

# Adams State University Student Handbook

2016 - 2022

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Note: The contents of the Student Handbook are subject to change.

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## **WELCOME!!**

It's my privilege to Welcome you to Adams State University. Research shows that the most successful and satisfied students are those individuals that immerse themselves into the university experience. Student involvement in campus events such as athletics, traditions, programs and studies are what make a high quality experience at Adams State and ultimately, a university experience that is second to none. ASU's student body government, Associated Students and Faculty, Grizzly Activity Board, Resident Assistants and any of our student clubs and organizations offer you a great opportunity to develop your leadership skills and connect with campus. I encourage you to take full advantage of our campus student services, student organizations and personnel in the Division of Student Services.

The Division of Student Services, in partnership with professors, department chairs and administration, are here to help you to reach your academic goals. If I can assist you in any way, please do not hesitate to let me know.

Good luck,

Dr. Henry Robinson  
Vice President for Student Affairs  
719-587-7221

## GREAT STORIES BEGIN HERE

### INSTITUTIONAL OVERVIEW

Adams State University is located in Alamosa, Colorado, a city of 10,000 people. Situated in the San Luis Valley, an alpine valley the size of the state of Connecticut located in south central Colorado, the campus is surrounded by the breathtaking beauty of the Sangre de Cristo and San Juan mountain ranges. With towering peaks of over 14,300 feet, the mountains provide a variety of winter and summer recreation and account for the brisk winter nights and sun-filled days for which the Valley is known. A sense of history and adventure unique to the Southwest creates an environment conducive to both academic and social growth.

The University, founded in 1921 by the Colorado General Assembly, opened June 15, 1925. The name Adams State honors long-time San Luis Valley resident William “Billy” Adams, former state senator and governor of Colorado. Since 1925, the university has grown from a normal school that offered a Bachelor of Arts degree in education with a life certificate to teach in Colorado public schools, to an institution offering Bachelor of Science, Bachelor of Arts, Master of Arts, associate degrees, and selected pre-professional programs of study both in a traditional campus setting and as distance education through its Extended Studies programs. As a Regional Education Provider (“REP”), the University maintains its vital role as a leader in teacher education throughout southern and western Colorado and the primary deliverer of selected graduate teacher education programs.

Currently there are over 2,600 on-campus students and 13,000 off-campus students. The University has a faculty of 196 full- and part-time instructors not counting the adjunct faculty working in off-campus programs. ASU’s academic year consists of fall and spring semesters and summer sessions. The University is accredited by the Higher Learning Commission of the North Central Association of Colleges and Secondary Schools, the National Association of Schools of Music, and the Council for Accreditation of Counseling and Related Educational Programs. The University is also an affiliate member of Teacher Education Accrediting Council (“TEAC”). Alamosa is serviced by United Express Airlines and bus service. Denver is 220 miles to the north, and Albuquerque, New Mexico, is 200 miles to the south. Within a two-hour drive are five ski areas and such historic towns as Taos, Santa Fe and Creede.

This Student Handbook applies to all students, including non-degree seeking students, graduate students, distance students, extended studies students and students at remote locations. A separate Graduate Student Handbook, available on-line at [www.adams.edu/gradschool](http://www.adams.edu/gradschool). All Student Handbook time limits and deadlines requiring action by an affected student are mandatory but may be extended by the President or designee for good cause. Time limits and deadlines for administrative action are directory. Deviations from these time limits and deadlines do not invalidate the administrative action or give rise to any right of the student to a particular result or to challenge or appeal the action in question. In describing time limits and deadlines, “day” and “calendar day” mean any day of the year. “School day” means a day on which the University holds regular class session or exams, and excludes Saturdays, Sundays, and University holidays. It includes summer session.

Unless a specific manner of giving notice is stated, any notice required by this Student Handbook may be given in any manner reasonably calculated to provide the recipient with actual notice. When notice is given by regular mail, it will be deemed given on the date of the post-mark. When the notice is given by certified mail, it will be deemed given on the date of the mailing as evidenced by the postal certification form. When notice is by hand-delivery it will be deemed given on the date of hand-delivery as evidenced by a receipt signed by the recipient. If the recipient does not accept a hand-delivered notice, an affidavit signed by the person who attempted to deliver the notice shall be conclusive evidence of the date that notice was given.

## **ASU AFFIRMATIONS**

As a student at ASU, you are joining a community of learners and scholars. These standards ensure that all members of our community have an optimal environment in which to teach, to learn and to benefit from the ASU experience. Incoming first year students will be asked to recite these affirmations during the annual convocation events.

- I will practice academic integrity.
- I will relate to others with civility and respect.
- I will learn from differences in people, ideas, and experiences and will value the contributions each member adds to this community.
- I will uphold citizenship as a responsible member of the ASU community.
- In the tradition of ASU, I will strive for excellence and encourage it in others.

## **DECLARATION OF TOLERANCE**

Tolerance is a personal decision that comes from a belief that every person is unique. To help make the University a better place for all, I pledge to have respect for people whose abilities, beliefs, culture, race, sexual identity or other characteristics are different from my own. To fulfill this pledge, I will:

- Examine my own biases and work to overcome them,
- Set a positive example for my family and friends,
- Work for tolerance in my own community, and
- Speak out against hate and injustice.

# CODE OF CONDUCT

## STUDENT RIGHTS & RESPONSIBILITIES

### GENERAL PHILOSOPHY

The university is a community of scholars in which the ideals of freedom of inquiry, freedom of thought, freedom of expression, and freedom of the individual are sustained. However the exercise and preservation of these freedoms and rights require a respect for the rights of all in the community to enjoy them to the same extent.

ASU is neither required nor inclined to prescribe a code of conduct to cover each specific situation; however, the University expects all students, as well as faculty and staff, to observe national, state, and local laws and university policies and to respect the rights and privileges of other individuals. The University expects each individual within the academic and local community to refrain from behavior that would disrupt the University function of education, cause injury to persons, cause damage or loss of property on the campus, or interfere with the freedom of movement of students, school officials, employees, or guests at the facilities of the University. Interference in any manner with the public or private rights of other individuals or conduct which threatens or endangers the health and safety of any person will not be tolerated by the University. Students should also be aware that such misconduct on or off campus may subject them to any penalties which may be prescribed by municipal, state, or federal laws. The imposition of such additional penalties does not constitute double jeopardy, in as much as University punishment is not based on criminal laws.

### CIVIL/CRIMINAL CHARGES

The University reserves the right to submit charges against students in civil and/or criminal court depending upon the severity of the incident. The incident may have taken place on or off campus. Furthermore, when a student is charged with a crime, the University has the right to initiate disciplinary action and may impose temporary suspension without a hearing. Any action undertaken by the University does not constitute double jeopardy.

### CODE OF CONDUCT

All students share a common and heavy responsibility to maintain a climate suitable to a community of scholars. They have equivalent responsibility with the faculty for studying and learning and for conducting themselves with academic integrity in a manner compatible with the University's function as an educational institution. The University has a duty and the corollary disciplinary powers to protect its educational purposes through the regulations of the use of facilities and through the establishment of standards of scholarship and conduct for the students who attend the institution. Disciplinary proceedings should play a role substantially secondary to example, counseling, guidance, and admonition. When the preferred means fail to resolve problems regarding student conduct, proper procedural safeguards should be observed to protect the student from the unfair imposition of serious penalties for violation of the University policies.

#### A. General Terms as used in the Code of Conduct

1. The term **student** includes all persons: taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, professional, continuing education, distance education or on-line classes; students studying abroad or at other remote locations; students on an ASU-sponsored conference, workshop, event or activity; those students who withdraw after allegedly violating the Code of Conduct; those who are not officially enrolled for a particular term but who have a continuing relationship with the University; and those who have been notified of their acceptance for admission.
2. The term **University official** includes any person employed by the University performing assigned administrative, professional or instructional responsibilities. University officials may be full or part-time, or may be student staff members. Some university officials may be volunteers, such as coaches.
3. The term **policy** means the written rules and regulations of the University as found in, but not limited to, the Student Handbook; Housing Contract and Standards of Residence Handbook; undergraduate, graduate, athletic and professional catalogs; Faculty Handbook, Professional Personnel Handbook, University facilities and University web pages. These include, but are not limited to, policies related to computer use, solicitation, anti-discrimination, athletic events, use of facilities, travel, and participation in student organizations.

4. The term **Complaint** means a charge/report alleging that a student violated the Code of Conduct. *Complainant* means any person who submits such a charge/report.

A student may be subject to disciplinary action for any violation of the Code of Conduct, as well as any violation of University policies, or violation of federal, state, or municipal law, regardless of whether the violation was committed on or off campus or in connection with University activities. The violation of a local, state, or federal criminal statute shall be a violation of this code and subject to disciplinary action, whether or not such violation is prosecuted by public officials. The University may refer such violations to appropriate law enforcements agents.

**The following constitutes prohibited conduct:**

1. Academic dishonesty (See Academic Integrity Policy). Any form of academic dishonesty or academic misconduct, including but not limited to cheating, plagiarism, unauthorized possession or disposition of academic materials, falsification, or facilitation of acts of dishonesty.
2. Forgery, alteration, misuse, mutilation, or unauthorized possession or use of University documents; removal of any University document, record, identification, educational material, or property.
3. Unauthorized entry to, or use of, any University facility; unauthorized possession, use, duplication, or destruction of University keys or access devices. University facility includes buildings, grounds, equipment, materials, and vehicles.
4. Failure to observe rules, regulations, and safety guidelines for specific University facilities.
5. Failure to identify yourself or comply with directions of University officials and their authorized agents acting in the performance of official duties. No student shall willfully refuse or fail to leave the property of any building or other facility used by the University upon being requested to do so by the President or other authorized University official.
6. Knowingly furnishing false information to any University official or organization acting in the performance of their duties, or intentionally initiating any false report.
7. Possessing, using, providing, manufacturing, cultivating, distributing, or selling drugs, including marijuana. Use or possession of prescription drugs other than for the person prescribed, or for use other than the prescribed purpose or amount are prohibited. Use or possession of equipment, products, or materials that are used or intended for use in manufacturing, cultivating, using, or distributing any drug or controlled substance are also violations of the Code of Conduct. The use or possession of marijuana, including medical marijuana, is strictly prohibited on campus. The Colorado constitutional amendment authorizing individuals over the age of 21 to recreationally use marijuana does not change this prohibition or authorize a student to use marijuana. Federal law continues to prohibit marijuana. Thus marijuana use, even if in compliance with Colorado Amendment 64, is prohibited on campus. Similarly, the possession of a valid and appropriately held Medical Marijuana Registry identification card does not authorize a resident (or his or her guests) to possess, use, or distribute marijuana in any residence hall or apartment, institutional-owned property or in any public area of the University. Residence halls are not considered the residents' private residence, and it is therefore not permissible for medical marijuana to be stored or used in the residence halls.
8. The use or possession of alcoholic beverages on university-owned or controlled property. Alcoholic beverages may not be used by, possessed by, or distributed to any person under 21 years of age.
9. Gambling in any form.
10. Knowingly passing a worthless check or money order in payment to the University or to a member of the University community acting in an official capacity.
11. Violent conduct, including, but not limited to, domestic violence; fighting with another person; discharging or displaying a firearm; or spitting on, striking, shoving or kicking another person. Any student who observes a violation of this provision should report the violation to a University official.

12. Abusive conduct directed toward individuals or groups, including physical abuse, verbal abuse, threats, coercion, intimidation, bullying or cyber-bullying, which endangers the physical or psychological health, safety, or welfare of one's self, another individual, or group of individuals.
13. Harassment, which consists of verbal, visual, written, or physical conduct that is sufficiently severe, persistent or pervasive such that it adversely affects, or has the purpose or logical consequence of interfering with an individual's education or creates an intimidating, hostile or offensive environment. Harassment covered by the Code of Conduct may be bias related, which includes harassment on the basis of gender, race, ethnicity, national origin, sexual orientation, age, religion, or disability, including but not limited to any violation of federal or state laws or University policy prohibiting harassment.
14. Attempted or actual theft, damage, alteration, destruction, sale, unauthorized use, "borrowing", or possession of other persons' or University property or identity.
15. Possession or use of any weapons – including but not limited to firearms, ammunition, pellet guns, air guns, paintball guns, stun guns/Tasers, smoke devices, bows and arrows, large knives, collapsible batons, explosives, and fireworks – is strictly prohibited anywhere on ASU campus or property. Verbal or written threats by individuals indicating they have a prohibited weapon or explosives will be addressed as an actual threat, whether or not weapons or explosives actually exist. ASU does not currently have a written policy on carrying concealed handguns on campus. ASU follows Colorado law, which states that individuals carrying concealed weapons must have a concealed weapons permit issued by a Colorado sheriff in accordance with *Colorado Revised Statute 18-12-206*.
16. Sexual misconduct, including but not limited to: obscene, lewd or indecent conduct; acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose; observing another individual's nudity or sexual activity; nonconsensual streaming or texting of images, photography, video or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved; prostituting another individual; exposing one's genitals in a non-consensual circumstances; engaging in physical, psychological or chemical (by use of drugs or alcohol) coercion or constraint of another; unwelcome advances or requests for sexual favors or other verbal or physical conduct that is severe or pervasive; engaging in sexual activity with a person who is incapacitated or otherwise unable to give consent.
17. Disorderly conduct which infringes upon the rights of any member of the community, which includes but is not limited to unreasonable noise on University premises or in any building.
18. Rioting including, but not limited to: aiding, abetting, encouraging, participating in or inciting a riot.
19. Impeding lawful freedom of expression or movement, use of University facilities, or entry or exit from the physical facilities of the University to any other student, school official, employee, or invited guest.
20. Impeding, through the use or threat of restraint, coercion, intimidation, or force any staff or faculty member or peace officer in the lawful performance of official duties or any student in the lawful pursuit of educational activities.
21. Interference, obstruction, or disruption of University activities, including, but are not limited to, all normal university activities, teaching, research, Residence Life activity or operations, recreation, meetings, public events, and disciplinary proceedings. University activities include off-campus University programs or activities.
22. Violation of the ASU Computing Services Policies, pages 60 through 62.
23. Unauthorized soliciting or selling in violation of the University solicitation policy.
24. Abuse of the Student Conduct System including: failure to obey the notice to appear for a meeting or hearing; falsification, distortion, or misrepresentation of information; disruption or interference with the orderly conduct of a hearing; failure to comply with any requirements involving no contact with

Complainants or witnesses or limitations related to access to specific facilities; harassment or intimidation of any person involved in a conduct proceeding; failure to comply with disciplinary sanctions or requirements.

25. Violation of federal, state, and municipal laws, or University policies on or off campus and any other conduct not included above which adversely affects the function of the University and the pursuit of its educational purposes and objectives.

## **OBLIGATIONS OF A STUDENT**

The attendance of a student at the University is a voluntary entrance into the academic community. By such entrance, the student voluntarily assumes obligations of performance and behavior reasonably imposed by the institution of choice relevant to its lawful missions, processes, and functions. These obligations are generally much higher than those imposed on all citizens by the civil and criminal law. So long as there is no invidious discrimination, no deprivation of due process, no abridgment of a right protected in the circumstances, and no capricious, clearly unreasonable or unlawful action employed, the institution may discipline students to secure compliance with these higher obligations as a teaching method or may sever the student from the academic community.

The discipline of students in the educational community is, in all but the case of irrevocable expulsion for misconduct, a part of the teaching process. In the case of irrevocable expulsion for misconduct, the process is not punitive or deterrent in the criminal law sense, but the process is rather the determination that the student is unqualified to continue as a member of the educational community. Even then, the disciplinary process is not equivalent to the criminal law processes of federal and state criminal law.

## **DISCIPLINARY SANCTIONS**

Disciplinary Sanctions and Temporary Suspension. The basic University sanctions for infractions of University policies, once assessed, are made a part of a student's education record. The sanctions are embodied in a system of warning, probation (with or without conditions), restitution, disciplinary suspension, dismissal and expulsion that need not be administered progressively but which should bear a reasonable relationship to the severity of the misconduct. Temporary suspension may be imposed during the pendency of disciplinary or criminal actions, but it is an administrative action intended to protect the campus community, not a disciplinary sanction.

Disciplinary Warning. Officials of the University responsible for discipline may give warnings for minor infractions in student conduct. These warnings may be given verbally or in writing, with or without a hearing, and are a notice to the student or group of students that continuation or repetition of the misconduct shall be cause for more severe disciplinary action, up to and including expulsion from the University. A student shall be notified in writing of any verbal warning issued. Such warning will become part of the student's education record.

Disciplinary Probation. A student may be placed on disciplinary probation after having a hearing in which fundamental due process is afforded. Disciplinary probation shall be a final period of trial. It may include, but is not limited to, requiring the student to satisfy any of the following probationary terms or such other terms as deemed appropriate; maintain a stated academic standard, avoid further policy violations, undertake specified training and/or counseling, refrain from contact with specified person(s), make written and/or verbal apology, or engage in specified campus or community service. Students on disciplinary probation who violate policies may be subject to such terms and conditions as the discipline authority imposing it shall designate. A student shall be notified in writing of any disciplinary probation penalty assessed. A disciplinary probation penalty will become a part of the student's education record. Disciplinary probation will be monitored by the discipline authority that imposed it. A student who fails to successfully complete all terms of disciplinary probation may be subject to additional sanctions, up to and including expulsion.

Restitution. A student may be required to pay restitution or perform services as a form of restitution after the opportunity for a hearing in which fundamental due process is afforded. Such action is appropriate in any case in which the misconduct or violation has caused loss of or damage to property or injury to a person, or in which reparation for a particular act of misconduct may reasonably be made by payment of money or the performance of services. A student will be notified in writing of any restitution penalty assessed. A restitution penalty will become a part of the student's education record.

Temporary Suspension. A student may be summarily suspended and/or banned from campus upon complaint or information provided to a University official of a violation of University policies, pending a hearing before a University Magistrate, when a student is charged with a crime or when it appears that reasonable cause exists to believe that the continued presence of the accused student on campus poses a threat to the safety of the student, other persons, property, or a threat to disrupt University functions or activities. This temporary suspension shall prevent classroom attendance and participation in all University activities until the time of the official hearing with the Magistrate.

The Magistrate shall give first priority to cases involving temporary suspension, deciding them as expeditiously as possible, consistent with the right of a student to a fair hearing. The hearing shall be held within seven (7) days (Saturdays, Sundays, and holidays excluded) after the student has been notified of the temporary suspension unless the student agrees in writing to a longer period. A student will be notified in writing of any temporary suspension assessed. A temporary suspension will become a part of the student's education record.

Disciplinary Suspension. A student may be suspended and/or banned from campus after having a hearing in which fundamental due process is afforded. Disciplinary suspension is normally for a stated period of time, at the end of which a student may apply for reinstatement. Conditions for reinstatement may be stipulated. Disciplinary suspension for an indefinite period may be stipulated, usually with the implication that a student must fulfill certain requirements before reinstatement will be considered. While under disciplinary suspension, the student is not entitled to attend classes, use University facilities, participate in University activities, or be employed by the University. A student will be notified in writing of any disciplinary suspension sanction assessed. A disciplinary suspension sanction will become part of the student's education record. A student who has been charged with misconduct may exercise the right to withdraw from the University. In such a case, a notation shall be made in the student's academic and education records that disciplinary action was pending and the student is not eligible for re-admission until the expiration of five (5) complete academic years.

Disciplinary Dismissal. A student may be dismissed from a program within the University after a hearing in which fundamental due process is afforded. Dismissal is an unconditional termination of enrollment. The student may not apply for readmission to the program for a period of five (5) years unless another period is specified in the order of dismissal. A dismissal sanction will become part of the student's education record.

Expulsion. A student may be expelled from the University after having a hearing in which fundamental due process is afforded. Expulsion is permanent dismissal from the University. A student will be notified in writing of any expulsion sanction assessed. An expulsion sanction will become a part of the student's education record. After a complaint of misconduct has been received, a student may exercise the right to withdraw from the University. In such a case, a notation shall be made in the student's academic and education records that disciplinary action was pending and the student is not eligible for readmission until the expiration of five (5) complete academic years. However, if the alleged misconduct appears so serious as to warrant consideration of expulsion, the student will be advised that the withdrawal will not cause the charge(s) to be dropped and that normal proceedings will be continued. In such cases, the Magistrate shall determine the severity of the charges.

A student investigated for violations of Title IX is subject to all of the above listed disciplinary sanctions and has the right to appeal any decision made by the Director of Title IX or an adjudicator. A student may exercise the right to withdraw from the University. In such a case, a notation shall be made in the student's academic and education records that disciplinary action was pending and the student is not eligible for re-admission until the expiration of five (5) complete academic years.

The appeal is a process of reading all the documentation, listening to all the recorded testimony and any other evidence presented to the Title IX Director involving the case. No witnesses will be called and the decision will be based on one of the four areas listed above depending on which area the respondent lists as the reason for the appeal. The appeal decision is final.

