any unwelcome conduct based on actual or perceived status including: sex, gender identity, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, sexual orientation or other protected status. Any unwelcome conduct should be reported to campus officials, who will act to remedy and resolve reported incidents on behalf of the victim and community.

- a) **Hostile Environment.** Sanctions can and will be imposed for the creation of a hostile environment only when [unwelcome] harassment is sufficiently severe, pervasive (or persistent) and objectively offensive that it unreasonably interferes with, limits or denies the ability to participate in or benefit from the Fox Valley Technical College’s educational or employment program or activities. (See Administrative Policy, Health and Safety, Sexual Misconduct for further information: <http://www.fvtc.edu/About-Us/Policies/All-College-Policies>);

**22) Retaliatory Discrimination or Harassment.** Any intentional, adverse action taken by an responding individual or allied third party, absent legitimate nondiscriminatory purposes, against a participant or supporter of this participant in a civil rights grievance proceeding or other protected activity under this code;

**23) Dating Violence.** Means violence by a person who is or has been in a romantic or intimate relationship with the victim. Whether a romantic relationship exists will be gauged by its length, type and frequency of interaction between the respondent and complainant. (See Administrative Policy, Health and Safety, Sexual Misconduct for further information: <http://www.fvtc.edu/About-Us/Policies/All-College-Policies> );

**24) Domestic Violence.** Misdemeanor and felony crimes of violence committed against a complainant when the respondent is the spouse of the complainant, a former spouse of the complainant, cohabitant of the complainant, and intimate partner of the complainant or has a child in common with the complainant. (See Administrative Policy, Health and Safety, Sexual Misconduct for further information: <http://www.fvtc.edu/About-Us/Policies/All-College-Policies>);

**25) Stalking.** Stalking is a course of conduct, including harassment, intimidation, or surveillance, directed at a specific person that would cause a reasonable person to fear for his, her or other’s safety, or to suffer substantial emotional distress, serious physical injury or death. (See Administrative Policy, Health and Safety, Sexual Misconduct for further information: <http://www.fvtc.edu/About-Us/Policies/All-College-Policies>);



- 26) Sexual Misconduct.** Includes, but is not limited to, sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, and/or sexual exploitation (See Administrative Policy, Health and Safety, Sexual Misconduct for further information: <http://www.fvtc.edu/About-Us/Policies/All-College-Policies>);
- 27) Bystanding.**
- a) Complicity with or failure of any student to appropriately address known or obvious violations of the *Code of Conduct - General* or law;
  - b) Complicity with or failure of any organized group to appropriately address known or obvious violations of the *Code of Conduct - General* or law by its members.
- 28) Abuse of Conduct Process.** Abuse or interference with, or failure to comply in, Fox Valley Technical College processes, including, but not limited to:
- a) Falsification, distortion, or misrepresentation of information;
  - b) Failure to provide, destroying or concealing information during an investigation of an alleged policy violation;
  - c) Attempting to discourage an individual's proper participation in, or use of, the campus conduct system;
  - d) Harassment (verbal or physical) and/or intimidation of a member of a campus conduct body prior to, during, and/or following a campus conduct proceeding;
  - e) Failure to comply with the sanction(s) imposed by the campus conduct system;
  - f) Influencing, or attempting to influence, another person to commit an abuse of the campus conduct system;
- 29) Harm to Persons.** Intentionally or recklessly causing physical harm or endangering the health or safety of any person;
- 30) Threatening Behaviors:**
- a) **Threat.** Written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.
  - b) **Intimidation.** Intimidation defined as implied threats or acts that cause a reasonable fear of harm in another;
- 31) Bullying and Cyberbullying.** Bullying and cyberbullying are repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally, and are not protected by freedom of expression;
- 32) Hazing.** Defined as an act that endangers the mental or physical health or safety of a student, or that destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. Participation or cooperation by

the person(s) being hazed does not excuse the violation. Failing to intervene to prevent and/or failing to discourage and/or failing to report those acts may also violate this policy;

- 33) Public Exposure.** Includes deliberately and publicly exposing one's intimate body parts, public urination, defecation, and public sex acts;
- 34) Alcohol.** Use, possession, or distribution of alcoholic beverages or paraphernalia except as expressly permitted by law and the Fox Valley Technical College's Alcohol Policy (See "Health and Safety", Drug and Alcohol Free Campus and Workplace" for further information: <http://www.fvtc.edu/About-Us/Policies/All-College-Policies>);
- 35) Drugs.** Use, possession or distribution of illegal drugs and other controlled substances or drug paraphernalia except as expressly permitted by law and the Fox Valley Technical College's Drug Policy (See "Health and Safety", Drug and Alcohol Free Campus and Workplace" for further information: <http://www.fvtc.edu/About-Us/Policies/All-College-Policies>);
- 36) Failure to Comply.** Failure to comply with the reasonable directives of Fox Valley Technical College officials during the performance of their duties and/or failure to identify oneself to these persons when requested to do so, including failure of current students to produce a current student photo ID card upon request;
- 37) Financial Responsibilities.** Failure to promptly meet financial responsibilities to the institution, including, but not limited to; knowingly passing a worthless check or money order in payment to the institution or to an official of the institution acting in an official capacity. For a full list listing of the Student Finance Policy, see "Student" and "Student Finance": <http://www.fvtc.edu/About-Us/Policies/All-College-Policies>;
- 38) Sex Offender Registry.** Failure of any student self-report their status as a registrant on any sex offender to the Office of Security Services promptly. Students who are currently enrolled at the time of a conviction that has a statutory requirement for sex offender registry must contact the Office of Security Services within seventy-two (72) hours;
- 39) Other Policies.** Violating other published Fox Valley Technical College policies or rules, including, but not limited to, those specific to a particular College program or activity and all policies enforced by buildings designed for and used primarily by Fox Valley Technical College Students (e.g. Tech Village Student Apartments, Gruenhagen Conference Center, etc.);
- 40) Health and Safety.** Creation of health and/or safety hazards (dangerous pranks, hanging out of or climbing from/on/in windows, balconies, roofs, etc.)

**41) Violations of Law.** Evidence of violation of any local, state or federal laws, when substantiated through the Fox Valley Technical College's conduct process.

## **SECTION 5: OVERVIEW OF THE CONDUCT PROCESS**

This policy outlines the manner in which Fox Valley Technical College proceedings will be conducted, but it should be noted that not all situations are of the same severity or complexity. Thus, these procedures are flexible, and are not exactly the same in every situation. The campus conduct process and all applicable timelines commence with notice to an administrator of a potential violation of Fox Valley Technical College rules.

All days listed in this policy are regular business days when the College is open for business. Weekends, holidays, and days when the campus is closed for business are excluded.

At any point in the investigation, the Manager-Student Conduct may attempt to conciliate the complaint through contact with all parties involved. Any agreement reached as a result of conciliation shall be in writing and signed by all parties involved.

## **SECTION 6: PROCEDURES UNDER THIS CODE**

### **1. Filing a Complaint**

A complaint against a student for violations of this Code may be made verbally or in writing by anyone who feels this Code has been violated. A complaint should be made within 24-48 hours or as soon as possible following the incident. Complaints can be made verbally or in writing to:

Student Conduct:

Tony Duff, Manager-Student Conduct  
[duff@fvtc.edu](mailto:duff@fvtc.edu), 920-225-5913

Security Services:

Jayne Bowman, Manager-Security Services  
[bowman@fvtc.edu](mailto:bowman@fvtc.edu), 920-993-5138

Derek Reiter, Coordinator-Security Services  
[reiterd@fvtc.edu](mailto:reiterd@fvtc.edu), 920-993-5177

Nickole Evers-Swiertz, Coordinator-Security Services  
[eversswi@fvtc.edu](mailto:eversswi@fvtc.edu), 920-735-5621

Complaints should include as much detail of the alleged violation as possible and to the degree possible include specific references to that part of this Code that pertains to the complaint. Please note that if any information is left blank on the reporting form i.e. reporting student's name, and/or contact information, the College may not be able to fully investigate the complaint. The College may, however, initiate a student conduct investigation based on available information even without a formal complaint.