## **UNIVERSITY OFFICIALS RESPONSIBLE FOR DISCIPLINE**

The Vice President for Student Services, acting on behalf of the President, will administer or designate appropriate individuals or entities to administer the University student disciplinary system with respect to undergraduate students. The Graduate School Director, on behalf of the President, will administer or designate appropriate individuals or entities to administer the University student disciplinary system with respect to graduate students. When this Student Handbook refers to the Vice President for Student Services, that title shall be read as the

individual or entity designated by the Vice President for Student Services, if such designation has been made. The Code of Conduct sets forth general requirements for student conduct and includes the requirement that students comply with all University policies and state, federal and local laws governing student conduct. Therefore, the Code of Conduct incorporates all specific University policies and laws governing student conduct and any reference to the "Code of Conduct" includes all such University policies and laws.

Instructors' authority in the classroom. Instructors shall establish reasonable standards of conduct for each class. The instructor has the authority to issue a disciplinary warning and/or require a student to leave the classroom for the remainder of the period for failure to comply with such reasonable standards of conduct. Any student who refuses to leave a classroom when instructed to do so by the instructor, or who persists in his/her failure to adhere to the instructor's reasonable standards of conduct may be subject to discipline for misconduct.

Other authority. Instructors and University officials have the authority to issue a disciplinary warning without a hearing when they observe a violation of the Code of Conduct. The University Magistrate has the authority to conduct misconduct hearings and issue appropriate sanctions. The Student Appeals Board has the authority to hear appeals of suspensions and expulsions and any other matter referred to it by the President of the University or the Vice President for Student Services.

### **NON STUDENT POLICY – PERSONA NON GRATA (PNG)**

The Adams State University System may prohibit persons who have exhibited, or are exhibiting, behavior considered detrimental to the University community from being present in any University locations and at any University functions. Behavior may be deemed detrimental to the University community if it appears to those with primary responsibility for issuing Persona Non Grata status to violate any University Policy, Federal Law, State Law, County Code, or Municipal law by a preponderance of the evidence.

This policy is in addition to, and does not supersede, student conduct procedures or employee disciplinary procedures properly enacted on campus regardless if those policies pre-date or post-date the enactment of this policy.

### **POLICY – PERSONA NON GRATA (PNG)**

1. The Adams State University Board of Trustees delegated to the University President authority to adopt policies and procedures as are reasonable and necessary for the proper conduct of the operations and activities of the University. For the purpose of this Persona Non Grata (PNG) policy, the President delegates responsibility for the issuing of a PNG to the Vice President for Student Services. The Campus Health and Safety Committee, by appointment of the President, shall serve as the Office of Appeals
2. This policy applies to non-students and non-employees only.
3. Student disciplinary action will be handled through the procedures described in the Student Code of Conduct outlined in the Student Handbook.
4. Employee disciplinary action will be handled through the procedures described in the Classified Employee Handbook, Professional Personnel Handbook, or Faculty Handbook.
5. A person may be issued a PNG by the Office of the President or the Vice President of Student Services that will be in effect for a period of time and University location(s) specified in the PNG Notification as a consequence of the following behaviors:
  1. Use of University facilities in a manner inconsistent with the University's mission;
  2. Disruption of University programs, services or activities;
  3. Interference with the educational mission of the University;
  4. Threats or other behaviors that pose a risk to the safety and security of the University community;
  5. Engaging in illegal activities;
  6. Violation of a specific University policy.

Consequences of Non-Compliance - The individual in violation of the terms of the PNG may be subject to arrest and charged with trespass under State or Municipal law.

**PURPOSE - (PNG)**

This policy is designed to maintain a safe environment for the University community. Individuals who disregard University policy or law on the University campus may be barred from all, or part, of the University.

**PROCEDURES - (PNG)**

When considering the issuance of a PNG the President and/or Vice President of Student Services will review the available information supporting the PNG in accordance with this policy. When the President and/or VPSS determine(s) that a PNG Notification shall be served to an individual, the President and/or VPSS will issue the Notification. A PNG Notification will include the terms and duration of any restrictions. A PNG Notification shall be served upon the party against which it was issued, or any adult residing in the same household.

**TEMPORARY MODIFICATION REQUEST - (PNG)**

Any request to temporarily modify the PNG to permit the subject limited and temporary access to campus for a specified purpose shall be directed to the Office of the President. Whether the request is granted is at the sole discretion of the Office of the President or their designee.

**APPEAL PROCESS - (PNG)**

The Campus Health and Safety Committee (CHS), shall act as the Office of Appeals for any PNG. Should there be a conflict of interest with the use of any member of the CHS that member shall recuse themselves. The CHS shall be a valid Office of Appeals so long as 3 members of the CHS are able to hear the appeal. The CHS is made up of the following members:

- Vice President for Student Services (standing conflict)
- Program Assistant for Student Services
- Director of Counseling and Career Services
- ASUPD Chief
- Director of Human Resources
- Director of Auxiliary Services

The burden of proof during any appeal shall rest with the appealing party and shall be Abuse of Discretion or Significant Change of Circumstances.

The recipient of the PNG Notification shall have 10 business days to Appeal the PNG Notification to the CHS. The recipient of the PNG must request, in writing, that the CHS committee issue a ruling of either "Abuse of Discretion" or "Significant Change of Circumstances" based upon the information provided in the appeal. Further, the burden of proof supporting that ruling must be provided by the recipient. The recipient of the PNG Notification must attach any documentation supporting the appeal to the appeal when the appeal is filed. The CHS will make a ruling regarding the request by reviewing the Appeal, and any attached documentation, and the initiating PNG file. The CHS will have 30 days to render a decision in writing.

After 10 business days have expired the recipient of the PNG Notification shall be prohibited from filing an appeal of the PNG until one calendar year from the date of service of the PNG has elapsed. A PNG cannot be appealed more than one time every calendar year.

Appeals should be submitted to:

- Office of the Vice President for Student Services
- Richardson Hall Suite 2-800
- 208 Edgemont Blvd, Suite 2080
- Alamosa, CO 81101
- 719-587-7221
- [studentaffairs@adams.edu](mailto:studentaffairs@adams.edu)

## SEXUAL MISCONDUCT – POLICY, RESOURCES, PREVENTION, REPORTING, AND PROCESSES

### ADAMS STATE UNIVERSITY'S SEXUAL MISCONDUCT POLICY FOR STUDENTS

ASU strives to create and maintain a safe environment in which all members of the University community are treated equally, with dignity and respect.

*Sex discrimination in any form, including sexual misconduct, is not tolerated at ASU. Sexual misconduct is contrary to the values of the University community and is strictly prohibited. All members of the University community are expected not to infringe on the rights of others. Sexual misconduct is not simply inappropriate behavior; it is against the law.*

The University complies with federal law and regulations, including but not limited to, Title IX, the Violence Against Women Act, and the Clery Act.

Because of the unique nature of sexual misconduct allegations and because federal law directs how the University responds to such allegations, reports of sexual misconduct are handled differently than other allegations of ASU Student Conduct violations.

This policy is intended to foster a climate that encourages prevention and reporting of sexual misconduct. The University will respond to reports of sexual misconduct, will strive to take prompt and effective steps reasonably intended to stop any form of *sexual misconduct*, eliminate any hostile environment, prevent its recurrence and as appropriate, remedy its effects.

The prohibition against sexual misconduct applies to conduct that occurs on campus, as well as off-campus conduct, including on-line or electronic conduct. This policy also applies to conduct occurring in the context of an education program or activity of the University, regardless of the location of the University program or activity.

Violations of this policy may be subject to disciplinary action, up to and including dismissal from the University, as applicable. Any disciplinary action may become part of a student's academic record. In addition, there may be a separate criminal investigation, with appropriate charges filed. The University will consider appropriate potential action regarding third-party conduct that is alleged to have violated this policy, such as an order under the University's Persona Non Grata policy; however, those options may be limited depending on the circumstances.

### DEFINITIONS

**Sexual Misconduct.** Sexual misconduct includes sexual assault, non-consensual intercourse, non-consensual sexual contact, sexual exploitation, intimate partner abuse (including domestic and dating violence), gender/sex-based stalking, gender/sex-based threats of violence, sexual harassment, and any related retaliation. Sexual misconduct is a form of sex discrimination.

Sexual exploitation means conduct that takes sexual advantage of another person for the benefit of anyone other than that person without that person's consent. Examples may include: prostituting another person; recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts or nakedness without that person's consent; distributing images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure; and, viewing another person's sexual activity, intimate body parts or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent.

Gender/sex-based stalking means conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others or (b) suffer substantial emotional distress. This may include repeatedly following, monitoring, surveilling, contacting, communicating to or about another person, or interfering with another person's property.

Sexual harassment is unwelcome conduct that is of a sexual nature or is based on a person's actual or perceived sex, gender, sexual orientation, gender identity, or gender expression. It can include unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal or physical conduct of a sexual nature. Sexual harassment may take one of two forms:

- 1) **Quid Pro Quo (“This for That”).** This type of *sexual harassment* occurs when the terms or conditions of educational benefits, academic grades or opportunities, living environment or participation in a University activity is conditioned upon, either explicitly or implicitly, submission to or rejection of unwelcome sexual advances or requests for sexual favors, or such submission or rejection is a factor in decisions affecting that individual’s education, living environment or participation in a University program or activity.
- 2) **Hostile Environment.** This type of *sexual harassment* occurs when there is unwelcome conduct that is sufficiently severe, persistent or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the University’s education programs and/or activities.

### **ACTIVE CONSENT**

Active consent means that each person involved in sexual contact not only expressively agrees to the sexual activity, but also agrees to such activity freely, willingly, and knowingly. The burden is on the party initiating sexual contact to seek and achieve consent for every step in the sexual encounter. Active consent must be unambiguous. Consent is clear, knowing, and voluntary words or actions which create mutually understandable permission regarding willingness to engage in, and the conditions of, sexual activity. Consent must be active; silence by itself cannot be interpreted as consent. A person who has been threatened, intimidated, coerced, or whose judgment is substantially impaired by drugs or alcohol or by other physical or mental impairment cannot by definition, give consent to sexual contact.

- A person who does not want to consent to sex is not required to resist.
- Consent to some forms of sexual activity does not automatically imply consent to other forms of sexual activity.
- Silence, previous sexual relationships, or the existence of a current relationship do not imply consent.
- Consent cannot be implied by attire or inferred from the giving or acceptance of gifts, money or other items.
- Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly.
- Withdrawal of consent can be done in numerous ways and need not be a verbal withdrawal of consent.
- Incapacitation resulting from intentional use of alcohol/drugs will not function as a defense to engaging in sexual activity without an individual’s consent.
- In order to give effective consent, the person giving consent must be of legal age under Colorado law for the purposes of determining whether there was a sexual assault.

### **PREVENTION**

All members of our University community are accountable and responsible for ensuring that a respectful and trusting environment is maintained. To that end, ASU provides Title IX in-person training for students, including athletic teams, every year. Additional online training is also available. Bystander intervention training is also offered live and upon request.

### **RESOURCES FOR STUDENTS**

ASU’s Director of Title IX is responsible for monitoring the overall implementation of Title IX and responding to questions about Title IX. When this policy refers to the Title IX Director, it also refers to the Title IX’s staff or designees.

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Office of Student Services, Richardson Hall, Suite 2-800

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Email: [klmarque@adams.edu](mailto:klmarque@adams.edu)

ASU Counseling Services (Confidential Counseling)  
Richardson Hall, Room 220  
Phone: 719-587-7746

Tu Casa Domestic Violence/Sexual Assault Advocacy Organization -----719-589-2465  
Adams State University Police Department -----719-587-7901  
Alamosa Police Department-----719-589-2548  
Alamosa County Sheriff -----719-589-6608  
San Luis Valley Mental Health Center -----719-589-3671  
Colorado State Patrol Dispatch----- 719-589-5807  
Campus Ministries-----719-587-8213

ASU Counselors provide information and confidential support to assist students in making decisions about filing a formal complaint and seeking medical care or counseling. These resources can also assist students in managing the impact of sexual misconduct on their academic and social functioning.

**REPORTING SEXUAL MISCONDUCT**

ASU encourages students and all other members of the University community to report any form of sexual misconduct. The University will follow up on all reports.

Reports may come to the Title IX Director from any member of the University community. ASU expects that faculty, staff, coaches, administrators, resident assistants (RAs), and resident directors (RDs) will report incidents of sexual misconduct.

In addition to using informal support systems through the resources listed above, students have three paths or options to pursue when making a complaint of sexual misconduct: the Colorado legal system (external to the University), the ASU Title IX Reporting and Discipline Process, or the ASU Title IX Informal Resolution Process. These options are not exclusive – students may participate in more than option. Each of these options is described below.

Students who are not certain about filing a report but have questions may contact the Director of Title IX or the University's counseling office. Students may also contact the US Department of Education Office of Civil Rights (OCR Denver office at 303-844-5695).

Students may choose to make an anonymous report. Be assured we will listen to you and support you through this process.

ASU attempts to respond to complaints of sexual misconduct with the greatest degree of confidence and privacy possible. In all situations, information is shared on a strict need-to-know basis; however, confidentiality can only be respected insofar as it does not interfere with the University's obligation to investigate allegations of misconduct that require the University to take corrective action. The Title IX Director will consider and evaluate requests for confidentiality.

The University reserves the right to take whatever measures it deems necessary and appropriate to respond to a complaint of sexual misconduct in order to protect students' safety, physical and mental well-being, and individual rights. The University will consider reasonably available measures, which may include, but are not limited to, no-contact agreements, immediate modification of academic or living arrangements, summary removal from campus pending a hearing, and reporting to the ASU or local police.

Whenever possible the University will respond educationally rather than punitively to the illegal use of drugs and/or alcohol when a report of sexual misconduct, sexual violence or sexual assault is made. The seriousness of sexual misconduct is a major concern and the University does not want any of the circumstances (e.g., drug or alcohol use) to inhibit the reporting of an incident.

**PRESERVATION OF EVIDENCE**

If you wish to have medical evidence collected, you may go directly to the SLV Regional Medical Center Emergency Room for this process. When you arrive in the ER, tell the intake nurse that you are requesting a

SANE (Sexual Assault Nurse Examiners) exam. The ASU PD may also help transport you to a location where there is a Sexual Assault Nurse Examiner and support you through this process.

In order to preserve evidence in the event you decide to proceed through the Colorado legal system process, you are encouraged not to bathe, douche, change clothes, or brush teeth. If you have changed clothing, it is best to bring the clothes that you were wearing at the time (or immediately after) the incident.

### **COLORADO LEGAL SYSTEM**

ASU encourages students to report sexual misconduct to the ASU police force, Alamosa Police Department, or the Alamosa County Sheriff's Department. If requested, a University representative from the ASU Police Department will guide the victim through the available options and support the victim in his/her decision.

The Colorado legal system process is separate from the ASU Title IX Reporting and Discipline Process. A student found guilty of violating the University sexual misconduct policy could be criminally prosecuted separately in the state court system.

### **ASU TITLE IX REPORTING AND DISCIPLINE PROCESS ("TITLE IX PROCESS")**

A complaint of sexual misconduct may be brought to the University for action by any member of the campus community. When a report of alleged sexual misconduct is received by the Title IX Director, the Director will evaluate the information and decide what further actions should be taken. If it appears that there may have been a violation of this policy and the Respondent is a student, the Title IX Director will proceed through the steps of the Title IX Process outlined below.

The standard of evidence in the Title IX Process is set by guidance from the federal government for Title IX. The standard is "Preponderance of Evidence," which means the alleged conduct is more likely than not to have occurred.

In the Title IX Process, "Complainant" refers to the person who reports or who is reported as being subjected to sexual misconduct. "Respondent" refers to the person who is alleged to have engaged in sexual misconduct.

**Step 1:** A formal complaint of sexual misconduct is made and referred to the Title IX Director.

Arrangements are made for the Title IX Director to meet with Complainant. Complainant may have a support person present, including a victim advocate, legal counsel, or other support person, at each step of the process. Complainant's support person, however, may not participate in the steps of the Title IX Process.

If the Title IX Director receives notice of an alleged violation, but the impacted party does not participate in the Title IX Process, the University may continue the process or conclude the complaint.

At the meeting, relevant laws and policies are explained to Complainant and he/she is provided with a copy of the University's policy on sexual misconduct. The investigation process is explained to Complainant, including that Respondent will be notified of the charge, provided a copy of the complaint, and given an opportunity to respond. Complainant also is informed of the support services available to him/her, i.e., ASU Counseling Office and Tu Casa. Complainant is given an anticipated time frame for the Title IX Process and will be kept informed by the Title IX Director as the investigation progresses.

Confidentiality is discussed with Complainant. Complainant is also informed that ASU protects all participants in the complaint process from retaliation. Complainant is asked to sign a statement agreeing to refrain from retaliation. Complainant is informed that both parties have a right to speak about the complaint, but should realize that harassment or retaliation claims can arise from how they speak about it.

A confidential interview is conducted and recorded. A support individual for the Title IX Director may be present during the interview.

During the interview Complainant is asked to identify witnesses and any pertinent evidence. Complainant may suggest questions for the Title IX Director to consider asking during the investigation.

Complainant is directed to have no contact with Respondent.

**Step 2:** Respondent is notified of the complaint and provided with a copy of Complainant's written statement, if any. Arrangements are made for the Title IX Director to meet with Respondent. Respondent may have a support person present, including a victim advocate, legal counsel, or other support person, at each step of the process. Respondent's support person, however, may not participate in the steps of the Title IX Process.

If Respondent does not participate, the University will move forward with the information it is able to collect and ascertain.

At the meeting, relevant laws and policies are explained to Respondent and he/she is provided with a copy of the University's policy on sexual misconduct. The investigation process is explained to Respondent. Respondent also is informed of the support services available to him/her, i.e., ASU Counseling Office and Tu Casa. Respondent is given an anticipated time frame for the Title IX Process and will be kept informed by the Title IX Director as the investigation progresses.

Confidentiality is discussed with Respondent. Respondent is also informed that ASU protects all participants in the complaint process from retaliation. Respondent is asked to sign a statement agreeing to refrain from retaliation. Respondent is informed that both parties have a right to speak about the complaint, but should realize that harassment or retaliation claims can arise from how they speak about it.

A confidential interview is conducted and recorded. A support individual for the Title IX Director may be present during the interview.

During the interview Respondent is asked to identify witnesses and any pertinent evidence. Respondent may suggest questions for the Title IX Director to consider asking during the investigation.

Respondent is directed to have no contact with Complainant.

**Step 3:** The investigation begins with additional interviews of relevant witnesses and the gathering of evidence. The Title IX Director acts as the Investigator, which is a neutral fact-finder. The Investigator will strive to complete the investigation within 60 days.

As members of the University community, students should participate in an investigation if asked.

Evidence gathered during an investigation may include, but is not limited to, text messages, emails, police reports, social media, internet history, photographs.

During the investigation, consumption of alcohol or drugs or violations of other policies are viewed separately from the alleged sexual misconduct. The Investigator will consider whether active consent as defined above was given for any sexual conduct.

**Step 4:** The Investigator drafts a report. The report contains the factual information obtained through the investigation.

**Step 5:** Follow up meetings with Complainant and Respondent are conducted to review evidence and the findings. Complainant and Respondent are given an opportunity to respond. Investigator then may prepare an addendum with objections to the report made by Complainant or Respondent.

**Step 6:** The report is given to a trained Adjudicator. The Adjudicator reads all the information submitted by the Title IX Director, police reports, and statements. The Adjudicator then determines whether University policies have been violated and what sanctions are appropriate.

**Step 7:** Complainant and Respondent are informed via separate letters of the outcome of the investigation and any appropriate sanctions. Sanctions are effective immediately. At this step, the parties may request a copy of the Investigator's report.

**Step 8:** Either party can request an appeal. Request for appeals are heard by the Vice President of Student Services or his designee. A party may request an appeal by sending a letter to the Vice President of Student Services within 10 business days following receipt of the letter with the outcome of the Title IX investigation. The appeal letter should identify which of the four grounds for appeal listed below forms the basis of the appeal. When an appeal is filed, both parties are informed of the appeal request and the appeal process.

Appeals are limited to four areas:

- A. Discovery of new evidence
- B. Investigation or Adjudicator bias
- C. The sanction or action was unduly severe
- D. Sanctions were not serve enough

**Step 9:** The Vice President for Student Services has 20 business days to review the appeals and render a final decision. The Vice President for Student Services reads all the documentation, listens to all the recorded testimony and any other evidence presented to the Title IX Director involving the case. No witnesses will be called and the decision will be based on one of the four areas listed above. The appeal decision is final.

### **ASU TITLE IX INFORMAL RESOLUTION PROCESS**

After receiving a report of sexual misconduct and meeting with Complainant, the Title IX Director may determine in consultation with Complainant that the most prompt and effective way to address some complaints under this policy is via an informal resolution process. Not all complaints of sexual misconduct are appropriate for informal resolution.

The ASU Title IX Informal Resolution Process does not involve a written report or a determination as to whether the code or a policy has been violated. This type of approach provides the University with a “remedies-based” resolution option that allows the University to tailor responses to the unique facts and circumstances of an incident, particularly in cases where there is not a broader threat to individual or campus safety. In these cases, the Title IX Director may do one or more of the following:

- Provide interim or long-term remedial measures to Complainant that do not require notification to Respondent;
- Provide targeted or broad-based educational programming or training; and/or
- Meet with Respondent to (1) discuss the behavior as alleged and provide an opportunity to respond; (2) review prohibited conduct policies as applicable; (3) identify and discuss appropriate conduct and behaviors moving forward and how to avoid behavior that could be interpreted as retaliatory; or (4) follow-up with Complainant regarding Respondent’s responses, if appropriate.