Complaints can also be made online from the College's website. Once an incident is reported, the involved parties will be contacted by a campus administrator to set up a meeting. Complaints made verbally will be reduced to writing at that time.

The complaint should include:

- Complainant's name, address and telephone number;
- The name of the person who is accused with a violation of this Code;
- The date(s) on which the alleged incident(s) occurred;
- The place(s) where the alleged incident(s) occurred;
- A statement describing, in detail, the alleged incident(s);
- The name, address and telephone number of any witnesses;

In exceptional circumstances, provisions may be made to protect the identity of reporters and witnesses upon request.

If the complaint involves allegations of sexual misconduct, the matter will be handled under Administrative Policy: **HEALTH & SAFETY POLICY TITLE: SEXUAL MISCONDUCT & RELATED PROCEDURES**

## **2. Initial Investigation and Informal Resolution**

Upon receipt of a complaint, Campus Security or designee will make inquiries about the circumstances surrounding the event in question to determine whether it is more likely than not that a violation of this Code occurred. Campus Security or designee may schedule conferences with the individuals involved, obtain written statements from the complainant, respondent, witnesses or other persons directly involved in the incident.

Determinations that may result from the initial investigation include:

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

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

If Fox Valley Technical College's finding is that the responding student is in violation, and the responding student accepts this finding within three days, Fox Valley Technical College considers this an "uncontested allegation." The administrator conducting the initial review will then determine the sanction(s) for the misconduct, which the responding student may accept or reject. If accepted, the process ends<sup>3</sup>.

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<sup>3</sup> In cases of minor misconduct, both steps in this paragraph can be accomplished in one meeting.

If the administrator conducting the initial review determines that it is more likely than not that the responding student is in violation, and the responding student rejects that finding in whole or in part, then it is considered a contested allegation and the process moves to Step 3.

### **3. Formal Investigation**

If, during the initial investigation, a determination is made that there was likely a violation of the Code, and no resolution is reached, a formal investigation may be held to obtain additional information. The respondent and involved parties will receive notice that a formal investigation will be conducted. Notification will be provided in writing, and will include the following:

- The complaint identifying sections of the Code at issue and sanctions that may result;
- A copy of the Code and procedures applicable to the complaint;
- A request that the accused student provide a written explanation of the incident (or if a prior statement was obtained provide additional information);
- Any directives pertinent to the complaint that involve the recipient.

When a formal investigation is initiated, the Manager-Student Conduct or designee will meet with the person filing the complaint and the person accused to review the written complaint, collect or request all relevant evidence and documents and review interim measures, if any.

Witnesses may be interviewed, relevant documentation gathered and reviewed and follow-up meetings with the person filing the complaint and the person accused may occur. The person conducting the investigation may seek a voluntary resolution to the complaint at any time and the results of such resolution shall be documented.

The person conducting the investigation will retain all records and notes of the investigation and shall prepare a written report, including the summary of findings and outcomes, including sanctions or remedial actions. The person conducting the investigation may use college resources, including peers or colleagues to assist in the preparation of the written report.

While the College will exercise reasonable diligence in completing the investigation, delays may occur in order to meet the intent of the policy or to ensure the fair and equitable resolution of a reported incident. The person filing the complaint or the accused should report any procedural error or deficiency to the Manager- Student Conduct or it shall be deemed waived. A procedural error or deficiency shall not require an outcome in favor of the person allegedly disadvantaged by the error.

### **4. Student Conduct Conference**

The Student Conduct Conference will be held following the formal investigation and facilitated by the Manager-Student Conduct or designee, and the purpose will be as follows:

- Inform the respondent of the information provided to date by the complainant and other persons;
- The respondent will be given the opportunity to raise questions and discuss the information;
- The respondent will be given the opportunity to admit the allegations and accept responsibility for the violation(s);
- The respondent will be given the opportunity to deny the allegations and to offer additional information;
- The respondent will be informed of the process and possible remedies and sanctions that may result.