### **RETALIATION**

Retaliation is prohibited against any individual who reports violations of our policy or participates in any manner in an investigation. Retaliation is any overt or covert act of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against any person or group for exercising rights under this policy. This includes action against a bystander who intervened to stop or attempt to stop sexual misconduct. An action is retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this policy or participating in the processes outlined in this policy.

### **COMPLAINTS OF MISCONDUCT**

Any member of the campus community who has a reasonable belief that a student has violated the Code of Conduct, may file a Complaint with the Vice President for Student Services. If the Vice President for Student Services determines that the Complaint alleges a violation of the University’s Anti-discrimination Policy, the matter will be referred to the Affirmative Action Officer. If the Vice President for Student Services determines that the Complaint states a violation of any other provision of the Code of Conduct and or University policies, the Vice President for Student Services will meet with the student to discuss the Complaint and may gather any additional information he/she deems relevant to the complaint.

The Vice President for Student Services also may initiate such a meeting upon credible information that comes to his/her attention other than by Complaint.

At any time after receiving a Complaint or information of violation, if the Vice President for Student Services has reasonable cause to believe that the student's continued presence on campus poses a threat to the safety or welfare of the student, other persons or property, or a threat to disrupt University functions or activities, the Vice President for Student Services may temporarily suspend the student.

After meeting with the student, the Vice President for Student Services will prepare a written report of the matter. The Vice President for Student Services may dismiss the Complaint, impose a disciplinary warning, impose an appropriate sanction(s) to which the student agrees in writing, or refer the matter to a Magistrate for a misconduct hearing.

The Vice President for Student Services will give the student a written determination of any sanction imposed as a result of the meeting. If the written determination affects the student's ability to register, the Vice President for Student Services shall provide a copy of the determination to the Registrar. If the Vice President for Student Services refers the matter for a misconduct hearing, he/she shall provide the student and the Registrar a copy of the Notice of Charges. While charges are pending, the Registrar will place a hold on the student's ability to register for any classes and the student will not be permitted to enroll in any further classes until the Registrar receives notice that the disciplinary matter is resolved in a manner that permits such enrollment. The written Notice of Charges shall indicate the following:

- The provision(s) of the Code of Conduct and any specific University policy(ies) that the student is charged with violating
- The factual basis for the charge(s)
- The date, time and location of the Magistrate hearing as scheduled by the Vice President for Student Services.
- Guidelines for rescheduling the meeting or if the student is incarcerated.
- Failure to attend the hearing, the Magistrate will proceed to determine the matter in the student's absence
- That the student may be accompanied to the hearing by an advisor, who may be an attorney
- That if the student is to be accompanied by an attorney advisor, the student shall provide written notice to the Vice President for Student Services at least 48 hours before the hearing that he/she will bring an attorney advisor to the hearing and the name and contact information for the attorney, if known. Without such timely notice, an attorney advisor may be barred from attending the hearing.
- That the student's advisor may not participate directly in the hearing or directly address any of the participants, but may confer quietly off the record with the student.
- The sanction(s) that may be imposed for the misconduct
- That the student may testify or may remain silent, may present witnesses and may present evidence, including affidavits.
- That no inference will be drawn from the student's silence
- That the Vice President for Student Services will present the charges, and may present witnesses and evidence, including affidavits
- That the hearing provides an opportunity for the student to be heard on the matter and to present his/her version of the facts, but that if the student fails to attend the hearing, the Magistrate will proceed to determine the matter in the student's absence.
- A student may exercise the right to withdraw from the University. In such a case, a notation shall be made in the student's academic and education records that disciplinary action was pending and the student is not eligible for re-admission until the expiration of five (5) complete academic years.

If the student does not request a hearing before the Magistrate within the time set forth in the notice, the Vice President for Student Services will determine the matter based on the meeting with the student and any other information gathered. If the student makes a timely request for a hearing, the Vice President for Student Services will forward the written notice of the charges to the Magistrate. If the position of Magistrate is vacant, the Vice President for Student Services will request that the President appoint a Magistrate.

## **MISCONDUCT HEARING**

The Misconduct hearing shall provide the student with a fair opportunity to be heard. The nature of the hearing is not a highly formal procedure and the rules of procedure and evidence applicable in civil and criminal proceedings do not apply. The following are guidelines for the conduct of the Misconduct hearing.

The Vice President for Student Services, in consultation with the Magistrate, will provide the student with notice of the time and place of the hearing. The hearing shall be scheduled within seven (7) school days after written notice of the charges is mailed to the student at the student's last known address or hand delivered. A copy of the notice will be e-mailed to the student if an e-mail address is available.

The hearing will be closed to all except for the Vice President for Student Services, who may have an advisor, the student, who may have an advisor, the Magistrate, who may have an advisor, and a clerk to operate the recording equipment. Witnesses may not remain in the room, except that in cases involving allegations of sexual misconduct, the alleged victim may have a non-witness support person present while the victim testifies.

At the hearing, the student and the Vice President for Student Services shall be referred to as "the parties". The parties will have the opportunity to present opening and closing statements, present evidence, witnesses and affidavits, and cross-examine witnesses presented by the other party. The Vice President for Student Services may testify as to his investigation of the matter and the student may testify on his/her own behalf. The Magistrate may ask questions of the student, the Vice President for Student Services and the witnesses. The Magistrate shall limit the evidence, witnesses and affidavits to matters that are relevant to the charges and not repetitious. The Magistrate may place reasonable limitations on the time available to the student and to the Vice President for Student Services during the hearing. The hearing will be electronically recorded.

At the discretion of the Magistrate, students charged with violations arising out of the same transaction or occurrence may be heard together, rather than separately. In such combined hearings, the Vice President for Student Services will present the charges and the investigation once against all of the students charged with violations. Movies, tapes, and other evidence will be played or presented once, and witnesses will be called to testify once to the transaction or occurrence. As each witness called by the Vice President for Student Services testifies, the witness may be questioned, in turn, by the student. Following the presentation of the evidence by the Vice President for Student Services, students may present, separately and in turn, their evidence in defense. The Magistrate may conduct separate hearings if, in the Magistrate's opinion, a combined hearing would result in unfairness to any party. In imposing sanction(s), the Magistrate will assess the conduct of each student separately and shall impose discipline individually on the students found responsible for violating the Code of Conduct.

The Magistrate, acting in the performance of duty, is authorized to require available student, faculty, and staff witnesses to appear at the hearing. Failure on the part of a witness who receives such notice to appear constitutes an act of misconduct. The student and the Vice President for Student Services may request in writing, at least 48 hours before a hearing, that the Magistrate require the appearance of specified student, faculty, or staff witnesses if such witness' voluntary appearance is in question. The Magistrate shall give written notice to such witnesses to appear at a specific time, date, and place. The Magistrate does not possess the power to subpoena witnesses nor to place students and witnesses under jeopardy of perjury for false testimony through the administration of a sworn oath. However, witnesses who do testify shall be cautioned concerning the serious nature of the hearing and the obligation and responsibility to give truthful testimony.

The Magistrate will determine, in a written decision setting forth findings of relevant fact, whether the student committed the violations set forth in the Notice of Charges and what, if any, sanctions are appropriate. The Magistrate may seek recommendations from the Vice President for Student Services as to appropriate sanctions. The Vice President for Students will provide the student with a copy of the Magistrate's written decision by mailing it to the student at the student's last known address or hand delivery. A copy of the notice will be e-mailed to the student if an e-mail address is available.

The student and the Vice President for Student Services may at any time prior to close of the hearing, enter into a written agreement as to an appropriate sanction. Such an agreement is final, binding and not appealable. Upon submission of such an agreement to the Magistrate, the proceedings will be terminated.

The decision of the Magistrate with respect to all sanctions except for suspension and expulsion is final. Suspensions and expulsions may be appealed to the Student Appeals Board. A student appealing a disciplinary suspension, dismissal or expulsion may remain in classes in which the student is already enrolled until any appeals have been complete unless a temporary suspension has been imposed. Temporary suspension may be imposed at any time during the process. After charges are filed, a student may not enroll in any further classes until the disciplinary matter is concluded.

## **STUDENT APPEALS BOARD**

Purpose. The purpose of this Board is to provide an appellate body to hear student appeals on suspension and/or expulsion decisions made by the University Magistrate. In addition, the Board shall hear any case referred to it by the Vice President for Student Services, or the President of the University.

Term of Membership. The Appeals Board will be comprised of:

- The members of the judicial branch (Chief Justice and two (2) justices) of the AS&F who are present and available on campus when a request for appeal is made.
- One (1) non-voting faculty/administer
- If there is an even number of members present and available, the President shall appoint an additional member to serve for the appeal. Any vacancies in the Appeals Board may be filled by appointment of the President of the University.
- Appeals submitted during the summer months may have membership appointed by the Vice President for Student Services as AS&F is not in session.

Removal or Disqualification. The President of the University may remove any member of the Appeals Board for just cause or disqualify a member from a particular case on the basis of real or apparent bias or prejudice. Members should disqualify themselves from cases where their relationship with any of the participants gives rise to an appearance of bias or prejudice.

Appeal Request. An Appeal Request must be made in writing and filed with the Vice President for Student Services within five (5) school days of the mailing or hand-delivery of the Magistrate's decision. The Appeal Request shall contain any objections to the factual findings of the Magistrate and the grounds for appeal.

Grounds for Appeal. An appeal may be based upon the following grounds:

1. A fair hearing has not been afforded the appellant. A fair hearing shall be determined to include notice of the alleged misconduct prior to the time of the hearing before the Magistrate, notice of the sanction(s) that may be imposed for the misconduct, the opportunity to have an advisor on the terms set forth in this policy, the right to present available witnesses, the right to testify in his/her behalf, the right to cross examine available witnesses, the right to present relevant evidence and to examine evidence presented, and the right to remain silent.
2. The sanction or action is unduly severe.
3. A policy violation(s) is not supported by substantial evidence.
4. The sanction imposed is beyond the jurisdiction or authority of the University official.

## **STUDENT APPEALS BOARD PROCEDURES**

Procedural Guidelines. The following procedural guidelines apply to the Student Appeals Board review of the Magistrate's decision.

The appeal shall be conducted on the Hearing Record, which shall consist of the Notice of Charges, Request for Hearing, electronic recording of the hearing and any evidence considered by the Magistrate and the Appeal Request. Each member of the Student Appeals Board will be provided with a copy of the Hearing Record by the Vice President for Student Services. The members of the Student Appeals Board will review the Hearing Record and, within five (5) school days of receiving the Hearing Record, convene a meeting privately to discuss the matter and reach a determination. The Student Appeals Board will not take testimony or review any matters outside the Hearing Record, except that a party may, prior to the scheduled meeting, submit in writing to the Student Appeals Board and to the other party(ies), any newly discovered relevant information.

Decisions. The Student Appeals Board will make its determination based on a simple majority vote, taken privately. Individual voting positions will not be disclosed and no dissenting opinions will be written. The Appeals Board will designate a member to prepare the written decision. The decision shall include the Board's reasons for making its determination. Notice of the date of the meeting will be provided to the parties. The Board will forward its written decision to the Vice President for Student Services, who will provide a copy to the student and to the President.

### **REVIEW OF STUDENT APPEALS BOARD DECISION**

The decision of the Student Appeals Board is subject to the approval of the President of the University or his designee. If the President or his designee takes no action on his/her own initiative within five (5) school days after submission of the Board's decision, the decision of the Board shall be final, and appropriate action shall be taken by the appropriate administrative office to implement the decision.

## **ACADEMIC POLICIES**

Faculty in the classroom and in conference should encourage relevant discussion, inquiry, and expression. Further, faculty should share such information with the class as projected times for exams, nature of assignments, the basic resources to be used, etc. Specifically, faculty shall meet classes as scheduled, maintain office hours, present instruction, discharge advisement responsibilities, and keep appropriate records. Faculty shall provide students, in writing, with course requirements and grading criteria in all classes. Student performance should be evaluated on an academic basis, not on opinions or conduct unrelated to academic matters.

1. Students shall be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they shall be responsible for learning the content of any course of study for which they are enrolled.
2. Students shall have protection through orderly procedures against prejudiced or capricious academic evaluation. At the same time, they shall be responsible for maintaining standards of academic performance established for each course in which they are enrolled.
3. Students have a right to expect a competent and conscientious effort from faculty, including a statement at the outset of the class of the purpose and scope of the course and expectations of student performance. Additionally, students have the right to expect professors to attend classes on time and to offer competent instruction. Correspondingly, faculty members have the right and responsibility to fail students who do not satisfy the obligations of the course.
4. Students have obligations, as well as rights, in the classroom. Students have no right to impinge on the faculty's freedom to teach or the right of other students to learn. Faculty shall establish reasonable standards of conduct for each class, which should be made known at the outset of the class.
5. Students are to be reminded that faculty members also have rights; that among these are the right to impose penalties for disruptive conduct which could contribute to the negation of the academic atmosphere of the class. These penalties might include dismissal from the class, and through the orderly procedure of consultation with the Department Head of the appropriate school, a recommendation that the student should take no more of the instructor's classes.
6. It is the responsibility of the student to assure that he/she is aware of appropriate courses for the majors, minors, and concentrations as stipulated in the general catalog. Further, it is the student's responsibility to clear with the academic advisor and with the Records Office periodically to assure that his/her program is being pursued acceptably.

## **ACADEMIC INTEGRITY & ACADEMIC DISHONESTY – UNDERGRADUATE STUDENTS**

### **POLICY**

To preserve academic integrity, Adams State University does not tolerate academic dishonesty (misconduct). Every student is required to practice and adhere to the principle of ACADEMIC INTEGRITY while undertaking studies at Adams State University. Students and faculty at Adams State University value academic honesty as a virtue essential to the academic process. Cheating, plagiarism, unauthorized possession or disposition of academic materials, or the falsification or fabrication of one's academic work is not tolerated.

In the event an instructor discovers that a student has intentionally violated the academic integrity provision of the ASU General Catalog and ASU Student Handbook, the instructor may assign a failing grade for the assignment or course. If a failing grade is assigned on an assignment or for the course, the instructor will provide supporting documentation to the Vice President for Academic Affairs. The VPAA will create a confidential file concerning the matter. In the unfortunate event that a student has violated the academic integrity policy on more than one occasion, the file will reflect all additional episodes. The VPAA will forward the case to the VPSA for action according to the procedures outlined in section IV. E. below.

### **PURPOSE**

The purpose of this policy is to specify the procedures for addressing and reporting violations of academic integrity. Additionally this policy defines academic dishonesty and the consequences resulting from violation of the policy.

### **DEFINITIONS**

- A. Academic Dishonesty: Engaging in misconduct pertaining to coursework, assignments, tests, etc. as outlined in section IV below.
- B. Academic Integrity: Practicing intolerance for academic dishonesty and any related activities.

C. Vice President for Academic Affairs (VPAA): The individual responsible for determining and implementing academic policies related to grade appeals, transfer of credits, substitution of general education credits, associates degrees, etc.

D. Vice President for Student Affairs (VPSA): The individual responsible for issuing disciplinary sanctions in accordance with the Student Code of Conduct.

E. Department Chair (DC): The ASU faculty member who acts as the administrative head of an academic program.

F. Grade Appeal: Requesting that a grade assigned for an assignment or course be re-evaluated, with the hope of improving it; must first be addressed with the instructor,. If the issue is not resolved at that level the student may appeal to the relevant department chair.

G. Plagiarism: Appropriating or passing off as one's own work the writings, ideas, etc. of another, i.e., copying without giving credit due, forgery, literary theft, or expropriation of some other's work.

#### PROCEDURES:

A. Academic dishonesty is regarded as an offense, which is disciplinary in nature although its control is essential to the academic enterprise. The list that follows includes examples, although not all-inclusive, of academic dishonesty:

- Copying from another student's exam
- Purchase of term papers turned in as one's own
- "Padding" items on a bibliography
- Feigned illness to avoid an exam
- Submission of same term paper to another class without permission
- Study of a copy of an exam prior to taking a make-up exam
- Providing another student answers during an exam
- Use of notes or book during the exam when prohibited
- Turning in a "dry lab" without doing the experiment
- Sabotage of someone else's work (on disk, in lab, etc.)
- Collaboration on homework or take-home exams when instruction called for independent work
- Providing test questions to student(s) in another section of the class
- Sharing of answers during an exam by using a system of signals
- Plagiarism: appropriating or passing off as one's own work the writings, ideas, etc. of another, i.e., copying without giving credit due, forgery, literary theft, or expropriation of some other's work
- Writing a term paper(s) for another student
- Alteration or forging of official university document
- Submission of tutor or other resource work assignments as one's own
- Violation of copyright(s)
- Cheating on exams, papers, assignments, etc.
- Purchasing or requesting the service of completing course requirements from a third party source.
- Utilization of unapproved electronic devices during testing (ie. Cell phones, tablets, media players, etc.)
- Attempting to coerce or conspire with a proctor to disregard test proctoring procedures.
- Coercing a third party to complete an exam on one's own or another's behalf.
- Providing false information on registration, exam request forms, and to online proctoring services in an attempt to bypass test administration policies and procedures.

B. Cases of academic dishonesty will be handled by the instructor based on the academic dishonesty policy described above. The instructor may, at his or her discretion, assign a grade of F for the course, test, paper, or other assignment involved for the course. Grades assigned by an instructor are academic, not disciplinary, in nature.

C. A student wishing to appeal a grade assignment should follow the grade appeals procedure. D. All cases of academic dishonesty are to be reported to the VPAA, who will keep a confidential file concerning the case. In instances where a student has violated academic integrity on more than one occasion the file will reflect all additional instances.

D. Upon notification of academic dishonesty the VPAA will forward the case to the VPSA, who will write a letter to the student specifying the action that will be taken. The following guidelines will be used:

- reported instance of academic dishonesty will result in a warning letter
- reported instances of academic dishonesty will result in probation
- reported instances of academic dishonesty will result in a misconduct hearing for suspension or expulsion. The misconduct hearing will follow all procedures specified in the ASU Student Handbook.

## **ACADEMIC APPEALS PROCEDURE**

If a student believes the final grade in the course does not fairly reflect his or her performance, the student must follow the normal appeals process. Initially the student should meet with the instructor in an attempt to resolve the concern. If this consultation does not resolve the issue, the student should request a meeting with the department chair and the faculty member. In the event the instructor is the department chair the student should request a meeting with the department chair and the Vice President for Academic Affairs (VPAA). The VPAA may request appropriate written materials from the department chair and also request the student explain reasons for the appeal in writing. The department chair/VPAA decision is the final and irrevocable step for an internal institutional appeal. Only the relevant faculty member, department chair, or the VPAA in extraordinary circumstances (such as the death/departure of the original faculty member/instructor/department chair) may alter the original grade awarded. Appeals not in process prior to thirty (30) days after the end of the term shall have no standing and the grade awarded shall remain in effect.

For off-campus students a written appeal may be used in place of meeting with faculty, department chair, and/or VPAA.

### **RESPONSIBILITY**

- It is the student's responsibility to appeal the grade prior to 30 days after the end of the term and follow the procedures outlined in the policy.
- It is the responsibility of the instructor to initially try and resolve the grade appeal, and provide any relevant information regarding the grade to the department chair and/or VPAA should the instructor be the department chair.
- It is the responsibility of the department chair, or VPAA in the event the department chair is the instructor, to formally meet with the student and instructor, and try and resolve the grade appeal, should it reach that level.
- It is the department chairs, or VPAA in the event the department chair is the instructor, responsibility to act as the final decision maker in the appeal process and base his/her decision on the materials provided by the instructor and the student's written explanation.

## **ATHLETIC SCHOLARSHIP APPEALS**

Athlete appeals are reviewed through the Scholarship Coordinator in the Office of Financial Aid and are then reviewed by the Athletic Scholarship Appeals Committee.

## **SATISFACTORY ACADEMIC STANDING - (SAP)**

### **I. POLICY**

Satisfactory Academic Progress (SAP) requires all officially admitted degree-seeking students, enrolled in courses applicable to an eligible program of study at Adams State University, to maintain progress to degree completion.

### **II. PURPOSE**

The purpose of this policy is to ensure all degree-seeking students are making progress to complete an eligible program of study through regular qualitative and quantitative monitoring of completion of degree requirements.

### **III. DEFINITION**

- Good Academic Standing:** A student is in good academic standing if they are meeting the quantitative and qualitative standards of the SAP policy.
- Cumulative GPA:** The grade point average of a student over the entire period of study at ASU. This is also known as cumulative scholastic average.
- Grade Point Average (GPA):** The Adams State University grading system is based on a standard four-point scale, and GPA is calculated by dividing the total quality points earned by the number of credit hours attempted.
- Academic Semester Hours:** The number of credit hours attempted by a student in a semester.
- Progress Toward Degree:** The student is enrolled and successfully completing courses that meet requirements for their declared program of study according to their student record.
- Institutional Suspension:** Suspension from ASU for failure to meet SAP expectations over the course of multiple semesters. This suspension period does not have an appeal if the student has already appealed their SAP at an earlier time.

#### IV. PROCEDURES

A. The Registrar's Office will maintain and calculate the GPA for every enrolled student at the end of each fall, spring and summer semester. The Registrar's Office is also responsible for transferring in credits only applicable towards the students intended program of study and also transferring in the grades associated with those courses.

B. A review of each admitted, degree-seeking student's academic progress toward degree will be conducted by the Financial Aid Office immediately after final grades are posted for each semester. In the SAP review process, a SAP status will be determined and (see following descriptions) will be posted to each student's financial aid record, even if the student has not applied for financial aid. Except for some private scholarships, all forms of financial aid are affected by the student's SAP standing. All official correspondence regarding a student's SAP status will be sent to student "@grizzlies.adams.edu" email accounts.

C. The Athletic Department will review student-athlete eligibility based on the SAP standards and will notify students if they are ineligible for athletic competition. Undergraduate students who do not have a minimum cumulative GPA of a 2.0 and graduate students who do not have a minimum cumulative GPA of 3.0 prior to the beginning of each fall term are ineligible to compete in athletic programs.

#### D. SAP Standards

The following three SAP standards are monitored at the end of each semester of attendance:

- **Minimum Cumulative GPA Standard (Qualitative):** maintaining the minimum cumulative grade point average (GPA) standard of at least 2.0 for undergraduate students and 3.0 for graduate students.
- **Pace Standard:** maintaining a successful cumulative completion rate above 75% of *all* attempted credits (Passed Hours/Attempted Hours), including institutional and accepted transfer credits.
- **Maximum Credit Standard (Quantitative):** completing program(s) of study within 150% of the credits required for the program(s), even if multiple majors are being pursued.
- 180 credits is the maximum for bachelor's degrees. For second bachelor's degrees, the credit limit is 150% of the requirements for the second degree.
- Master's degree credit maximums are program specific (e.g., 150% of the MBA degree is 54 credits).
- Attempted credit hours not completed, including official withdrawals, will be counted when determining the total number of credits of the Maximum Credit Standard.
- Any failed course may be repeated until passed but will be counted in the overall attempted hours.
- Financial aid is applicable only to requirements for a program of study. If a student has not applied for graduation, but degree requirements are met and a degree can be conferred, all financial aid eligibility will cease.
- If at any point during a student's degree program a review determines that the student cannot complete their program of study within SAP standards, all financial aid eligibility will cease.

#### E. SAP Status:

Each student is placed in one of the following statuses after SAP evaluation (within two business days after semester grades are officially posted):

- **Good Academic Standing:** Students are in good standing at Adams State University if all of the above SAP standards are met. For purposes of NCAA compliance, student athletes must meet the same requirements for good academic standing as all other students.
- **Warning (First Semester Not Meeting Standards):** Students are given a Warning status if the semester is the first in which SAP Minimum GPA and Pace Standards have not been met but are still considered to be in Good Academic Standing. A warning status does not require an appeal to receive disbursement of financial aid. Students are encouraged to meet with their academic advisor to discuss options on campus that may assist them. Only one warning period is allowed. Students with a status of Warning are considered eligible for financial aid.
- **Review/ Probation (Second Semester Not Meeting Standards):** Students are placed on "Review" status if they have had a previous warning status and are not meeting criteria for the Minimum GPA and Pace Standards. Students can submit an appeal to attempt to gain Probation or Good Standing Status. Students whose appeals are denied will be ineligible for financial aid and athletic competition. Students with a "Review" status are moved to "Probationary" status if they submit an appeal signed by their advisor that is then approved

by the Office of Student Financial Aid. Only one probationary period is allowed. Probation does not apply if students are not meeting the maximum credit standard (see following Ineligible for Title IV section). A student with a cumulative GPA of 0.0 after completion of 2 consecutive semesters, regardless of enrollment type (full time, half time, etc.) will automatically move to an Ineligible status.

- **Ineligible with Chance to Appeal with an Approved Academic Plan (AP) (Third Semester Not Meeting Standards):** Students may appeal their financial aid ineligibility by submitting an academic plan with their SAP appeal form. If more than 150% of degree requirements have been attempted, students may be required to meet Minimum GPA and Pace Standards to be considered for approval. If appeals of “Ineligibility” status are approved, students are placed on an Academic Plan outlined by their assigned academic advisor. The academic plan must move a student successfully toward degree completion in the fewest number of semester hours possible (e.g., unnecessary elective credits are excluded from Academic Plans). Academic plans must include a degree plan that outlines course requirements (including courses to repeat to obtain passing grades) and a course completion rate. Academic plans will be reviewed at the end of each semester for compliance. A minimum semester GPA requirement will be calculated by the financial aid office. The calculation will be based on current attempted credits, current cumulative GPA, total credits needed for degree, and the desired minimum cumulative GPA (2.0 for undergraduates or 3.0 for graduate students). If at any point a student cannot reach the minimum GPA needed they will no longer be approved for continued eligibility. **Students who do not adhere to the academic plan will lose financial aid eligibility with no option for appeal. To regain eligibility, students must obtain good standing without federal, state or institutional financial assistance.**
- **Ineligible for Title IV Financial Aid with No Chance to Appeal (“Selfpay”) (4<sup>th</sup> Semester Not Meeting Standards):** Students are placed in an “Ineligible/Selfpay” status and will no longer be eligible to receive financial aid, including federal, state and institutional grants, student loans, and work-study. A student with “Selfpay” status will not be considered for any financial aid awards at Adams State University. External and private donor scholarships may still be awarded. Students are placed in “Selfpay” status at Adams State University for one or more of the following reasons:

**The Minimum GPA Standard is not attained within maximum credit standard.** To obtain good standing, the Minimum GPA Standard must be met *without* the benefit of financial aid. This may be appealed by documenting reasons why the Minimum GPA Standard has been violated.

**The Pace Standard has not been met within maximum credit standard.** To obtain good standing, the Pace Standard must be met *without* the benefit of financial aid. This may be appealed by submitting documentation explaining why at least 75% of the total attempted credit hours have not been completed.

**The Maximum Credit Standard has been violated.** All Title IV aid must stop if the student has exceeded the maximum number of credits or if at any point in time during the student’s enrollment it is determined through the SAP review process that the student cannot complete their program of study within the maximum time frame of 150% and meet all other SAP standards. *The entire academic record, all transfer credits, and all credits attempted at Adams State University (even if not receiving financial aid) will be counted toward the 150% credit-hour limit.*

**AND/OR an appeal for Probation Status is not approved by the student’s assigned academic adviser.**

#### F. The Appeal Process:

1. Students who are on “Review” status or “Ineligible for Title IV Financial Aid” due to violation of the SAP policy have the right to submit an appeal. Appeal forms can be obtained from the One Stop Student Services Center or online at <http://adams.edu/sap>.
2. Appeals based on extenuating circumstances that prevented meeting SAP standards can be defined as, but not limited to medical problems or a death in the immediate family. Documentation of the circumstances must be submitted with each appeal.
3. Appeals must also explain how student will meet SAP standards in the future.
4. All appeal forms and supporting documentation must be signed by the student’s academic advisor and submitted to the One Stop Student Services Center by mail, fax, email, or in person. If at any point an academic adviser has reason to believe the student will not make sufficient progress to obtain a degree, they may indicate a “denial” on the SAP appeal and may include

any supporting documentation. Denied SAP appeals will move the student straight to “Selfpay” status with no option to appeal.

5. To retain eligibility, appeals must be submitted within 30 calendar days after classes begin each semester to the One Stop in the Student Union Building.
6. For appeals not submitted by the stated deadline, financial aid will be cancelled and returned to the appropriate program. The student will be responsible for Adams State University student account charges if financial aid is cancelled or the student is ineligible for financial aid.
7. Appeals will be reviewed by a financial aid counselor. All appeals related to the Maximum Credit Standard will be reviewed by the Director of Financial Aid and/or an authorized designee. Students will be notified of appeal results via their Adams State student email account. The appeal decision is final.
8. Students awarded in error while ineligible for financial aid are responsible for repayment.

#### G. Additional Criteria Affecting SAP Standards

1. **INCOMPLETE COURSES:** Receiving more than one (1) grade of IN (incomplete) in any semester or period of enrollment will stop any subsequent financial aid disbursement(s). Any grade of IN (incomplete) must be updated before the end of the subsequent semester in order to receive any further financial aid.
2. **ACADEMIC AMNESTY:** A student’s entire academic record is considered when an appeal is reviewed. Please note that this includes any semesters in which tuition and fees were paid without financial aid assistance. Overall academic record and all credits attempted (institutional and accepted transfer credits), even those attempted without financial aid, are subject to this SAP policy. Any student awarded Academic Amnesty by Academic Affairs is subject to the same SAP calculations as all other students. All courses and grades earned by a student will be included in their SAP calculation.
3. **REPEATING COURSES:** Students can receive financial aid for repeating courses only once if the course already has a passing grade.
4. **REMEDIAL COURSEWORK:** Per financial aid federal regulations an institution may allow up to one academic year of remedial coursework in a student’s enrollment status under financial aid. Students can receive a maximum of 30 credits of remedial coursework (course level 090-099) toward financial aid eligibility.
5. **WITHDRAWAL:** If all final grades post as “TF”, “TU”, and/or “W”, by federal regulation Adams State is required to assume the student unofficially withdrew. Faculty will be contacted to determine a last date of attendance and a Return to Title IV Calculation will be made based on that date. Students may have to repay all or a portion of federal aid. (See Institutional TF & TU Policy 100-11-13).
6. **SAP STATUS RECALCULATION:** If a student’s academic record is updated or changed after end-of-semester SAP evaluation, the SAP status can subsequently be recalculated based on the academic record update.
7. **INSTITUTIONAL SUSPENSION:** If at any point during a student’s academic career that student is not meeting SAP standards, they may potentially be placed on Institutional Suspension, without a chance to appeal. Students will be evaluated on a case by case basis.
8. **CHANGE OF MAJOR:** A student may change their major a maximum of 2 times after they have already declared a major. All credits completed towards a prior major are applicable towards the student’s SAP status, as the entire academic record is used when calculating a SAP status.

#### H. Athletic Eligibility:

1. NCAA Bylaws necessitate additional restrictions for students participating in athletics. In order for a student to be eligible to represent an institution in intercollegiate athletics competition, a student-athlete must be enrolled full-time (12 credit hours), have a 2.0 cumulative GPA or greater (3.0 or greater for graduate students) prior to the beginning of each fall term and maintain satisfactory progress towards degree requirements.
2. Per Adams State University Declaration of Major Policy, a student-athlete must be accepted into a major before the start of the fourth semester. After declaring a major (and/or minor), credits used to meet progress towards degree requirements must be credits required for that specific degree program.
3. To be eligible to represent an institution in intercollegiate athletics competition, a student-athlete must earn nine- semester hours of academic credit the preceding regular academic term in which the student-athlete has been enrolled full time at any collegiate institution.

#### V. RESPONSIBILITY:

- A. The student is responsible for maintaining good academic standing, verifying their standing in their ASU student account, and checking their Adams State University e-mail account regularly for notices about academic standing.
- B. The Registrar's Office is responsible for calculating GPA at the end of every semester and processing GPA updates throughout the semester. The Registrar's Office is also responsible for transferring in credits only applicable towards the students intended program of study and also transferring in the grades associated with those courses.
- C. The Financial Aid Office is responsible for running SAP procedures at the end of every semester after grades post, notifying students if they are not meeting SAP standards, reviewing appeals and determining eligibility of academic progress.
- D. The Athletic Department is responsible for monitoring additional academic and athletic eligibility factors as required by NCAA and is responsible for notifying students of their eligibility status for athletic competition.

#### **POSTER POLICY:**

##### **KIOSKS, BULLETIN BOARDS AND RESIDENCE HALLS**

The Kiosks, Bulletin Boards and Residence Halls on campus shall be used for the purposes of general posting by the general public and campus community. To prevent damage only masking tape, tacks and staples shall be used to affix an item for posting. An item posted cannot be duplicated on the space in which posted. To make sure room is available on the Kiosks, Bulletin Boards and in the Residence Halls all postings may be removed at the end of each semester to clear clutter off the boards. The university may remove any item that is in violation of the First Amendment limitations of Time, Place and Manner.

The above paragraph pertaining to the Bulletin Boards, however shall not apply to any bulletin board that is expressly "reserved" for the University departmental or administrative purposes. No item shall be posted or remain posted on any reserved board without the permission of the department head or administrative officer who has reserved the board. Department chairs, administrative officers or their staff, may remove any item posted on such reserved boards in violations of this paragraph.

##### **THE ROCK**

The Rock is reserved for the use by the campus community for postings concerning a campus-sponsored or community event. Posting may occur by way of painting on The Rock. A person or organization desiring to post on The Rock may reserve the right to do so at the office of Student Services. Scheduling of the Rock shall be on a first come first serve basis.

##### **BANNERS**

Members of the campus community and community may hang banners outdoors immediately adjacent to the Student Union Building and may hang banners indoors, within the atrium area of the Student Union Building advertising an event provided that the banner(s) do not violate the First Amendment restrictions of time place and manner. The banner(s) may be hung during the period of 30 days prior to the event. The person(s) or entity (ies) that hung the banner(s) shall remove the banner(s) following the event. Any banner that obstructs pedestrian traffic or is hung in a manner that presents a risk of injury or damage to persons or property will be removed. To prevent damage to surfaces only masking tape, tacks or staples may be used to affix them.

##### **SIDEWALKS (ONLY)**

Members of the campus community and community may apply washable chalk to the campus sidewalks only. The posting again must comply with the first amendment rights and restrictions of Time Place and Manner. Chalk announcements are NOT allowed on any campus building.

##### **POLES AND WALLS**

Students are asked to refrain from taping flyers to light posts or other related poles on campus. They are also asked to refrain from posting on the walls and windows and only post on designated boards to prevent damage to the campus.

## **OTHER**

There shall be no posting, painting, use of banners or chalking at Adams State University except as provided above. The office of Student Services, Student Union Building Staff, Custodians and Residence Life Staff shall enforce this poster policy.

## **TERMS OF ENROLLMENT OR WITHDRAWAL**

Enrollment in the University or in any University program, organization, or activity is deemed to be the choice of any qualified student who assumes the responsibility for meeting the requirements involved for continued participation.

Termination or suspension of continued enrollment may take the following forms:

1. Academic suspension or dismissal for failure to maintain minimum academic standards (initiated by the appropriate University Officials).
2. Disciplinary suspension, dismissal or expulsion for violation of University policies (initiated by the Vice President for Student Services or designee).
3. Temporary suspension during the pendency of disciplinary or criminal actions (initiated by the Vice President for Student Services or designee).
4. Cancellation of registration when admission is found to have been based upon incomplete or false information provided by a student (initiated by the Office of the Vice President for Student Services in conjunction with the Admissions Office and the Records Office).
5. Cancellation of registration or denial of registration when a student fails to meet financial obligations to the University (initiated by the Office of Business Services in conjunction with the Records Office).
6. Denial of re-enrollment, diplomas, and transcripts to a student for failure to fulfill all University obligations (initiated by appropriate University official(s))
7. Suspension for being in such condition of physical or mental illness that, even with reasonable accommodation, the student cannot safely satisfy University programmatic requirements. (initiated by the Vice President for Student Services or designee).
8. Voluntary withdrawal or leave of absence (initiated by the student and approved by the Vice President for Students).

Continued enrollment may be subject to imposition of sanctions of lesser severity and/or satisfaction of specified requirements when determined to be appropriate and considered to be effective in implementing the goals and functions of the University (initiated by the University official(s) responsible for discipline). Required withdrawal or denial of registration may be imposed at any time during a semester or prior to registration for any semester. Denial of reinstatement following suspension, required withdrawal, or denial of registration may be enforced permanently or for a specific period of time. The Admissions and Re-admission Review Committee may make specific stipulations or conditions as part of re-admission.

## **CLASS ABSENCES**

Excused Absence Notification Policy. All excused absence verification (except for regularly scheduled athletics travel) shall be processed by the Office of Student Services. Upon verification of the excused absence, the Office of Student Services will notify each of the student's instructors via email. The student must make specific arrangements with each instructor to make up any missed assignments or examinations. The student has 30 days from the date of absence to submit documentation to the Office of Student Services. After the 30 days, the absence will be not be officially excused by the Office of Student Services.

Regularly Scheduled Athletics Travel. The Athletic Director or Head Coach for each sport shall provide each student-athlete with written copies of their travel schedule at the beginning of the semester. Enough copies should be provided to each student-athlete for each of their instructors. The written notifications should include the names of all student-athletes likely to travel, the date and approximate time of departure, and date and approximate time of return to campus. The student-athlete should provide each of their instructors with this written notification at the beginning of the semester. The student-athlete must make specific arrangements with each instructor to make up any missed assignments or examinations. Announcements via Portal are not acceptable forms of notification for any excused absence. Students should be reminded that an excused absence does not exempt them from the missed assignment or examination, but provides them with the opportunity to make up the assignment or examination without penalty.

## INTERNATIONAL STUDENT SERVICES

[www.adams.edu/international/](http://www.adams.edu/international/)

An international student advisor is available in the Admissions Office to help international students with financial, personal, or immigration issues. All international students are required to report to the Office of Admission upon arrival on campus and to maintain contact with the International Student Advisor during their stay at the University. Academic advising is done by an academic advisor in the school in which the student majors.

## COMPLETE WITHDRAWAL FROM UNIVERSITY

If an undergraduate student plans to withdraw from enrollment at Adams State, the student must initiate the complete withdrawal through the Adams State University website. The student must sign into their student account with their ASU login information, proceed to the Registration site and click on the Complete Withdrawal from All Courses link.

Failure to complete the Complete Withdrawal from All Courses form will result in unapproved withdrawal from all courses, forfeiture of any refund of fees for which the student may be eligible and may result in failing grades for the semester. Students who fail to officially withdraw will still be registered, continue to incur charges, and will have failing grades posted at the end of the semester. All requests to withdraw must be in writing (i.e., signature on withdrawal form, email, or fax). Any reasons for complete withdrawal after the date to be identified by the registrar as the last day to completely withdraw from all classes will require verification by the Office of Student Services for the student to receive a non-punitive grade of W.

Students who are eligible for the COF stipend may have reduced their available COF hours upon withdrawal by the total number of eligible hours in which they were enrolled.

## GRADE-POINT AVERAGE COMPUTATION

The Adams State University grading system is based on a standard four-point scale and GPA is calculated by dividing total quality points by credit hours attempted.

## GRADE REPORT

Students should meet with their instructors throughout the semester to discuss their academic progress. Prior to midterm, students will be notified of all regular session classes in which they are in jeopardy of receiving a failing grade. Final grade reports will be available online as early as the Tuesday evening following the final week of courses. Students who wish to have their grade reports mailed should log in to <http://www.adams.edu/onestop> and complete the information requested for having a grade report mailed each semester during the time frame indicated on the Web site.

### Grading System and Quality or Honor Points

The grading system used at Adams State is alphabetical grades. Grades are reported at the end of each term.

Grade per Credit Quality Points

#### **Excellent**

A	4.00
A-	3.67

#### **Good**

B+	3.33
B	3.00
B-	2.67

#### **Satisfactory**

C+	2.33
C	2.00
C-	1.67

#### **Poor, but passing**

D+	1.33
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D	1.00
<b>Failure</b>	
F (100- to 599-level courses)	0
IF Incomplete to F after one year	0
IU Incomplete to Unsatisfactory after one year	0
TF Technical Failure (no show)	0
TU Technical Failure, NO SHOW for basic skills courses	0***
U Unsatisfactory (090- to 099-level basic skills courses)	0***
<b>Other grades (no quality points)</b>	
IN Incomplete	IN *
NC Audit	NC*
P Pass, equivalent to grade of C or better (100- to 599-level courses)	**
S Satisfactory, equivalent to grade of C or better (090- to 099-level basic skills courses)	***
T Transfer credit accepted by ASU	
TS Transfer credit for a remedial course	***
W Withdrawal without penalty	*
NR Grade not recorded by professor	

\*Credits not used to compute GPA and not counted toward graduation.

\*\*Credits not used to compute GPA but counted toward graduation.

\*\*\*Basic skills courses do not count toward graduation.

Note: Credits for courses graded F are used to compute GPA but do not count toward graduation. P credits may or may not transfer to other colleges and universities.

## INCOMPLETE GRADES

The grade of incomplete (IN) is a temporary mark assigned for course work of acceptable quality that students, through no fault of their own, are unable to complete. It is not given for neglected or unsatisfactory work. The student must complete all remaining course requirements, as specified by the instructor, no later than one year following the end of the term in which the class was attempted. If the grade has not been assigned after the deadline, the IN will be changed to an IF.

### PROCEDURES:

1. The student will begin the process by requesting an incomplete grade from the instructor of the course and will provide any requested documentation demonstrating the reasons they are unable to complete the course requirements by the end of the semester. Typically these reasons will be similar to those needed to obtain an excused absence such as documented illness, a death or emergency in the immediate family, or travel for a university sports team.
2. The instructor will determine whether or not an incomplete is appropriate.
3. The instructor will determine what requirements the students must complete and the schedule for their completion.
4. The instructor will complete an incomplete agreement form that specifies the conditions of the incomplete. The instructor will retain a copy of the agreement, give a copy to the student, and send a copy to the VPAA's Office as a record of the agreement.
5. The instructor will record a grade of 'IN' for the student at the semester's end.
6. After grades are processed the Record's Office will send a grade change form with the 'IN' indicated to the professor.