As a result of the Student Conduct Conference, the Manager-Student Conduct or designee may:

- Dismiss the complaint;
- Refer parties involved, if appropriate, to other services at the College;
- Refer parties involved to other appropriate follow up, including mediation with the complainant;
- Resolve the complaint informally;
- Impose a remedy and/or sanctions appropriate to the violation;
- Determine that a proceeding before the Conduct Review Panel is appropriate. A referral will be made for a Conduct Review Panel within ten (10) business days of the Student Conduct Conference.
- Conduct further investigation.

If student accepts the findings, but rejects the sanction, the student will propose alternate sanctions of equal weight in writing with supporting rationale to the Behavior Intervention Team (BIT). The BIT will review the proposed sanctions and finalize. Whenever a student has proposed alternative sanctions that have been approved by the BIT, the sanctions cannot be appealed. All other sanctions are subject to appeal (see *Appeal Review Procedures*) by the student. Once the issue(s) on appeal is decided, the process ends.

If the respondent does not agree with the outcome of the Student Conduct Conference, the student has the right to appeal the decision within three (3) business days of receipt of the decision letter. The appeal process will be given in writing along with the decision letter.

### **5. Conduct Review Panel**

In cases in which the health and safety of the college community are in question, issues of high complexity, or in which an individual seriously impeded on the rights or safety of any person, a Conduct Review Panel may be convened by the Manager-Student Conduct at any point in the process. The review panel shall consist of not less than three (3) nor more than five (5) panel members, to include the following individuals: Dean or Associate Dean from the division of study declared by the student, 1-2 faculty member(s), and 1-2 student representative(s). All Conduct Review Panel participants are required to complete and sign a Family Rights and Privacy Act (FERPA) form. If panel

members have previous knowledge of the incident, an alternate may be designated for participation on the panel. An impartial chairperson for the review panel will also be designated by the Manager-Student Conduct.

Notification of a proceeding before the Conduct Review Panel will be provided by the Manager-Student Conduct or his/her designee to the complainant and the respondent to the designated email address. Delivery is considered to be confirmed when it is sent to the designated email address. It is the responsibility of the complainant and respondent to check his/her designated email. The notice will include:

- The name of the complainant;
- The nature of the complaint, including the specific code sections alleged to have been violated, applicable conduct procedures and the sanctions that may result;
- The time and place of the proceeding.
- Notice of the right to have witnesses. It is the responsibility of the complainant and the respondent to contact his/her witnesses and arrange for their participation. All student witnesses are required to complete and sign a Family Rights and Privacy Act (FERPA) form. No less than forty-eight (48) hours prior to the proceeding, the complainant and respondent student must provide a list of witness names and a statement of their witness' anticipated testimony to panel members and the other party;
- Notice of the right to have an advisor. The advisor may not be a witness at the proceeding or otherwise participate in the proceeding;
- Notice of the right to present relevant information;
- The names of others who will be present at the proceeding (if known), including the names of the review panel members;
- Notice that a document file compiled by the Office of Student Conduct with statements from the complainant, respondent and witnesses and any other documentary information will be available to the respondent, the complainant and their advisors for review at least three (3) days prior to the Conduct Review Panel. An appointment is required to review the document file. Copies may be made available upon specific request. Students should note that disciplinary action may be taken, and sanctions may be imposed, if they fail to attend the Conduct Review Panel or any subsequent proceeding based on the information known at the time. A student may submit a written request setting forth good cause to postpone the proceeding. Except in emergency situations, no written request for a postponement will be considered unless received at least three (3) business days before the proceeding.
- Names of the Conduct Review Panel members. Proceedings before the Review Panel for violations of the Code of Conduct - General will be conducted by a trained member(s) of the College faculty, staff, students or consultant designated by the Office of Student Conduct.

Proceedings of the Conduct Review Panel are outlined below:

- The proceeding will be closed to all members of the campus and outside community except for those directly involved with the complaint.