7. After the student has successfully completed the remaining course requirements, the instructor will submit to the Record's Office the grade change form with the new course grade indicated.
8. The Record's Office will record the student's grade on their transcript.
9. Should the student fail to complete the terms specified in the incomplete agreement within one year after the semester's end or the date specified on the incomplete form, the student will receive a grade of 'IF'.
10. Grade change forms submitted after one year has elapsed must be signed by the VPAA in addition to the instructor. The instructor must attach a memo explaining the reason the grade change was not completed within the one year time frame.

**RESPONSIBILITY:**

The student is responsible for requesting and incomplete and meeting the conditions of the incomplete agreement.

The instructor is responsible for determining whether an incomplete is warranted, determining what course requirements must be met, and submitting the appropriate grade.

The VPAA's Office is responsible for maintaining records of incomplete agreements and approving grade changes older than one year.

The Record's Office is responsible for entering the appropriate grade on a student's transcript.

## **HONORS**

Students with a cumulative grade-point average of 3.5 to 3.74 graduate cum laude (with honors). Students with a cumulative grade-point average of 3.75 to 3.89 graduate magna cum laude (with high honors). Students with a cumulative grade point average of 3.9 or higher graduate summa cum laude (with highest honors). Honors are determined based upon a student's cumulative GPA at the end of the semester prior to the semester in which the student will graduate. However, these minimum requirements must be maintained through graduation in order to receive the honors notation on official transcripts.

## **ACADEMIC AMNESTY**

After three consecutive years of non-attendance at ASU, a student may request academic amnesty for a course or courses in one or more semesters. If a student requests amnesty for a course in a given semester, all courses within that semester with a grade of IF, F, TF or D must be included in the request. The request will be reviewed after the student has completed at least one semester since being readmitted to ASU. The student must complete nine credits and earn a GPA of 2.0 for the requested to be approved.

## **CHILDREN AND PETS IN THE CLASSROOM**

In order to insure an effective teaching and learning environment ASU maintains that children and pets should not be present in classes or in university academic buildings unless there is a specific learning purpose for their presence. Service animals are allowed to be on campus with those they assist. Anyone with a Service animal should have their animal authorized in the Office of Accessibility located in Richardson Hall Office 3-100.

Therapy animals are not allowed in the classroom.

Professors and Department Chairs are expected to enforce these rules. Complaints about violations are to be taken seriously.

## OTHER UNIVERSITY POLICIES

### APPLICANT CRIMINAL HISTORY AND PRE-ADMISSION CRIMES

Policy regarding Applicant Criminal History and Procedure for Students Charged with a Serious Crime that occurred prior to being a student at Adams State University

#### PURPOSE

This document establishes the Adams State University's (ASU) policy and procedure for addressing applicants for admission with a criminal history and concerning admitted students that are not addressed in the Student Code of Conduct.

#### DEFINITIONS

- A. **Charged** - the commencement of prosecution by the filing of an indictment or presentment, the issuing of a warrant which is binding over the offender, or by the filing of information.
- B. **Creditable report** - information from any source that has been confirmed verbally or in writing by the prosecuting jurisdiction, including, but not limited to a district or U.S. attorney's office.
- C. **Prohibition Order** – an ASUPD citation that mandates not to have any communication with the named individual or individuals.
- D. **Serious crime** - any felony, specifically including, but not limited to crimes concerning murder, assault, domestic violence, alcohol and drug offenses and sex offenses that pose a potential threat or adverse effect on the safety of the campus community.
- E. **Student** - all persons who are enrolled, have confirmed intent to enroll, or are designated as active and able to enroll in courses at ASU, either full time or part time, pursuing undergraduate, graduate or professional studies, as well as non-degree Students.
- F. **Temporary Suspension** - suspension pending Final Disposition of a criminal case.

#### POLICY

a) In order for Adams State University's (ASU) administration to facilitate a safe environment conducive to academic learning, all applicants for admission shall be asked to answer a criminal history question and if they answer yes, are required to supplement the application with a criminal history information form. This additional information will be submitted to the Campus Health and Safety Committee for admissions approval.

b) In order for Adams State University's (ASU) administration to facilitate a safe environment conducive to academic learning, if a student is admitted having answered no to the criminal history question and ASU receives a credible report that a student has been charged with a serious crime that is alleged to have occurred before the individual became a student, ASU may temporarily suspend the student and potentially cancel the student's admission, pursuant to and in accordance with the procedures set forth below and in the ASU Student Handbook.

#### PROCEDURE

- A. The President, or designee, shall identify a committee (Campus Health and Safety Committee or CHS) with relevant cross-campus representation chaired by the Vice President for Student Services, or designee, to review and make decisions regarding applicants for admission who provide affirmative responses to the application's criminal history question processed through ASU's Office of Admissions or Extended Studies (degree seeking/on campus) Program. The Director of Admissions, or designee, shall act as the campus contact for students to self-report that he or she has been charged with any crime that is alleged to have occurred before the individual became a student.
- B. The Director of Admissions or designee will request a background check through the ASU Police department and forward the students file to the CHS Committee. The CHS Committee shall then determine if the applicant will be admitted based on any serious crime, specifically including, but not limited to crimes concerning murder, assault, domestic violence, drug offenses and sex offenses that pose a potential threat or adverse effect on the safety of the campus community
- C. If the Director of Admission or designee or Vice President for Student Services under any circumstances determines that a student has been charged with a serious crime, as defined in this Policy, that is alleged to have occurred before the individual became a student and stated no on their application of admission:
  - 1. The Vice President for Student Services sends written notice to the student that notifies them that ASU has become aware of the charge or criminal history, addresses any other information

known to the University about the matter, and that the student is temporarily suspended effective immediately. When applicable, the Vice President for Student Services' notice may also include a Prohibition Order. If such an order is included, it is the responsibility of the student not to have any contact with the individual(s) named, directly, or through third parties, as specified in the notice. Failure to comply with the order may result in additional disciplinary action through the Student Code of Conduct procedures.

2. A conference between the student and the Vice President for Student Services, or his or her designee, shall be scheduled as soon as possible (usually within 10 calendar days of the notice) for the limited purposes of the student and the Vice President for Student Services exchanging information regarding the charge and to allow the student to present any mitigating information regarding whether the temporary suspension should continue. This conference is not for the purposes of investigating the charge.

3. The Vice President for Student Services, or designee, shall refer the matter to the CHS Committee for evaluation. The CHS Committee shall be authorized to review and make a decision regarding the charges, including, but not limited to whether the student is eligible to continue to enroll, whether the student's prior admission shall be revoked, or whether the student will be suspended in abeyance. The temporary suspension may continue to be in effect until the committee has made such a determination.

This Policy may coincide with the ASU Nursing School, which has its separate admissions process that requires applicants to provide information about their character and fitness to practice nursing, including criminal history information.

## **PUBLIC INFORMATION/DIRECTORY INFORMATION (FERPA POLICY)**

FERPA is an acronym for the Family Educational Rights and Privacy Act (also referred to as the Buckley Amendment) and is a federal law designed to:

- Protect the privacy of student education records.
- Establish the right of students to inspect and review their education records.
- Provide guidelines for the correction of inaccurate and misleading information.

### **STUDENTS HAVE THE RIGHT TO:**

- Inspect and review their education records
- Seek to amend their education records when there has been a legitimate error recorded
- Have some control over the release of information from their education records

### **PARENTAL RIGHTS:**

- When a student reaches the age of 18 or begins attending ASU, FERPA rights are transferred to the student.
- Parents may obtain directory information at the discretion of the college.
- Parents may obtain non-directory information with a signed consent from their child.

It is ASU policy NOT to release information to parents without written consent.

### **INSPECT AND REVIEW:**

With respect to a student's right to inspect and review records, it is ASU's responsibility to:

- Comply with the request within 45 days
- Make a copy of available records when failure to do so would effectively deny access
- Refrain from destroying records if a request for access is pending

Information that may not be reviewed by the student:

- Parental financial information
- Recommendation letters when students have already waived their rights to review

### **DISCLOSURE OF STUDENT RECORDS:**

Adams State University must obtain written consent from students before releasing personally identifiable information.

### **Authorization to Release Confidential Information**

- [https://www.adams.edu/records/written\\_release\\_form.pdf](https://www.adams.edu/records/written_release_form.pdf)

### **When is written release NOT necessary?**

- To school official who have legitimate educational interest
- In connection with financial aid
- To accrediting organizations
- To comply with a judicial order or subpoena
- In a health or safety emergency
- Directory Information
- To Military recruiters with some limitations
- [Restriction of the Release of Directory Information Form](#)

IF A CONFIDENTIAL REQUEST HAS BEEN SUBMITTED, THE RELEASE OF ANY INFORMATION IS RESTRICTED

### **ASU Directory Information**

Directory information is information not generally considered harmful or an invasion of privacy if disclosed.

- Name
- Email Address
- Phone number(s)
- Address (It is recommended that parent addresses not be released without written consent of the student)
- Classification (i.e., freshman, junior...)
- Major field of study
- Dates of attendance
- Degrees pursued
- Enrollment status (full-time, half-time, etc.) \*Actual number of credit hours is NOT Directory Information
- Degrees received
- Weight and height of members of athletic teams
- Honors and awards received
- Date of birth
- Last school attended
- Past and present participation in officially recognized sports
- Academic standing (eligible to register)

If a student wishes for this information to be withheld they may fill out a Confidentiality Form: [https://www.adams.edu/records/restriction\\_of\\_release\\_of\\_info\\_updated.pdf](https://www.adams.edu/records/restriction_of_release_of_info_updated.pdf)

This form which will put a restriction on the release of this Directory Information. Adams State University will not even be allowed to verify to a third party that the student attends Adams State, if the student chooses fill out this form.

Directory information should never include:

- Race
- Gender
- Social Security Number
- Grades
- Country of Citizenship

Although Directory Information may be released, ASU is under no obligation to release any information.

## SEXUAL HARASSMENT POLICY

Adams State University's our primary concern is student safety. Sexual Violence creates an atmosphere that prevents the victim from accessing the benefits of higher education. Because sexual violence creates a potential civil rights violation, allegations of sexual violence is handled differently than other allegations of ASU Student Conduct violations. Adams State University does not consider the use of alcohol or drugs by a victim as a relevant fact in determining responsibility for sexual violence.

### ***“Yes Means Yes” Adams State University Sexual Harassment Policy for Students***

#### I. THE LAW

Sexual harassment is against the law. Sexual harassment/ sexual violence of students is a violation of Title IX of the 1972 Education Amendments in that it constitutes discrimination based on gender.

#### II. COMMITMENT

Adams State University prohibits, and will not tolerate, discrimination that violates federal or state law. Additionally, The University has its own anti-discrimination policy and this policy and its grievance procedure, will be strictly adhered to by the University. The University will not tolerate sexual harassment or any form of sex based discrimination. Sex based discrimination includes discrimination based upon sexual orientation and gender identity. Likewise, the University will not tolerate any form of retaliation against any student or employee for reporting discrimination or assisting in the investigation of a complaint.

#### III. DEFINITION AND EXAMPLES OF SEXUAL HARASSMENT

Sexual harassment is unwelcome conduct of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors both verbal and nonverbal, or physical conduct of a sexual nature. The harasser could be a member of the faculty, staff, someone outside the campus community or a fellow student.

Sexual harassment of a student can deny or limit, on the basis of sex, the student's ability to participate in or to receive benefits, services, and/or opportunities in the university's programs.

Sexual harassment can take many forms ranging from unwanted comments regarding appearance, to subtle pressure for sexual activity, to unwelcome physical touching, to sexual violence.

Adams State University adheres to a “yes means yes” standard for sexual consent. “Yes means yes” places the burden on the party initiating a sexual encounter to seek and achieve consent for every step in the sexual encounter. The burden is not on the victim to say “no” but on the initiator to affirmatively seek a “yes.”

Other examples of sexual harassment include (but are NOT limited to):

- Comments about another person's body
- Sexually explicit pictures or suggestive objects placed in a living or work space (that a reasonable person would find offensive)
- Unwanted propositions of a sexual nature, or demands for sexual favors.
- Stalking
- Unwanted telephone calls, text messages, social media messages or e-mails with sexually explicit content.
- Unwanted sexual contact.

#### IV. DEFINITION OF RETALIATION

Retaliation is any adverse action taken against an individual who files a complaint about discrimination or who participates in an investigation of alleged discrimination designed to punish that individual for their participation in the investigation.

#### IV. DIRECTOR OF TITLE IX

Adams State University has a Director of Title IX who is responsible for monitoring the overall implementation of Title IX for the University. Also, the Director of Title IX provides counseling, mediation as well as prompt and effective investigation and resolution of complaints.

Ana Guevara, Director of Title IX and Office of Equal Opportunity  
Student Union Building Room – 327  
Alamosa, CO 81102  
Office number: [719-587-8213](tel:719-587-8213)  
Email: [anaquevara@adams.edu](mailto:anaquevara@adams.edu)

#### V. REPORTING SEXUAL HARASSMENT, MAKING A COMPLAINT

Any student who believes he/she has been sexually harassed or retaliated against is encouraged to report the alleged discrimination to the Director of Title IX and OEO or the Vice President for Student Services, Ken Marquez: [719-587-7221](tel:719-587-7221), [klmarque@adams.edu](mailto:klmarque@adams.edu).

Contact with these offices may be made in person, writing, via telephone, or by email.

A student who is not certain about filing a complaint but is seeking information or guidance may also contact the Director of Title IX for a confidential conversation. Any student with questions or concerns may contact the Director of Title IX.

Students with allegations or issues involving sexual violence are encouraged to provide information to the Adams State University Police or local law enforcement.

Students are advised that they have the option to seek redress of their complaint from the appropriate external state or federal enforcement agency, (Department of Education - Office of Civil Rights (OCR), Denver office, [303-844-5695](tel:303-844-5695)), or with an attorney.

#### VI. INVESTIGATIONS

If after discussion with the Director of Title IX it will be determined that there is sufficient evidence presented to proceed with an investigation, two options will be discussed with the student:

1. Informal resolution of the complaint

2. Initiate an investigation conducted by the Director of Title IX or designee of the office.

The Director of Title IX will be responsible to see that a prompt and effective investigation is conducted. This investigation will normally take sixty (60) days or less. Evidence will be gathered including witness statements. The student, or charging party, will be kept informed of the investigation process and the findings during the investigation. Efforts will be made to shield the charging party from retaliation. Confidentiality will be observed to the extent allowed within the law.

#### VII. DISCIPLINE

If based on the preponderance of evidence it is determined that there were violations of the law or university policies, discipline for misconduct will be imposed. Penalties for student misconduct include a range of sanctions up to and including expulsion. The disciplinary process is set forth in the Adams State University Student Handbook.

There is an appeals process for students accused of misconduct. (ASU Student Handbook)

For university employees, including Faculty, discipline could include dismissal.

#### VIII. ADDITIONAL AREAS OF SEX DISCRIMINATION MONITORED BY THE DIRECTOR OF TITLE IX

Students may not be discriminated against on the basis of sex in:

- Admission
- Access to course enrollment
- Access to facilities
- Counseling
- Competitive athletics
- Graduation requirements
- Student rules, regulations and benefits
- Treatment as a married and/or pregnant student
- Housing, financial aid
- Most other aid benefits or services

For additional information on sexual harassment or discrimination, please contact Ana Guevara, Director of Title IX and OEO (719)587-8213 [anaguevara@adams.edu](mailto:anaguevara@adams.edu) .

Additional contact information:

- Adams State University Counseling and Career Services-[719- 587-7746](tel:719-587-7746)
- Tu Casa- Domestic violence/ sexual assault- [719-589-2465](tel:719-589-2465)
- Adams State University Police Department- [719-587-7901](tel:719-587-7901)

## **ANTI-DISCRIMINATION POLICY AND GRIEVANCE PROCEDURE (Including Sexual Harassment)**

I. DEFINITIONS. The following definitions shall apply to this Policy.

1. "Affiliate" means an entity at which members of the Campus Community work or study (including entities that accept student interns) and other third parties or service providers on campus or associated with the University through contracts, affiliation agreements, or otherwise.
2. "Affirmative Action Officer" means the person appointed by the University to investigate complaints or grievances. When the President appoints another to fulfill the role of the Affirmative Action Officer with respect to a particular matter, Affirmative Action Officer shall be read to mean the person so appointed by the President. The contact information for the current Affirmative Action Officer is attached to this Policy as Exhibit 2.
3. "Calendar day" and "day" mean any day of the year. "Working day" means a day on which the University holds regular class sessions or exams, and excludes Saturdays, Sundays, and University holidays. It includes summer session, even if a party is not enrolled, employed or volunteering during the summer, and periods of annual or other leave requested by the party.
4. "Campus Community" means Students, Faculty, Professional Personnel, Classified Staff, and Volunteers, who are admitted or enrolled in the University, are participating in programs offered by the University, or who are employed by, or volunteering for the University
5. "Complaint" means a written or oral allegation of violation of this policy that has not been formally filed as a Grievance.
6. "Complainant" means a person making a written or oral allegation of violation of this policy other than by filing a Grievance.
7. "Disciplinary action" means the process for and sanctions available for violations of University policy as set forth in the *Adams State University Student Handbook* or any applicable Graduate Program Handbook or Catalog, the *Faculty Handbook*, the *Personnel Board Rules and Director's Administrative Procedures* or the *State Colleges in Colorado Handbook for Professional Personnel* until the *ASU Professional Personnel Handbook* is adopted, and then the processes for and sanctions available under the *ASU Professional Personnel Handbook*.
8. "Employee" means any member of the Classified Staff, Professional Personnel or Faculty.
9. "Grievance" means a written allegation of discrimination or retaliation that is filed with the University in accordance with this policy. A sample Grievance form is attached as Exhibit 1 to this policy.
10. "Grievant" means any member of the Campus Community who files a written Grievance.
11. "Party" means Grievant(s) or Respondent(s).
12. "Precautionary action" means any corrective, non-disciplinary action that is taken as a result of allegations of discrimination or retaliation and that is reasonably calculated to end present

- discrimination/retaliation, protect against future discrimination/retaliation, or remedy past discrimination/retaliation.
13. "Protected status" means race, color, national origin, sex (including pregnancy), religion, age, disability, veteran or marital status, or sexual orientation.
  14. "Respondent" means a member of the Campus Community against whom a Grievance has been filed.
  15. "Service" means hand delivery, signed receipt required, or certified mail, return receipt requested. The date of service shall be the date of mailing according to the records of the University or hand delivery as evidenced by a postal certification form or a receipt signed by the recipient. If the recipient does not accept a hand-delivery, a certification signed by the person who attempted to deliver the notice shall be conclusive evidence of the date of service.
  16. "Supervisory-level employee" means any employee or student who supervises, evaluates or is responsible for the work of another employee or student.

## II. PROHIBITIONS

- A. **Discrimination.** The University prohibits and will not tolerate discrimination that violates federal or state law or this policy. The University does not discriminate on the basis of race, age, color, religion, national origin, gender, sexual orientation, veteran status, or disability. The University complies with Titles VI and VII of the Civil Rights Act of 1964, the Civil Rights Act of 1991, the Education Amendments of 1972 (Title IX), the Age Discrimination in Employment Act, the Rehabilitation Act of 1973, the Americans with Disabilities Act, Executive Order 11246, sections 24-34-301, C.R.S. *et seq.* and the Trustee Policy Manual.
- B. **Sexual Harassment.** Sexual harassment is a type of discrimination. The University prohibits and will not tolerate sexual harassment. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other unwelcome verbal and physical conduct based on sex when:
  1. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or education; or
  2. Submission to or rejection of such conduct is used as the basis for making employment or educational decisions about a person; or
  3. Such conduct has the purpose or effect of substantially and unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive working or educational environment.
- C. **Retaliation.** The University prohibits and will not tolerate retaliation against any person who opposes or reports a discriminatory practice which is forbidden by law or this policy or who has filed a Grievance, testified, assisted or participated in any manner in an investigation or proceeding conducted under this policy. Acts of retaliation may be the subject of a Complaint or Grievance under this policy.
- D. **Penalties.** Members of the Campus Community who engage in discrimination, sexual harassment, or retaliation against any member of the Campus Community or any employee of any Affiliate may be subject to precautionary action or disciplinary action, up to and including termination of employment or expulsion from the University.

## III. DISCRIMINATION BY OR AGAINST PERSONS OUTSIDE THE CAMPUS COMMUNITY

- A. Agreements with Affiliates must contain provisions requiring Affiliates to comply with the letter and the spirit of all applicable State and Federal laws respecting discrimination and unfair employment practices. Illegal discrimination or retaliation by an Affiliate or an Affiliate's employee affecting any member of the Campus Community may result in precautionary and remedial actions up to and including termination of the Affiliate's agreement with the University. Such allegations shall be reported to the primary University representative/contact person identified in the agreement ("University Representative") or the Affirmative Action Officer. The University shall investigate the credibility of the allegations and promptly notify the Affiliate of any credible

allegations and request appropriate action. The University also shall promptly take any necessary precautionary actions as appropriate.

- B. Allegations by an Affiliate that a member of the Campus Community has engaged in illegal discrimination or retaliation against any employee of the Affiliate shall be reported to the University Representative identified in the agreement. The University shall promptly investigate the allegations and take any necessary precautionary and/or disciplinary actions as appropriate.
- C. Allegations of illegal discrimination or retaliation made by applicants for employment shall be reported to the Human Resources Director (or other presidential designee). The University shall promptly investigate the allegations and take any necessary precautionary and/or disciplinary actions as appropriate.
- D. Allegations of illegal discrimination or retaliation made by undergraduate applicants for admission to the University shall be reported to the Vice President for Enrollment Management (or other presidential designee). The University shall promptly investigate the allegations and take any necessary precautionary and/or disciplinary actions as appropriate.
- E. Allegations of illegal discrimination or retaliation made by applicants for admission to graduate programs shall be reported to the Director of Graduate Programs (or other presidential designee). The University shall promptly investigate the allegations and take any necessary precautionary and/or disciplinary actions as appropriate.
- F. Allegations that a member of the Board of Trustees has engaged in illegal discrimination or retaliation shall be reported to the Chair or, if the allegations are against the Chair, the Vice Chair of the Board of Trustees. Credible allegations shall be investigated by an independent investigator appointed by the Chair or Vice Chair, as appropriate. The independent investigator shall deliver a confidential written report to the Chair or Vice Chair, as appropriate. Necessary precautionary actions shall be determined by the Chair or Vice Chair, as appropriate.

#### IV. PROCEDURE FOR CAMPUS COMMUNITY DISCRIMINATION COMPLAINTS AND GRIEVANCES

##### A. Application

- 1. This procedure applies to allegations of discrimination or retaliation made by any member of the Campus Community against any other member of the Campus Community.

##### B. Time Limits

- 1. In order to fall within the jurisdiction of this policy, a Complaint or Grievance must be initiated within ten (10) calendar days of the date on which alleged discrimination or retaliation occurred.
  - a. The Complainant/Grievant may choose to withdraw his/her Complaint/Grievance at any point.
  - b. The University will investigate all credible allegations of discrimination or retaliation as appropriate to the circumstances and may take precautionary and/or disciplinary action if warranted by the available facts, even if the Complainant/Grievant declines to pursue resolution of the matter through this policy, or the Complaint/Grievance does not fall within the jurisdiction of this policy.
- 2. The Affirmative Action Officer may extend or shorten any time periods prescribed in this policy for good cause, including the ten (10) day time limit for filing a Grievance, but shall not permit unreasonable delay. It shall be the goal of the Affirmative Action Officer to bring most Complaints/Grievances to closure no later than thirty (30) days after the date of filing. The actual time required will depend on the complexity of each Complaint/Grievance.

##### C. Purposes of the Discrimination Grievance Procedure

1. To provide a mechanism for prompt and fair internal resolution of allegations of discrimination or retaliation by members of the Campus Community that is reasonably calculated to immediately end any harassment or retaliation, remedy its effects and prevent harassment from occurring again; and
2. To provide a prompt and fair procedure for administering allegations of discrimination or retaliation by Campus Community members that violate this policy.
3. For allegations between or among Classified Staff alleging discrimination or retaliation, this Discrimination Grievance Procedure shall be construed as the grievance policy adopted by the University pursuant to Personnel Board Rules 8-3B and 8-8B and shall be in lieu of the Grievance Procedures set forth in Chapter 8 of the Department of Personnel Board Rules and Director's Administrative Procedures.

D. Protection of the Parties

1. It will be the Affirmative Action Officer's responsibility to keep the President, closely informed about any and all Complaints and Grievances involving discrimination/retaliation that arise within the University. The Affirmative Action Officer will have final authority to decide all procedural matters and arrange for and coordinate all informal resolution efforts unless otherwise specified herein. These decisions are final, non-appealable and non-grievable.
  - a. Any reference in this policy to "The President" shall be read as "the Chair of the Board of Trustees" if the President is subject of the Complaint.
  - b. "Affirmative Action Officer" shall be read as "the President's designee" if the President has made such designation for investigation. The President may make such designation whenever he/she deems that the interest of the University would be best served, and shall make such designation if the Affirmative Action Officer is the subject of the Complaint/Grievance.
2. The President or supervisory personnel may take precautionary action to protect the Complainant/Grievant and to prevent contact between the Complainant/Grievant and the Respondent during the pendency of the process. Any such actions shall be in addition to any precautionary or disciplinary measure imposed by the process.
  - a. In accordance with the applicable procedures set forth in the *Adams State University Student Handbook* or any applicable provision of a Graduate Program Handbook or Catalog that provides a process for temporary or summary suspension, the *Faculty Handbook*, the *Personnel Board Rules and Director's Administrative Procedures*, the *State Colleges in Colorado Handbook for Professional Personnel*, and when adopted, the *Adams State University Professional Personnel Handbook*, the President may impose administrative leave, temporary suspension or summary suspension, as appropriate, in conjunction with this policy.
3. Complaints and Grievances will be treated with discretion to protect the privacy of those involved. Participants in the Complaint/Grievance process, including parties, witnesses, employees, agents, students, confidential advisors, mediators or facilitators will treat all information and documents as confidential and will not discuss the matter with, or provide documents to, anyone except as necessary for the investigation and any subsequent proceedings, or as authorized or required by law.
  - a. Failure to observe these confidentiality requirements may be cause for discipline, up to and including termination of employment or expulsion from the University.

4. Participants in Discrimination Grievance Procedures should not be promised confidentiality beyond that stated herein.
  5. Except for the failure of a Grievant to attend an interview or discussion conducted pursuant to this policy, failure of any member of the Campus Community to cooperate with University officials in pursuing allegations of discrimination/retaliation may be cause for discipline.
  6. The intimidation of, unauthorized contact with, or retaliation against any individual because of that individual's involvement in a Complaint/Grievance is a violation of University policy and may be the subject of a Complaint or Grievance under this or other University policies and may result in discipline.
  7. Abuse of the Complaint/Grievance process is grounds for discipline. Abuse of this process includes fraudulent or bad faith allegations, knowingly false statements of fact or documentation, or otherwise behaving irresponsibly in connection with any part of a Complaint/Grievance.
  8. A member of the Classified Staff who makes a Complaint against another member of the Classified staff may have a representative present at any stage in the Complaint/Grievance process and that representative may speak for him/her, however the Classified Staff member is expected to participate in discussions. Other members of the Campus Community may be advised by a representative at any stage of the process but must speak for themselves.
- E. External Processes
1. Those who believe they are victims of discrimination or retaliation may initiate outside legal action through private sources or the appropriate State or Federal enforcement agencies.
  2. If an external complaint, grievance or charge is filed with an equal opportunity enforcement agency or in State or Federal court while a Complaint/Grievance is pending within the University and the complaints arise out of the same incident(s) or make similar allegations of discrimination/retaliation the University may discontinue the internal Complaint/Grievance process. The University may nonetheless require an investigation of all credible allegations of discrimination/retaliation and take precautionary/disciplinary action as appropriate even if the Complaint/Grievance process has been discontinued.
- F. Consolidation of Grievances
1. Multiple Complaints/Grievances may be consolidated if they arise from the same or similar facts and circumstances, or allege retaliation for bringing an earlier, still-pending Complaint/Grievance.
- G. Informal Resolution Efforts
1. It is the goal of the University to provide prompt resolution of any Complaints/Grievances in a manner that ends any present discrimination/retaliation, protects against future discrimination/retaliation and remedies past discrimination/retaliation. To advance this goal, the University strives to resolve perceived discrimination/retaliation at the lowest level possible. Frequently the most satisfactory process for resolving perceived discrimination/retaliation is informal discussion between the parties and appropriate administrators. Such discussions will generally precede the filing of a written Grievance as defined under this policy but may also take place after the filing of a Grievance.
  2. In informal resolution, affected employees, administrators, students, and/or outside facilitators, will reason together to identify problems, to develop understanding, to reconcile differences and, if appropriate, to redress allegations of discrimination/retaliation. Upon approval by the President and consent of the parties, the Affirmative Action Officer may

refer a matter to mediation for informal resolution. Informal resolution may be by-passed or terminated if the person who perceives he or she has suffered discrimination/retaliation feels it is necessary to do so.

3. The Complainant, appropriate supervisory personnel or the Vice President for Student Affairs, the Affirmative Action Officer and if appropriate, other individuals who may facilitate communications will discuss informal resolution. The person(s) alleged to have engaged in discrimination/retaliation may be asked to join the discussion if the Affirmative Action Officer determines that it would be worthwhile and the Complainant consents.
4. Any remedy arising from informal resolution efforts will be reduced to writing within seven (7) calendar days after the conclusion of informal resolution efforts. A remedy arising from informal resolution may consist of 1) an informal remedy determination issued by the appropriate supervisory level-employee or the Vice President for Student Affairs after discussions with the Complainant and others; or 2) a written agreement between the Parties.
5. If a Complainant is dissatisfied by an informal remedy determination issued by the appropriate supervisory personnel or the Vice President for Student Affairs, the Complainant may, within five (5) calendar days after service of the informal remedy determination, proceed with a formal Grievance.
6. An agreement for informal resolution entered into by the Parties must be approved by the President and is binding, final, unappealable and non-grievable.

#### H. Reporting

1. **Process for an Employee or Volunteer to Report Discrimination/Retaliation.** Any employee or volunteer who believes he/she has been discriminated against or retaliated against is encouraged to report the alleged discrimination/retaliation to the employee's supervisor, next level supervisor, or the Affirmative Action Officer.
2. **Process for Student to Report Discrimination/Retaliation.** Any student who believes he/she has been discriminated against or retaliated against is encouraged to report the alleged discrimination/retaliation to the Vice President for Student Affairs or the Affirmative Action Officer.
3. **Duty to Report Discrimination/Retaliation.** Any supervisory-level employee or Faculty member who observes what he/she reasonably believes to be discrimination or retaliation, or who receives a Complaint making allegations of discrimination or retaliation by a member of the Campus Community has a duty to promptly inform the Affirmative Action Officer, or if the Complaint is against the Affirmative Action Officer, the Human Resources Director. Any Student Residence Director or Resident Assistant who, in the scope of his/her duties observes what he or she reasonably believes to be discrimination or retaliation against a student, or who receives a Complaint from a student making allegations of discrimination or retaliation by a member of the Campus Community has a duty to promptly inform the Vice President for Student Affairs or the Affirmative Action Officer. The matter will be referred for appropriate informal discussions as provided above.
  - a. A supervisory-level employee, Faculty member or Student Residence Director or Resident Assistant who fails to report alleged discrimination or retaliation may be subject to discipline, up to and including dismissal.
  - b. A supervisory-level employee, Faculty member or Student Residence Director or Resident Assistant is not to attempt to independently investigate or mediate allegations of discrimination or retaliation, except that a supervisory-level employee may take steps necessary to issue an informal remedy determination under section IV.G.4.

- c. If the person reporting discrimination/retaliation is someone other than the alleged victim, the Affirmative Action Officer, the Vice President for Student Affairs or his/her designee will ask the alleged victim(s) to confirm whether the reported conduct occurred. If the alleged victim does not confirm that the reported conduct occurred, the matter will not be pursued. If the alleged victim confirms that the conduct occurred, the alleged victim will be offered the opportunity to pursue resolution of the matter under this Procedure. If the alleged victim declines to pursue resolution of the matter through this Procedure the matter shall be reported to the President who may require an investigation and take such precautionary/disciplinary actions as he/she deems appropriate under the circumstances.
- d. Even if a person reporting or acknowledging the occurrence of perceived discrimination or retaliation requests that no action be taken, the supervisory-level employee, Faculty member or Student Residence Director or Resident Assistant still has a duty to inform the Affirmative Action Officer or Vice President for Student Affairs of the alleged discrimination/retaliation. The supervisory-level employee, Faculty member or Student Residence Director or Resident Assistant should inform the person reporting the alleged discrimination or retaliation that the matter must be reported, that the process for resolving allegations of discrimination or retaliation is handled with discretion to protect the parties, but that neither anonymity nor complete confidentiality can be promised.

I. Filing a Grievance

- 1. Any Campus Community member may file a formal written Grievance when he/she believes that he/she has been discriminated against or retaliated against, whether or not the matter has been reported in accordance with Section H. The Grievance may be filed with the Affirmative Action Officer or in the absence, unavailability or perceived conflict of interest of the Affirmative Action Officer, with the Human Resources Director (for employees and volunteers) or the Vice President for Student Affairs (for students).
- 2. Step 1
  - a. The Grievant will file a written Grievance which shall include:
    - i. the Grievant's name, mailing address, telephone number, and email address
    - ii. the identity of the Respondent(s)
    - iii. the type of discrimination or perceived reasons for retaliation
    - iv. the facts and circumstances of the alleged discrimination/retaliation
    - v. the dates on which the alleged conduct occurred
    - vi. the identity of any witnesses which the Grievant believes to possess relevant information and a description of the information that each witness is believed to possess
    - vii. the signature of the grievant
  - b. If the alleged discrimination/retaliation took place more than ten (10) days prior to the filing, the Grievant must also submit, a statement showing good cause for not filing within the ten (10) day time limit.

- c. The Affirmative Action Officer will determine whether the Grievance is within the jurisdiction of this policy.
  - d. Jurisdiction under this process is established when:
    - i. The Grievance is timely filed, and
    - ii. The Grievant has submitted a sufficient written Grievance, and
    - iii. The Grievance sets forth facts that, if true, show reasonable cause to believe that a violation of this policy has occurred.
  - e. If the Grievance documents do not establish jurisdiction under this policy, the Affirmative Action Officer will serve the Grievant with written notice of this finding. The Grievant may request the President's review of a finding of no jurisdiction under this policy by submitting a written request for review to the Affirmative Action Officer within three (3) working days of the date of service of the finding.
  - f. The President's determination of jurisdiction shall be rendered as soon as possible after the President receives the request for review. The President's determination of jurisdiction is final. The Grievant will be provided with a copy of the President's determination.
  - g. If the Grievance establishes jurisdiction, the Affirmative Action Officer will serve a copy of the written Grievance on the Respondent with the Grievant's address, telephone and email address redacted.
  - h. The Affirmative Action Officer will contact the Grievant to discuss options for informal resolution. If the Grievant wishes to pursue informal resolution efforts, the Affirmative Action Officer will make the necessary arrangements and inform the parties.
  - i. If the Grievant wishes to pursue informal resolution efforts, the formal Grievance procedure shall be suspended to permit the parties an opportunity to resolve the Grievance.
  - j. The Grievant may at any time terminate informal resolution efforts and proceed to Step 2.
3. Step 2
- a. Within five (5) calendar days after receiving a copy of the Grievance or within five (5) calendar days after notice of termination of informal resolution efforts, if applicable, the Respondent will file a written response ("Response") with the Affirmative Action Officer.
  - b. The Response shall include:
    - i. a statement as to whether the facts supporting the conduct that forms the basis for the allegations are true, and
    - ii. an explanation of the circumstances surrounding any admitted conduct; and
    - iii. the names of witnesses, if any, who may have information pertaining to the Grievance, and a description of the information that each witness is believed to possess.

4. Step 3

- a. The Affirmative Action Officer will conduct an investigation to determine the facts. The Affirmative Action Officer, will interview the Grievant, Respondent and anyone that the Affirmative Action Officer determines is likely to have substantial, relevant information, and gather any other evidence that he/she deems necessary.
- b. The interview provides the Respondent with an opportunity to be heard by a fair and impartial fact-finder and to explain, deny, or offer mitigating reasons. If the Respondent fails to attend an interview for reasons other than an unforeseeable emergency, documented to the satisfaction of the Affirmative Action Officer, such failure constitutes a knowing and voluntary waiver of this opportunity and the report may be rendered without Respondent's input.
- c. If the Grievant fails to attend an interview for reasons other than an unforeseeable emergency documented to the satisfaction of the Affirmative Action Officer, the Affirmative Action Officer, in consultation with the President, may deem the Grievance withdrawn and discontinue the process. Even if the Grievance is deemed withdrawn, the President may require further investigation and take appropriate disciplinary/precautionary action if appropriate.
- d. The Affirmative Action Officer will promptly prepare and deliver to the President a written report summarizing the investigation that includes observations as to credibility of interviewees, a finding as to whether discrimination/retaliation occurred, and a recommendation of precautionary measures. The President shall review the report and take action as he/she deems necessary. The President may also pursue discipline in accordance with the appropriate handbook disciplinary procedure.
  - i. For **Faculty**, the appropriate disciplinary procedure is found in Section VIII.A.2-10 of the *Faculty Handbook*, and the appeal provisions in Section IX. available to Tenured Faculty upon imposition of appealable discipline. The investigation provided for in this policy shall substitute for the investigation called for in Section VIII.A.1.of the *Faculty Handbook*. The Grievance and Complaint Procedure in Section XI of the *Faculty Handbook* does not apply to allegations of discrimination/retaliation under this policy.
  - ii. For **Professional Personnel**, until the *ASU Professional Personnel Handbook* is adopted, the appropriate disciplinary procedure is found in Section X.A.3.b. of the *State Colleges in Colorado Handbook for Professional Personnel* entitled "Presidential Meeting with the Professional" and the appeal to a hearing officer available under Section X.B.2. for appealable disciplinary sanctions imposed by the President or, in the event of termination, termination proceedings as provided in Section XII of the *State Colleges in Colorado Handbook for Professional Personnel*. The investigation provided for in this policy shall substitute for the investigation called for in Section X.A.2. The Grievance Procedure in Section XIV of the *State Colleges in Colorado Handbook for Professional Personnel* is not applicable to claims of discrimination in violation of this policy. Upon adoption of the *ASU Professional Personnel Handbook*, the appropriate disciplinary procedure is to be found in Section XII. The investigation provided for in this policy shall substitute for the investigation provided for in section XII.B.1. The Grievance Procedure in Section XIII of the *ASU Professional Personnel Handbook* does not apply to allegations of discrimination/retaliation under this policy.

- iii. For **Classified Staff**, the appropriate disciplinary procedure is found in Sections 6-8B through 6-15B and Chapter 8 of the *Personnel Board Rules and Personnel Director's Administrative Procedures*. This Discrimination Grievance Procedure shall be in place of the Grievance Process set forth in Chapter 8, Section 8-8B of the *Personnel Board Rules and Personnel Director's Administrative Procedures*. The informal remedy determination shall be in lieu of the first level decision available under section 8-8B.A.3. The formal Grievance shall be in lieu of the formal written process provided for under section 8-8B.A.4.
- iv. For **Students**, the appropriate disciplinary process is as set forth in the *Adams State University Student Handbook* or the appropriate sections of the, applicable Graduate Program Handbooks or Catalogs.

*Approved by the Adams State University Board of Trustees: February 27, 2007*

#### Contact Information for Reporting Violations of Anti-Discrimination Policy

Ms. Tracy Rogers  
Director of Human Resources  
[tracy\\_rogers@adams.edu](mailto:tracy_rogers@adams.edu)  
RH-127 719-587-7990

Ms. Ana Guevara  
Office of Equal Opportunity  
[anaguevara@adams.edu](mailto:anaguevara@adams.edu)  
SUB 327 719-587-8213

If a member of the Campus Community feels threatened, he or she should contact ASU PD at 719-587-7901. In an emergency, call 911.

#### **CAMPUS SEXUAL ASSAULT VICTIM BILL OF RIGHTS**

Since 1992, supplementing [Title IX](#) requirements, the Clery Act has required institutions to have and annually disclose a summary of a policy specifically addressing sexual assault. The policy must address three main areas - 1.) Victims' Rights, 2.) Disciplinary Procedures, and 3.) Educational Programming. These provisions were updated in 2013 expanding the law to cover a broader spectrum of sexual violence and provide for additional requirements, with changes taking effect in 2014 (see the summary of the [Campus Sexual Violence Elimination Act](#) for more details).

Institutions are required to provide information about where a student should report a sex offense along with information about the importance of preserving evidence for possible criminal prosecution, and are obligated to afford students the following rights -

- To be informed of their right to notify law enforcement, and to be assisted by campus authorities in doing so;
- To be informed of existing counseling, mental health or student services for victims on and off campus (contact information must be included); and
- To be informed of options for changing academic and living situations if requested by the victim and reasonably available.

Institutions must also implement internal disciplinary procedures for sexual assault cases. They must disclose possible sanctions that may be imposed following a final determination, and ensure that both the accuser and the accused are entitled to -

- The same opportunity to have others, such as a support person or witnesses, present during a disciplinary proceeding; and

- To be informed of the outcome of any disciplinary proceeding (such disclosure is unconditional meaning the victim is free to share the outcome with anyone they wish).

Institutions must offer, and disclose a summary of, education programs to promote the awareness of "rape, acquaintance rape, or other sex offenses, forcible or nonforcible."

## **EMOTIONAL SUPPORT/COMFORT ANIMAL POLICY**

### **DEFINITIONS OF TERMS**

#### **DISABILITY:**

"Disability" is defined as a physical or mental condition or impairment that is medically cognizable, diagnosable, and substantially limits one or more of a person's major life activities. These limitations may include, but are not limited to: caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, working, and learning. A person is substantially limited in major life activities if the individual is unable to perform the activity, or is significantly restricted as to the manner in which he or she can perform that activity when compared to the average person.

#### **SERVICE ANIMAL:**

A "service animal" is a dog or miniature horse used as an accommodation who is individually trained to do work or perform tasks for the benefit of an individual with a qualifying disability, and the animal's skills must be directly related to the individual's disability. These tasks include but are not limited to: guiding individuals with impaired vision; alerting individuals who are hearing impaired to intruders or sound; providing minimal protection or rescue work; pulling a wheelchair; or fetching dropped items.