- The complainant, the party injured, and the respondent each have the right to be assisted by an advisor of their choice who is not a witness in the complaint. An advisor may be present to advise only and may not participate. Advisors who interfere with the proceedings can be excused by the proceeding chairperson of the Review Panel.
- If the party injured by the alleged act of misconduct is not the complainant, the Panel may also allow the party injured to attend.
- Only persons involved in the proceeding will be permitted in the vicinity of the proceeding.
- An audio recording of the proceeding, but not the closed deliberations of the panel will ordinarily be made and kept by the Manager-Student Conduct. If the recording is not made for any reason, the decision of the Review Panel will include a summary of the testimony and shall be sufficiently detailed to permit review by the Vice President of Student and Community Development.
- It is expected that participants and advisors will respect the dignity and privacy of each member of the College community and keep private that which transpires during the proceeding, in accordance with federal law.
- Student witnesses, when called by the College on behalf of the complainant, the respondent, or the College, are required to participate in the proceeding. Specific procedures will be issued by the Manager-Student Conduct to the Panel members, the complainant, the injured party if not the complainant, and respondent student prior to the proceeding.

The Vice President of Student and Community Development or his/her designee may implement changes to these proceedings as needed that do not jeopardize the material fairness owed to the parties to any complaint.

For each violation, an appropriate remedy and/or sanction may be imposed by the chairperson of the Conduct Review Panel based on the facts and circumstances which may include:

- a. Finding(s) that, more likely than not, the conduct complained of occurred.
- b. The respondent's prior student conduct record
- c. Mitigating circumstances.
- d. Whether illegal conduct was involved.
- e. Gravity of the offense.
- f. Premeditation/intent.
- g. Evidence of negligence or recklessness.
- h. Prior offenses or whether multiple offenses were involved.
- i. Whether there was conscious disregard for the rights or welfare of others.

Thereafter a **Student Conduct Conference** will be scheduled with the Respondent for the purpose of discussing the findings of the Conduct Review Panel and the sanctions if any.



If student accepts the findings, but rejects the sanction, the student will propose alternate sanctions of equal weight in writing with supporting rationale to the Behavior Intervention Team (BIT). The BIT will review the proposed sanctions and finalize. Whenever a student has proposed alternative sanctions that have been approved by the BIT, the sanctions cannot be appealed. All other sanctions are subject to appeal (see *Appeal Review Procedures*) by the student. Once the issue(s) on appeal is decided, the process ends.

If the respondent does not agree with the outcome of the Student Conduct Conference, the student has the right to appeal the decision within three (3) business days of receipt of the decision letter. The appeal process will be given in writing along with the decision letter.

## **SECTION 7: REMEDIES AND SANCTIONS**

### **Interim Suspension**

Pending the completion of the investigation and any subsequent proceeding process, the College is authorized to place the responding party on interim suspension for reasons related to his or her physical or emotional safety and well-being, to protect the integrity of the investigation, pending the outcome of a psychological or medical assessment and/or for reasons relating to the safety and well-being of students, faculty, staff, or College property. In some cases, the accused student may be permitted to attend classes but be suspended from all other campus activities. This determination will be made by Campus Security, the Manager-Student Conduct, or a college administrator with in-depth knowledge of the student and potential threat. Whenever interim suspension action is taken, a permanent resolution will normally be arrived at within ten (10) business days.

### **No-Contact Order**

Pending the completion of an investigation and corresponding activities, a campus-wide No-Contact Order between parties to a complaint may be issued. No-Contact may be used when the fear of retaliation and/or harassment may be present. Specific instructions will accompany the No-Contact Order outlining to all parties the expected behavior including face-to-face contact, correspondence, e-mail, instant message or telephone. Friends and relatives are also prohibited from contact on behalf of either party.

### **Other Sanctions**

The following remedies and sanctions may be imposed where respondents have been found responsible for violation of this Code. In addition, other remedies and sanctions may be fashioned at the discretion of the Manager-Student Conduct or the proceeding officer if a proceeding is held:

1. *Warning*: An official written notice that the student has violated Fox Valley Technical College policies and/or rules and that more severe conduct action will result should the student be involved in other violations while the student is enrolled at the Fox Valley Technical College.