#### **THERAPY/EMOTIONAL SUPPORT ANIMAL:**

An "emotional support animal" or "comfort animal" is an animal that is necessary to afford the person with a qualifying disability an equal opportunity to use and enjoy ASU housing. The emotional support animal may provide physical assistance, emotional support, calming, stability, and other kinds of assistance. Under the Americans with Disabilities Act, emotional support animals do not perform tasks that would qualify them as service animals. Unlike a service animal, an emotional support animal does not assist a person with a disability with activities of daily living, nor does it accompany a person with a disability at all times.

#### **PET:**

A pet is an animal kept for ordinary use and companionship. A pet is not considered a service animal or an emotional support animal, and therefore, it is not covered by this policy. Pets are not permitted in any buildings on university property, with exception of fish (in a tank no more than 25 gallons).

#### **REQUIREMENTS FOR THE UNIVERSITY COMMUNITY:**

Members of the University community are required to abide by the following practices:

1. Do not touch or pet an emotional support/comfort animal unless invited to do so.
2. Do not feed an emotional support/comfort animal.
3. Do not deliberately startle an emotional support/comfort animal.
4. Do not separate or attempt to separate an owner from his or her emotional support/comfort animal.
5. Do not inquire for details about a person's disabilities. The nature of a person's disability is a private matter.

#### **DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) AND FAIR HOUSING REGULATIONS:**

HUD and Fair Housing regulations provide that emotional support/comfort animals be considered a reasonable accommodation for an individual with a qualifying disability in campus housing. Since HUD/Fair Housing regulations only apply to campus housing, the animal may not be allowed in common or public areas of the university.

#### **REQUESTING ACCOMMODATION FOR AN EMOTIONAL SUPPORT/COMFORT ANIMAL:**

A person desiring the assistance of an emotional support/comfort animal must first provide verification to the Office of Accessibility Services (OAS) that she or he has a qualifying disability and that the animal is needed for the use and enjoyment of ASU housing. The person's health care provider, who is familiar with the professional

literature concerning the assistive and/or therapeutic benefits of assistance animals for people with disabilities, must submit a signed letter on professional letterhead, expressing the following:

1. The provider's diagnosis of the person's condition.
2. The provider's opinion that the condition qualifies as a disability under federal law, including the major life activities which are substantially limited by the disability.
3. Any additional rationale or statement the University may reasonably need to understand the basis for the professional opinion.
5. The provider must give her/his professional opinion of how the person's documented disability relates to the necessity of the animal's presence in the campus living units.
6. The provider's description of what function(s) the animal will specifically provide.

Examples of a "health care provider" may be a therapist/counselor, psychologist, psychiatrist, primary care doctor, or nurse. However, other health care providers may be qualified to provide documentation for the person's disability and need for an emotional support animal.

**In addition to** the above documentation from a health care provider, the person must provide the following documentation before being considered for the accommodation of an emotional assistance animal.

1. Record of License & Registration in Alamosa, CO (for canines only)
2. Record of up-to-date Vaccinations
3. Record of current Veterinarian Clean Bill of Health
4. Signed Statement of Acknowledgement of The Emotional Support/Comfort Animal Policy
5. Completed form of Identification of Emotional Support/Comfort Animal and Emergency Contact/Alternate Caregiver of Animal
6. A clear photograph of the Animal

The required documentation may be mailed, scanned/emailed, faxed, or delivered in person to The Office of Accessibility Services. Contact information is as follows:

*Attention: Coordinator of Accessibility Services*

*Richardson Hall, 3-100*

*208 Edgemont Blvd., Suite 2100*

*Alamosa, CO 81101*

*Phone: 719-587-7746*

*Fax: 719-587-7543*

*Email: [oas@adams.edu](mailto:oas@adams.edu)*

The Office of Accessibility Services will review documentation and, if the office determines that a qualifying disability exists, the Coordinator of Accessibility Services shall meet with the person requesting that emotional support animal. This policy will be carefully reviewed with the person at that time and an interactive dialogue will take place to determine whether or not the animal is a reasonable accommodation, considering alternative accommodations and the impact of the animal in the ASU housing program. **The Coordinator of Accessibility Services reserves the right to request additional clinical information from the professional who provided the initial letter of recommendation for the emotional support/comfort animal.**

If the accommodation of an emotional support/comfort animal cannot be granted, ASU will make every reasonable effort to find ways to assist the student in her/his academic progress.

#### **EMOTIONAL SUPPORT/COMFORT ANIMALS IN UNIVERSITY HOUSING:**

Emotional support/comfort animals may *not* reside in ASU housing without expressed advance approval of The Office of Accessibility Services and must abide by all housing policies.

*Note: Should the emotional support/comfort animal be removed from campus housing due to a violation of this or ASU housing policy, your privileges to obtain another emotional support animal may be relinquished. This will be determined by university housing or administrative officials.*

A person requesting an emotional support animal must provide the Office of Accessibility Services and Housing Office with appropriate documentation prior to moving into campus housing. Animals will not be allowed to reside in ASU housing if this condition of reasonable advance notice is not fulfilled in a timely manner. The necessary documentation is listed in the earlier part of the policy.

**The following regulations are the responsibility of persons with emotional support/comfort animals on campus and/or in ASU Housing.**

**CARE AND SUPERVISION:** Care and supervision of the animal is the sole responsibility of the owner/individual who benefits from the animal's use. The person is required to maintain control of the animal at all times. The person is also responsible for ensuring the clean-up of the animal's waste. The animal *must not* be left alone overnight or for extended periods of time. The animal *must not* be left outside unattended in student's dwelling or campus buildings.

Caged Animals are to be kept in appropriate cages with flooring and liner to prevent any damage to living quarters, and to easily allow removal of waste.

**LEASH:** The animal must be on a leash, harness, or other tether at all times, unless the individual is unable to use one of those because of the disability. If this is the case, the animal still has to be under an alternative form of control (e.g., voice control or signals).

**VACCINATION:** The animal must be immunized against disease common to that type of animal. Dogs must have current vaccination against rabies and wear a rabies vaccination tag. Owner must provide proof of vaccination to the Office of Accessibility Services.

**HEALTH:** The animal must be in good health. Animals to be housed in ASU housing must have an annual clean bill of health from a licensed veterinarian and provide proof of this to the Office of Accessibility Services. ASU has authority to direct that the animal receive veterinary attention.

**LICENSING AND LOCAL ORDINANCES:** The City of Alamosa requires all dogs to be licensed and registered. Dogs must wear license tags at all times. The City of Alamosa also mandates that every female dog in heat shall be confined in a building or secured enclosure in such a manner that such female dog cannot come into contact with another animal, except for planned breeding.

**ALTERNATE CAREGIVER:** The person will provide The Office of Accessibility Services and the Housing department with contact information for an alternate caregiver. This information will be used in case of an emergency, or if the person is unable or unwilling to provide adequate care for the animal. Housing staff will assume *no* responsibility/liability for the care of a resident's emotional support animal.

**OTHER:** ASU will not consider animals that traditionally provoke a rational fear in others (e.g. snakes or spiders). ASU may place other reasonable conditions or restrictions on the animals depending on the nature and characteristics of the animal. Animals cannot interfere with reasonable enjoyment of people sharing the space. If there are conflicting disabilities, The Office of Accessibility may get involved to assist with a resolution.

**CONFLICTING DISABILITIES:** Students with medical condition(s) that are affected by animals (respiratory diseases, asthma, severe allergies) should contact the Office of Accessibility Services if they have a health or safety related concern about exposure to a service or emotional support animal. The individual will be asked to provide medical documentation that identifies the condition(s), and will allow determination to be made as to whether the condition is disabling and if there is a need for an accommodation.

The Office of Accessibility Services will resolve any conflict in a timely manner, considering the conflicting needs and/or accommodations of all persons involved. In the event that an agreement cannot be reached, the Office of Accessibility Services will work with Housing staff to determine a ruling to resolve the dispute. Students who wish to appeal the ruling may do so to the Vice President of Student Affairs. The ruling of the Vice President of Student Affairs is final.

**REMOVAL OF AN EMOTIONAL SUPPORT/COMFORT ANIMAL:** The owner of an emotional support/comfort animal may be asked to remove the animal from ASU facilities if the owner or animal fails to comply with this policy, which is in accordance with the Student Code of Conduct. The student is required to provide both The Office of Housing and Residence Life and The Office of Accessibility Services with the contact information of an off-campus alternative caregiver if the student is unable or unwilling to provide adequate care. The following are examples of behaviors that may result in removal of the emotional support animal. Other inappropriate or dangerous behaviors not included here may result in removal of the animal, at the discretion of University administrators.

**DISRUPTIVE BEHAVIOR:** An animal may be removed if its behavior is unruly or disruptive (e.g., barking, growling, biting, not being housebroken, excessively escaping their dwelling and displaying aggressive behavior). If such

behavior persists, the owner may be prohibited from bringing the animal on campus until the owner takes significant and effective remedial steps to correct the animal's behavioral problems.

**POOR HEALTH:** Animals that are ill or in poor health must not be taken into public areas. An owner with an ill animal may be required to remove the animal from ASU property.

**UNCLEANLINESS:** Owners who fail to properly clean up and dispose of the animal's waste may be required to remove the animal from ASU property. Owners of animals that are otherwise unclean or unkempt may be required to remove the animal from ASU property. An animal that becomes wet from walking in the rain or mud, but is otherwise clean, is considered a clean animal.

**DAMAGE:** Owners of service or therapy/emotional support animals are solely responsible, legally and financially, for any damage to persons or property caused by their animals.

## **SERVICE ANIMAL POLICY**

### **DEFINITIONS**

#### **HANDLER:**

A "handler" is person with a disability that a service animal assists, or a personal care attendant who handles the animal for a person with a disability.

#### **DISABILITY:**

"Disability" is defined as a physical or mental condition or impairment that is medically cognizable, diagnosable, and substantially limits one or more of a person's major life activities. These limitations may include, but are not limited to: caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, working, and learning. A person is substantially limited in major life activities if the individual is unable to perform the activity, or is significantly restricted as to the manner in which he or she can perform that activity when compared to the average person.

#### **SERVICE ANIMAL:**

A "service animal" is a dog or miniature horse used as an accommodation, and is individually trained to do work or perform tasks for the benefit of an individual with a qualifying disability, and the animal's skills must be directly related to the individual's disability.

Examples include, but are not limited to: assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. Having an animal present for the purposes or perception of personal safety and/or emotional support *do not constitute* work or tasks for the purposes of this definition. Learn more about service animals and the ADA.

### **ASU POLICY ON SERVICE ANIMALS**

In compliance with applicable law, ASU generally allows service animals in its buildings, classrooms, residence halls, meetings, dining areas, recreational facilities, activities and events when the animal is accompanied by an individual with a disability who indicates the service animal is trained to provide, and does provide, a specific service to them that is directly related to their disability. *For policies regarding emotional support/comfort animals, which do not meet the definition of a service animal, please see the ASU Emotional Support/Comfort Animal Policy.* ASU may not permit service animals when the animal poses a substantial and direct threat to health or safety or when the presence of the animal constitutes a fundamental alteration to the nature of the program or service. ASU will make those determinations on a case-by-case basis.

#### A. Requirements for the University Community

Members of the University community are required to abide by the following practices:

1. Do not touch or pet a service animal unless invited to do so.
2. Do not feed a service animal.

3. Do not deliberately startle a service animal.
4. Do not separate or attempt to separate an owner from his or her service animal.
5. Do not inquire for details about a person's disabilities or ask a person with a qualifying disability to demonstrate the work or task performed by their service animal. The nature of a person's disability is a private matter.

In general, ASU will not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal. ASU staff *may only* ask:

1. If the animal is required because of a disability and;
2. What work or task the animal has been trained to perform.

ASU **cannot require documentation**, such as proof that the animal has been certified, trained, or licensed as a service animal. Generally, ASU may not make any inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind).

## B. Responsibilities of Handlers

Students who wish to bring a service animal to campus are strongly encouraged to partner with the Office of Disability Services, especially if other academic accommodations are required. Additionally, students who plan to live in on-campus housing are strongly encouraged to inform University Housing that they plan to have a service animal with them in student housing. Advance notice of a service animal for on-campus housing may allow more flexibility in meeting student's specific requests for housing.

Handlers are responsible for any damage or injuries caused by their animals and must take appropriate precautions to prevent property damage or injury. The cost of care, arrangements and responsibilities for the well-being of a service animal are the sole responsibility of the handler at all times.

### **1. Control and Supervision Requirements**

- A. The animal should be on a leash when not providing a needed service to the handler.
- B. The animal should respond to voice or hand commands at all times, and be in full control of the handler.
- C. To the extent possible, the animal should be unobtrusive to other individuals and the surrounding environment.
- D. The animal *must not* be left outside unattended in the student's dwelling or campus buildings. The animal *must not* be left alone overnight or for extended periods of time.

### **2. Animal Decorum**

To the extent possible, the handler should ensure that the animal does not:

- A. Sniff people, desks, tables or the personal belongings of others.
- B. Display any behaviors or noises that are disruptive to others, unless part of the service being provided the handler.
- C. Block an aisle or passageway.

### **3. Waste Cleanup Rule**

Cleaning up after the animal is the sole responsibility of the handler. In the event that the handler is not physically able to clean up after the animal, it is then the responsibility of the handler to hire someone capable of cleaning up after the animal. ASU staff will not be responsible for cleaning up after the service animal. The person cleaning up after the animal should abide by the following guidelines:

- Always carry equipment sufficient to clean up the animal's waste whenever the animal is on campus.
- Properly dispose of waste in appropriate receptacles.
- Contact staff if arrangements are needed to assist with cleanup. Any cost incurred for doing so is the sole responsibility of the handler.

## C. Removal of Service Animals

Service Animals may be ordered to be removed for the following reasons:

- A. Out of Control Animal: A handler may be directed to remove an animal that is out of control and the handler does not take effective action to control it. If the improper animal behavior happens repeatedly, the handler may be prohibited from bringing the animal into any university facility until the handler can demonstrate that s/he has taken significant steps to mitigate the behavior.
- B. Non-housebroken Animal: A handler may be directed to remove an animal that is not housebroken.
- C. Direct Threat: A handler may be directed to remove an animal that ASU determines to be a substantial and direct threat to the health and safety of individuals. This may occur as a result of a very ill animal, a substantial

lack of cleanliness of the animal, or the presence of an animal in a sensitive area like a medical facility, certain laboratories or mechanical or industrial areas.

Where a service animal is properly removed pursuant to this policy, ASU will work with the handler to determine reasonable alternative opportunities to participate in the service, program, or activity without having the service animal on the premises.

#### D. Conflicting Disabilities

Some people may have allergic reactions to animals that are substantial enough to qualify as disabilities. ASU will consider the needs of both persons in meeting its obligations to reasonably accommodate all disabilities and to resolve the problem as efficiently and expeditiously as possible. Students requesting allergy accommodations should contact:

### **MISSING PERSON POLICY**

The ASU PD recognizes the importance of investigating all reports of missing children and other persons. Additionally we hold that every child or other person reported as missing will be considered at risk until significant information to the contrary is confirmed.

Students residing in on-campus housing have the option to identify confidentially, one or more individuals to be contacted by the University in the event the student is determined to be missing. Each fall, student residents will be given the option to update their missing person contact information, however, student residents may do so at any time by contacting the Housing & Residence Life Office at (719)587-7227, or in the Coronado / Girault Complex.

A student's missing person contact information will be registered confidentially and will be accessible only by authorized campus officials and law enforcement in the course of a missing person investigation.

**If a member of the ASU community has reason to believe that a student is missing, he or she should immediately notify the ASU PD at (719)587-7901 or the Colorado State Patrol Dispatch at (719)589-5807.**

#### **Missing Person Definitions:**

**Missing Person:** A person whose whereabouts are unknown and whose safety or welfare is the subject of concern.

**Missing Person with Developmental Disabilities:** A person with a verified developmental disability domiciled in Colorado, whose whereabouts are unknown and whose disappearance poses a credible threat to the safety and health of the person.

**Missing Senior Citizen:** A person aged 60 or older with a verified developmental disability domiciled in Colorado, whose whereabouts are unknown and whose disappearance poses a credible threat to the safety and health of the person.

**Missing Adult:** A missing person who is 18 years or older.

**Missing Child:** A missing person younger than 18 years.

**Emancipated Juvenile:** A juvenile over fifteen years of age and under eighteen years of age who has, with real or apparent assent of the juvenile's parents, demonstrated independence from the juvenile's parents in matters of care, custody and earnings. The term may include, but shall not be limited to, any such juvenile who has the sole responsibility for the juvenile's own support, who is married, or who is in the military.

**Abducted Child:** A child whose whereabouts are unknown;

1. Whose domicile at the time he or she was reported missing was Colorado;
2. About whom credible information is received from a law enforcement agency located in another state that the abducted child is traveling to or in the state of Colorado;
3. Whose age at the time he or she was first reported missing was seventeen years of age or younger, including a newborn; and
4. Whose disappearance poses a credible threat as determined by local law enforcement to the safety and health of the child.

**At Risk Missing Child or Adult:** A missing person and one or more of the below circumstances are present:

1. Child is 13 years of age or younger.
2. Child or adult who is out of the zone of safety for his or her age and physical and mental condition.

3. Child or adult who is developmentally disabled or emotionally disturbed, or has difficulty communicating needs, identity or address to others.
4. Child or adult who is drug dependent. Drug dependence may include legally prescribed medicines necessary for physical or mental well-being, or illicit drugs.
5. Child or adult who is potential victim of foul play.
6. Child or adult in a potential life threatening situation due to environmental factors (i.e. toddler near busy roadway, or extreme weather conditions exist.)
7. Child or adult absent from home for more than 24 hours before being reported to law enforcement as missing.
8. Child or adult believed to be with persons who could endanger his or her welfare.
9. Child or adult whose disappearance involves circumstances that would cause a reasonable person to conclude that the missing person should be considered at risk.

**Response to a Report of a Missing Child or Missing Person:**

- A. Upon receiving a report of a missing person, the responding officer shall assess the information received from the reporting person and other available information. Initial investigation should include:
1. Interview the persons who made the initial report, and if the person is a child, the child's parent or guardian.
  2. Obtain a detailed description of the missing person, abductor, vehicles and other pertinent information.
  3. Verify that the person is in fact missing.
  4. Identify the circumstances of the disappearance.
  5. Determine when, where and by whom the missing child/person was last seen.
  6. Interview the individual who last had contact with the person.
  7. Confirm custody status in the case of a missing child.
  8. Evaluate whether circumstances of the child/person's disappearance meet existing Amber Alert or Colorado Missing Senior Citizen and Person with developmental Disabilities Alert Program criteria.
  9. Determine the correct NCIC Missing Person File category and ensure that a notification is promptly transmitted. There are 6 categories within the Missing Person File; Disability, Endangered, Involuntary, Juvenile, Catastrophe, & Other.
  10. Provide detailed descriptive information to communications for broadcast to other law enforcement agencies, if deemed appropriate.
  11. If necessary, secure and safeguard the area as a potential crime scene.
  12. If it is determined that unusual circumstances are involved in the report of a missing adult or child, the person will be considered at-risk, the sworn officer will begin an expanded investigation. This may include calling out additional ASU PD officers, and/or other agencies for assistance.
  13. Officers will cause the Chief of Police or designee to be notified any time a missing person report is not resolved within 2 hours. If the missing person is a child, senior citizen, person with developmental disabilities or an at-risk child or adult, the Chief of Police or designee will be notified if the report is not resolved within 15 minutes.
- B. No waiting period/criteria is required for the ASU PD to document information and report an individual as missing.
- C. ASU PD shall ensure all reasonable and necessary investigation, notification, dissemination or information, coordination of resources and searches are conducted to resolve missing person cases.
- D. ASU PD shall, within twenty-four hours after receiving the report of a missing child, senior citizen or person with developmental disabilities, notify the Colorado Bureau of Investigation pursuant to section § C.R.S. 24-33.5-415.1 (3) or § C.R.S. 24-33.5-415.8 (II). Additionally, if the missing child is an ASU student living on campus, and is not an emancipated individual pursuant to § C.R.S. 19-1-103(45) the ASU PD shall notify the custodial parent or legal guardian of the missing child report. Ideally this notification will be immediate but must be made within 24 hours of the receipt of the report.
- E. In compliance with the Higher Education Opportunity Act (HEOA) of 2008, the emergency contact name, as indicated by the student, shall be contacted in the event the missing party is an ASU employee. The ASU PD should consider contacting the law enforcement agency with jurisdiction at the missing student's previous home address and provide all known information in an effort to coordinate investigative and reporting requirements. The HEOA also provides that for each non-emancipated student under 18 that a custodial parent or guardian must be notified within 24 hours after the student is determined to be missing.
- F. The Office of Student Services shall be contacted whenever a student is reported missing.

G. All notifications will be documented to include time of contact, person informed and nature of information passed on.

H. Jurisdictional conflicts are to be avoided when a child or other person is reported missing. If a missing child or other person either resides on, or was last seen on campus, the ASU PD will immediately initiate the required reporting process. If a child or other person resides on campus and was last seen in another jurisdiction, but the law enforcement agency covering that jurisdiction chooses not to take a missing child or missing person report, the ASU PD will assume reporting and investigative responsibility.