2. *Probation*: Notice that further violation of this Code may result in suspension from Fox Valley Technical College. Also, the decision may place some additional restrictions on membership in student organizations and/or participation in activities or may establish special restitution and service requirements.
3. *Fox Valley Technical College Suspension*: Separation from the Fox Valley Technical College for a specified minimum period of time, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension. The student is required to vacate the campus within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Manager-Student Conduct. During the suspension period, the student is banned from college property, functions, events and activities without prior written approval from the Manager-Student Conduct. This sanction may be enforced with a trespass action as necessary.
4. *Facilities Restriction*: Revocation or restriction of privileges for the use of some but not all College facilities
5. *Fox Valley Technical College Expulsion*: Permanent separation from the Fox Valley Technical College. The student is banned from college property and the student's presence at any Fox Valley Technical College-sponsored activity or event is prohibited. This action may be enforced with a trespass action as necessary.
6. Referral to civil or criminal authorities (if this has not already occurred).

Any of the following may accompany a remedy and sanction.

- a) *Restitution*: Compensation for damage caused to the Fox Valley Technical College or any person's property. This could also include situations such as failure to return a reserved space to proper condition – labor costs and expenses. This is not a fine but, rather, a repayment for labor costs and/or the value of property destroyed, damaged, consumed, or stolen.
- b) *Community/Fox Valley Technical College Service Requirements*: For a student or organization to complete a specific supervised Fox Valley Technical College service.
- c) Referral to appropriate psychological or psychiatric service for evaluation, mandated assessment, or other special help.
- d) Campus-Wide Notice of No Trespass will accompany a sanction of suspension or expulsion from the College.
- e) Campus-Wide No Contact Order: campus officials may impose a Campus Wide No-Contact Order between parties to a complaint. Specific instructions will accompany the Campus-Wide No-Contact Order outlining to all parties the expected behavior including face to face contact, correspondence, e-mail, instant

message or telephone. Friends and relatives are also not permitted to have any contact on behalf of either party.

- f) *Eligibility Restriction*: The student is deemed “not in good standing” with the Fox Valley Technical College for a specified period of time. Specific limitations or exceptions may be granted by the Manager- Student Conduct and terms of this conduct sanction may include, but are not limited to, the following:
- a. Ineligibility to hold any office in any student organization recognized by the Fox Valley Technical College or hold an elected or appointed office at the Fox Valley Technical College; or
  - b. Ineligibility to represent the Fox Valley Technical College to anyone outside the Fox Valley Technical College community in any way including: participating in the study abroad program, attending conferences, or representing the Fox Valley Technical College at an official function, event or intercollegiate competition as a player, manager or student coach, etc.

Additional or alternate remedies or sanctions may be created and designed as deemed appropriate to the offense with the approval of the Manager-Student Conduct or designee.

Underage students found in violation of the College’s Alcohol Policy and/or sanctioned for the possession or distribution of illegal drugs will be subject to the College parental notification policy. (See FERPA Policies and Procedures in the Student Handbook). In addition, the College reserves the right, in accordance with the Family Education Rights and Privacy Act of 1974 (FERPA), to make public notification of the final results of certain student conduct actions (See FERPA Policy in The Guide). Such notification may include the name of the student offender and the type of violation, but will not disclose the names of any other students who were involved as victims or witnesses without their consent.

### **Failure to Complete Conduct Sanctions**

All students, as members of the Fox Valley Technical College community, are expected to comply with conduct sanctions within the timeframe specified by the Manager-Student Conduct. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions and/or suspension or expulsion from the Fox Valley Technical College. In such situations, resident students will be required to vacate Fox Valley Technical College affiliated housing within 24 hours of notification by the Manager-Student Conduct, though this deadline may be extended upon application to, and at the discretion of the manager of the affiliated housing and/or the Manager-Student Conduct. A suspension will only be lifted when compliance with conduct sanctions is satisfactorily achieved. This determination will be made by the Manager-Student Conduct.

## **SECTION 8: APPEAL PROCEDURES**

Procedures to Appeal the decision from a Student Conduct Conference:

A. Where the Respondent is found responsible for a violation of this Code that may lead to a sanction less serious than suspension or expulsion, the student can appeal in writing to the Vice President of Student and Community Development or his/her designee within three (3) business days of receipt of the sanctions. The student will have the right to request a final review based on any of the following grounds:

1. A sanction that is substantially disproportionate to the severity of the violation.
2. A material deviation from written procedures that jeopardized the fairness of the process.
3. A demonstrable bias by a member(s) of the Conduct Review Panel.
4. New information, unavailable at the time of the proceeding that could be outcome determinative.

B. In the case of suspension or expulsion, the student will not be permitted to be on campus or attend classes pending the outcome of the appeal unless implementation of the sanction is delayed by the Vice President of Student and Community Development and/or his/her designee due to extraordinary circumstances.

C. An appeal must be timely, in writing and contain the following information:

1. The name, address, e-mail address and phone number of the party appealing
2. The reason for the appeal request.

A clear explanation of the facts and circumstances underlying the appeal with specifics relating to A. 1 through A. 4 above, where applicable.

### **Standard of Review for Appeals**

1. The Vice President of Student and Community Development or his/her designee will review the written request for an appeal within ten (10) business days of receipt to determine whether there is sufficient basis to grant an appeal. If so, he/she will proceed to hear the appeal, or return the complaint to the original body issuing the sanction for reconsideration in light of the basis for the appeal. At the discretion of the Vice President of Student and Community Development, sanctions may be held in abeyance, in whole or in part, pending the decision on appeal.

2. If the Vice President of Student and Community Development and/or his/her designee determine that there is not a sufficient basis to change the decision of the proceeding or the sanction(s), the student will be notified in writing.

3. Appeals are deferential to the determination made by the underlying body issuing the sanction, and are not intended as a new proceeding. If the Vice President of Student and Community Development or his/her designee hears the appeal, he/she may determine that there is a sufficient basis to change the determination of the body making the determination and issuing the sanctions if there is clear error or compelling justification,

only. If so, he/she may reverse, sustain or modify the decision, or change the sanction. Normally, appeals involve a review of the underlying record and appeal request. At the discretion of the Vice President of Student and Community Development or his/her designee, the parties, witnesses or written documentation may be interviewed/reviewed as necessary to assure fairness.

4. The decision of the Vice President of Student and Community Development and/or his/her designee will be final.

## **SECTION 9: NOTIFICATION**

### **Parental Notification**

The Fox Valley Technical College reserves the right to notify the parents/guardians of dependent students regarding any conduct situation, particularly alcohol and other drug violations. The Fox Valley Technical College may also notify parents/guardians of non-dependent students who are under the age of 21 of alcohol and/or other drug violations. Parental notification may also be utilized discretionarily by administrators when permitted by FERPA or consent of the student.

### **Notification of Outcomes**

The outcome of a campus proceeding and/or other process is part of the education record of the responding student and is protected from release under the Federal Education Rights and Privacy Act (FERPA), except under certain conditions. As allowed by FERPA, when a student is accused of a policy violation that would constitute a “crime of violence” or forcible or non-forcible sex offense, Fox Valley Technical College will inform the alleged victim/party bringing the complaint in writing of the final results of the proceedings regardless of whether the Fox Valley Technical College concludes that a violation was committed. Such release of information may only include the alleged student’s/responding student’s name, the violation committed, and the sanctions assigned (if applicable). In cases of sexual misconduct and other offenses covered by Title IX, only, the rationale for the outcome will also be shared with all parties to the complaint in addition to the finding(s) and sanction(s).

In cases where the Fox Valley Technical College determines through the student conduct process that a student violated a policy that would constitute a “crime of violence” or non-forcible sex offense, the Fox Valley Technical College may also release the above information publicly and/or to any third party. FERPA defines “crimes of violence” to include:

- 1) Arson
- 2) Assault offenses
- 3) Burglary
- 4) Criminal Homicide—manslaughter by negligence
- 5) Criminal Homicide—murder and non-negligent manslaughter
- 6) Destruction/damage/vandalism of property

- 7) Kidnapping/abduction
- 8) Robbery
- 9) Forcible sex offences

**Date**

This *Code of Conduct - General – General* was finalized and implemented on August 15, 2016.

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The Fox Valley Technical College Code of Community Conduct is adapted from The NCHERM Group Model Developmental Code of Student Conduct and is used here with permission.

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