I. Questions concerning parental custody occasionally arise in relation to missing child reports. It shall be the policy of this agency to accept the report of a missing child even if custody has not been formally established. Reporting parties shall be encouraged to obtain legal custody as soon as possible; however, since the safety of the missing child or children is paramount, members of this agency will open a case when it can be shown that the child is missing, without explanation, from his or her usual place of residence.

### **Amber Alert Program**

A. Once the ASU PD verifies that a child abduction has occurred, staff may notify the Colorado Bureau of Investigation and provide the CBI with the pertinent information regarding the child abduction. Upon receipt of the notice of a child abduction, the CBI shall confirm the accuracy of the information and then issue an alert via the state emergency alert system.

B. The ASU PD will update the CBI of any new information relevant to the alert.

C. If the ASU PD locates the child who is the subject of an Amber Alert (whether or not it was initially reported by ASU PD), staff shall notify the CBI as soon as possible advising the child has been located.

### **Missing Senior Citizen and Persons with Developmental Disabilities Alert Program**

A. When the ASU PD receives notice that a senior citizen is missing and has a verified impaired mental condition, or a person with developmental disabilities is missing, the responding officer shall require the family, legal guardian or service provider of the missing person to provide documentation of the person's mental impairment or developmental disability. Once it has been verified that the person with developmental disabilities is missing, the local law enforcement agency may notify the CBI. The CBI shall confirm the accuracy of the information and then issue an alert.

B. The ASU PD will update the CBI of any new information relevant to the alert.

C. IF the ASU PD locates a person who is the subject of a Missing Senior Citizen or Person with Disability Alert (whether or not it was initially reported by the ASU PD), staff shall notify the CBI as soon as possible that the person has been located.

### **Recovery and/or Return of a Missing Child/Person**

In the event a missing child or other person has been located and the ASU PD is involved in the recovery or return of the missing child or person, the sworn officer should:

1. Verify that the located person is, in fact, the reported missing person.
2. Inform, in the case of a missing adult who has been located, the located person that he or she is the subject of a missing-person investigation.
3. Notify the initial reporting person(s) of the well-being and, if permissible, the whereabouts and contact information of the person who has been located.
4. In the case of a runaway or missing child from on campus, arrange for the return of the child to his or her legal guardian or to an appropriate children's shelter, as long as the child is not wanted on a warrant or other law violation.
5. In the case of a runaway reported by another local agency, the warrant or NCIC hit should be verified and the child should be taken into protective custody. The reporting agency should be notified as soon as possible and advised the runaway has been located.
6. In the case of a runaway from another jurisdiction, or out-of-state, the child should be taken into protective custody and the Department of Human Services (DHS) should be contacted. Custody should be transferred to DHS as soon as practical after taking the child into custody.
7. Cancel all outstanding notifications including any alerts made by the CBI and the NCIC Missing Person File entry, if applicable.

## **DISABILITY SERVICES POLICY**

Adams State University is committed to providing equal educational opportunity for persons with disabilities in accordance with the Affirmative Action and Anti-Discrimination Policies of the University and in compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, as amended. In support of its commitment to provide equal educational opportunity, the University has adopted a series of procedures for providing disability accommodations. Such procedures can be reviewed at the Accessibility Services website at: <http://www.adams.edu/ada/>

Through the Office of Counseling and Accessibility Services, the University provides a variety of inclusive services and accommodations to students with disabilities. Students, faculty, and staff have a shared responsibility in advocating for inclusive practices, and in ensuring that the University meets its legal requirement to provide an equal educational opportunity to its students. Faculty and staff should keep students with disabilities in mind when making arrangements for employment, courses, programs, services, and activities. Accessibility Services staff coordinates services, provides reasonable accommodations, and serves as an advocacy resource for students, faculty, and staff.

If you have questions or concerns regarding disability support services, we encourage you to contact the Counseling Center and Office of Accessibility Services at 719-587-7746, Richardson Hall Suite 3-100. Any student who believes that he or she has been discriminated against based on a qualifying disability may pursue the matter through the University's Anti-Discrimination Policy and Grievance Procedure.

## **ASU MENTAL HEALTH AND SUICIDE PREVENTION POLICY**

Adams State University is committed to the success of all students, including those with depression and/or other mental health conditions. As part of this policy, Adams State University will:

- Acknowledge but not stigmatize mental health problems;
- Make suicide prevention a priority;
- Encourage students to seek help or treatment that they may need;
- Ensure that personal information is kept confidential;
- Allow students to continue their education as normally as possible by making reasonable accommodations; and
- Refrain from discrimination against students with mental illnesses, including punitive actions toward those in crisis.

Counseling services and mental health treatment are available to members of the campus community affected by a student's depression or other mental health condition as well as to the student. Additionally, emergency psychiatric services are available to students at all times through the San Luis Valley Community Mental Health Center.

All services are provided on a voluntary basis and it remains the student's decision whether or not to seek services. In some circumstances, and as the law permits, Adams State University may seek involuntary treatment of the student.

Counseling and mental health services are confidential. The counseling center will not share information about a student with faculty, staff, administrators, or others unless the student consents, except as required or permitted by law. As permitted by law, the counseling center may disclose information about a student to the extent needed to protect the student or others from a serious and imminent threat to safety, for example, by making disclosures to crisis intervention or emergency personnel.

Adams State University will reasonably accommodate students with depression and/or other mental health conditions. Reasonable accommodations will be designed to enable the student to remain in school, meet academic standards, and maintain normal social relationships.

In some situations, students may take voluntary leaves of absence for documented mental health reasons. If a student so requests, the counseling center will help the student decide whether to take a leave of absence and, as appropriate, help the student secure a leave.

In the circumstance that a student cannot safely remain at Adams State University or meet academic standards even with accommodations and other supports, Adams State University may require the student to take a leave of absence.

The Students of Concern Committee may recommend an involuntary leave for safety reasons if it finds, after an individualized evaluation of the available information, that there is a significant risk that the student will harm him/herself or another, and that the risk cannot be eliminated or reduced to an acceptable level through accommodations. The decision whether to impose an involuntary leave will be made by the Vice President for Student Services. In making the decision, whenever possible, the Dean will consider any recommendations made by the committee.<sup>5</sup>

A student on leave, whether voluntary or involuntary, may request at any time to return to Adams State University as a student. Adams State University may require the student to provide documentation from a mental health professional that the student is fit to return to the academic environment. When indicated, Adams State University may seek a second opinion.

A student who desires to return to school after taking a leave of absence for mental health reasons will not be subject to more rigorous standards or procedures than a student who desires to return to school after taking a leave for physical health reasons.

In the circumstance that a student does not meet the standard for imposition of involuntary leave but cannot safely remain in Adams State University housing even with accommodations, Adams State University may require the student to live in housing other than Adams State University housing while enrolled.

#### SB06-067 Colorado Higher Education Student Suicide Prevention Act

In accordance with FERPA and Colorado Senate Bill 06-067 (“Colorado Higher Education Student Suicide Prevention Act”), when a student enrolls, and when a student becomes a client of the counseling center, the student will be asked to sign or to formally decline to sign a FERPA waiver as related to Colorado’s SB 06-067 Suicide Prevention Act. This waiver allows an official from Adams State University to contact the student’s designee if officials from Adams State University become concerned about the student’s mental health or potential or actual suicidal impulses. This information will be on file in Student Services. Students will be encouraged to update this information regularly. Consent forms will be disseminated and collected from all incoming transfer and first year students. Students who do not complete the form may have a hold placed on their registration until the student reports to Student Services and completes the form.

It is expected that anyone in the University community with serious concerns about the health and safety of a student brings such information to the attention of the Vice President for Student Services. For more information, or to review the entire ASU Mental Health and Suicide Prevention Policy, please contact the Director of the Counseling and Career Center, located at Richardson Hall Room 220, or by telephone at 719-587-7746.

## **DRUG AND ALCOHOL POLICY**

The following information is presented in compliance with the Drug-Free Schools and Communities Act of 1989. ASU neither encourages nor discourages the use of alcohol, but it does condemn the abuse of alcoholic beverages. All members of the University community are responsible for their own behavior within the context of civil law and University regulations. Those responsible for organizing and overseeing social events must be aware of, and adhere to, all University and civil laws and regulations. The University is committed to educating its constituencies regarding alcohol use and abuse. Efforts are made to ensure an understanding of all civil and University regulations by all concerned. However, individuals must recognize a responsibility to educate themselves, since ignorance of the law is no excuse. The legal drinking age in Colorado is 21. No one under the age of 21 may purchase, consume, or possess any alcoholic beverage.

#### **Regulations, Rules and Enforcement:**

All of the laws of the State of Colorado related to alcohol and illicit drugs shall be obeyed. Please refer to the Uniform Controlled Substances Act, Article 18, Title 18, Colorado Revised Statutes; the Uniform Beer Code, Article 46, Title 12, Colorado Revised Statutes; the Uniform Liquor Code, Article 47, Title 12, Colorado Revised Statutes; and Drug Free schools and Campuses, 34 Code of Federal regulations, Part 86, Subpart B.

ASU will not permit possession or consumption of alcoholic beverages of any kind on campus, with the exception that the President of the University may allow, in accordance with Colorado law, alcoholic beverages at official

functions and special events, if so requested and written approval is obtained. The following actions constitute violations of the ASU Alcohol Policy:

1. Visible inebriation in public and/or creating a disturbance after having consumed alcohol;
2. Consumption of alcoholic beverages in campus residence halls, public, during intercollegiate events, intramural recreation events, or in any area or at any event where such consumption is prohibited;
3. Use of University funds for the unauthorized purchase of alcoholic beverages, including 3.2% beer.

Students violating alcohol and drug regulations will be subject to disciplinary action by ASU which may include, but is not limited to, the following: reprimand, probation, suspension, the group or organization being barred from further use of University facilities, other disciplinary action as determined by the Office of Housing and/or the Vice President for Student Services, or referral for criminal action.

All University groups are expected to uphold all regulations. Failure to comply may result in disciplinary and/or criminal action.

Non- University personnel, while on the University campus, are subject to the laws of Colorado, as well as the regulations of the University. Persons violating any regulations will be asked to leave the campus. If necessary, the ASU Police Department will be called to deal with violations.

All guests of University students, faculty, and staff are the responsibility of their hosts. Any violation by guests will subject the University person (host) to disciplinary action, and the guests will be subject to the action stated for non-university persons.

Any student or guest participating in an event where drugs or unauthorized alcohol are being used or consumed will be disciplined under this policy.

Notation of the alcohol/drug violation will be entered into the student's permanent education records.

The University prohibits students, employees, and guests on University property from possessing, using, providing, manufacturing, distributing or selling drugs or drug paraphernalia in violation of the law or university policies. Sanctions for violating this policy may include warnings, probation, suspension, expulsion, mandatory counseling/education, fines, loss of privileges, loss of employment, or referral for criminal prosecution.

System for Dealing with Violations:

THE ADAMS STATE UNIVERSITY POLICE DEPARTMENT IS MANDATED TO ENFORCE STATE LAW, AND APPROPRIATE CRIMINAL CHARGES WILL BE FILED WHENEVER A CASE REFERRED TO THE DEPARTMENT IS SUPPORTED BY PROBABLE CAUSE.

The University will impose sanctions against individuals who are determined to have violated rules prohibiting possessing, using, providing, manufacturing, distributing, or selling drugs or drug paraphernalia in violation of the law and/or university policies.

Sanctions and penalties may range from written warnings with probationary status, educational modules and fines, to dismissal from academic programs, suspension or expulsions from the university depending on the severity of the violation.

Note: If the student refuses to enter the mandatory drug education program as directed by Housing officials or the Vice President for Student Services, the case will be referred to the University Magistrate with recommendation for expulsion for failure to comply with an administrative mandate and unwillingness to obtain assistance. Total hours mandated, if not completed during the same semester when imposed due to insufficient days left in the semester, must be completed during the semester immediately following. If sufficient days remain in a semester to complete drug education, but the student does not complete this mandate, the case may be referred to the University Magistrate with a recommendation for expulsion for failure to comply with an administrative mandate. Depending upon the severity of the infraction, the Vice President for Student Services may upgrade the sanction to whatever level fits the situation and bypass any lower sanctions described.

## **MEDICAL MARIJUANA**

Possession of a valid and appropriately held Medical Marijuana Registry identification card does not authorize a Resident or his or her guests to possess, use, or distribute marijuana in any university residence hall or apartment, university -owned property or in any public area of the university. Students who request and receive a valid and appropriately held Medical Marijuana Registry identification card during the term of the Residence Halls Contract, may be granted an exception by the Director of Auxiliary Services & Housing or his/her designee to be released from the contract without financial penalty.

## **WEAPONS POLICY**

The possession or use of any weapons – including but not limited to firearms, ammunition, pellet guns, air guns, paintball guns, stun guns, tasers, smoke devices, bows and arrows, large knives, explosives, and fireworks – is strictly prohibited anywhere on ASU campus and property. The President may authorize limited exceptions for academic and educational purposes. In addition, verbal or written threats by individuals indicating they have a prohibited weapon or explosives will be addressed as an actual threat, whether or not weapons or explosives actually exist. Individuals may carry concealed handguns as permitted by Colorado law. At the same time, in those situations where the University grants access to buildings or facilities pursuant to a contractual relationship, the President shall have the authority, subject to Board approval, to contractually limit the ability of students, employees, and guests of the University to possess a concealed firearm in those buildings or facilities.

## **OFF-CAMPUS EVENTS**

All off-campus social events sponsored under the name of the University (clubs, organizations, teams, groups, etc.) must receive approval from the Vice President for Student Services prior to the final planning for such event. The promotion of activities which permit the consumption of alcohol, use or abuse of illegal drugs, or violation of any local, state, or federal law, will not be approved. Sponsors, as noted in the Vice President for Student Services files, must coordinate and participate in the scheduled event.

## **IT USERS RESPONSIBILITY & TRAINING POLICY**

### **POLICY**

a. Computing Services maintains the security and reliability of campus Information Technology (IT) infrastructure. Every IT user of these resources also maintains a responsibility to protect the security and integrity of IT resources and information.

### **PURPOSE**

a. This policy establishes the basic Information Technology (IT) security safeguards that must be taken by every person using an Adams State University (ASU) IT resource or otherwise accessing non-public University information. More detailed IT policies are referenced in section V of this document. Additional safeguards may be appropriate, depending on the situation and its inherent risk to ASU information and IT resources.

b. This policy does not impose restrictions that are contrary to ASU's established culture of sharing, openness, and trust. However, the University is committed to implementing the safeguards necessary to ensure the privacy of personal information, the availability of University information and IT resources, and the integrity of ASU's operations.

### **DEFINITIONS**

a. Information Technology (IT) Resource: Computing and networking resources owned and maintained by the University, including but not limited to email, accounts, workstations, mobile devices, and phones.

b. Information Technology (IT) User: Any individual that has been granted access to any IT resource.

### **PROCEDURES**

a. It is the responsibility of every IT resource user to know the University's IT security requirements and to conduct her/his activities accordingly. IT resource users shall comply with the following requirements:

1. **Protect the Privacy of Others.** Users shall respect the privacy of others when handling personal information and shall take appropriate precautions to protect that information from unauthorized disclosure or use.

2. **Do Not Store Sensitive Information on Workstations and Mobile Devices, Except When Specifically Needed for Business Purposes.** Ordinarily, sensitive information shall not be stored on workstations and mobile computing devices (laptops, flash drives, backup disks, etc.) unless specifically justified for business purposes and appropriately secured. If sensitive information is stored on a workstation or mobile computing device or transmitted to an external network or organization, IT resource users shall encrypt or adequately protect that information from disclosure. In addition to encryption, other protections may include the use of passwords, automatic logoffs, physical security and secure Internet transmissions. The protection of sensitive information shall be in accordance with campus IT security requirements and other guidance as available from ASU's Computing Services Department. Computing Services will provide detailed training on any of these methods as requested.

3. **Keep a Clear Desk and Clear Computer Screen.** IT resource users shall keep all sensitive information out of plain sight unless in use and shall not leave such information displayed when it is not needed.

4. **Protect Workstations and Other Computing Devices.** IT resource users are responsible for helping to maintain the security of workstations and other computing devices by striving to protect them from unauthorized access and malicious software infections (e.g., viruses, worms, and spyware). Users shall consult ASU's Computing Services Department for guidance on protecting their computing devices.

5. **Protect Passwords.** Passwords are used to authenticate the identity of individuals and gain access to University resources. Each person is responsible for protecting the passwords assigned to her or him and shall not share them with others.

6. **Report Security Violations, Malfunctions, and Weaknesses.** IT resource users shall report security related events; known or suspected violations of IT security policy; and inappropriate, unethical, and illegal activities involving University IT resources to ASU's Computing Services Department.

7. **Utilize University Information and IT Resources for Authorized Purposes Only.** IT resource users shall access or otherwise utilize University information and IT resources only for those activities they are specifically authorized and in a manner consistent with ASU's policies, federal and state laws, and other applicable requirements.

#### b. Required Information Technology Security Training for IT Users

1. All IT users that have access to information technology resources will be required to take an information Technology Security training prior to receiving access, and annually thereafter.

#### c. Compliance

1. Violations of this policy are dealt with seriously. Users suspected of violating these policies may be temporarily denied access to ASU's information technology resources during investigation of the alleged abuse. Illegal acts involving ASU information technology resources may also be subject to prosecution by state and federal authorities.

2. IT users that have not completed IT security training are subject to revocation of access to IT resources, such as account suspension.

3. Campus notification schedule. Computing Services will implement the following schedule annually for notifying campus of the required training:

- a. Annually in October, an email to all employees will be sent that contains the policy and information about the required training. The training system will also email all employees with the instructions to log into the training and get started.
- b. Annually in January, a reminder email will be sent via the ABM system and the training system.
- c. Annually in April, a second reminder will be sent through the training system ONLY to employees who have not completed the training. A follow-up ABM will be sent if a high percentage of employees have not yet completed the training.
- d. Annually in early May, a final reminder will be sent through the training system ONLY to employees who have not yet completed the training.
- e. Annually in May, and after grades have been turned in, Computing Services will start the process of locking accounts for employees who have not completed the training, and helping them to get through the training and their accounts reactivated.

## **INFORMATION TECHNOLOGY ACCEPTABLE USE POLICY**

### **POLICY**

This administrative policy sets forth the University's policy with regard to the use of information technology resources.

### **PURPOSE**

Information technology resources are central to the educational mission of Adams State University (ASU). All ASU students, faculty and staff are encouraged to use these resources, provided that they respect the rights of others, abide by all university policies and applicable state and federal laws, and assume shared responsibility for safeguarding the university's information technology environment.

This policy is intended to be an overview of the university's Information Technology policies, which individually define the responsibilities of each user of ASU computing and electronic communication resources. Although this policy attempts to address the most common situations that may arise, it is impossible to foresee every situation. Each user is trusted to use the network responsibly, whether or not there is a guideline addressing each possible situation. As a representative of ASU you are expected to respect the university's good name in your electronic dealings with those both within and outside of the university. Freedom of expression and the existence of an open environment conducive to inquiry and learning will be respected by the university with regard to the use of computing resources; however, behavior contrary to established policy will not be protected.

### **DEFINITIONS**

A. Implied consent: Any use of ASU's computing resources implies consent to comply with this policy and all applicable ASU policies and state and federal laws.

B. Institutional Purposes: The use of computing and networking resources is for purposes related to ASU's mission of education, scholarship, and public service. Members of the ASU Campus Community may use computing and networking resources only for the purposes related to their studies, their instruction, the discharge of their duties as employees, their official business with the university, and other university-sanctioned or approved activities.

### **PROCEDURES**

#### **A. Proper Use of Computing Resources**

1. Storage/Bandwidth- the University's information technology resources are limited and users must avoid excessive use of resources.

2. Account Access – Each account is assigned to a single user who is responsible for all computing activity involving that account.

3. Privacy Responsibilities – Users shall respect the privacy of others when handling sensitive or confidential information and shall take appropriate precautions to protect such information from unauthorized disclosure or use.

4. Academic Integrity- Users who enroll in courses at Adams State University shall abide by all academic policies as they relate to their enrollment including but not limited to the Academic Integrity Policy. All academic policies can be found here.

## B. Privacy Considerations

1. Adams State University supports the protection of individual privacy, but users are advised that they should not expect privacy when using ASU's information systems. The systems should in no way be regarded as a secure medium for the communication of sensitive or confidential information. Due to the nature of electronic information systems, the University can assure neither the privacy of an individual user's use of the university's electronic resources nor the confidentiality of data that may be created, transmitted, received, or stored thereby. We encourage our users to consider the possibility that data that they create, transmit, receive or store may become available to others and to act accordingly to protect their own privacy.

2. Requests for disclosure of sensitive or confidential information will be governed by the provisions of state and federal laws, including Family Educational Rights and Privacy Act of 1974 (FERPA), the Freedom of Information Act (FOIA), and by the Colorado Open Records Law. All such requests will be honored only when approved by university officials who are the legal custodians of the information requested, or when required by state or federal law, or by court order. The university reserves the right to access and disclose the contents of faculty, staff, student, and other user data without the prior knowledge or consent of the user to maintain the integrity and effective operation of the university's information systems and whenever such access is required or authorized by law, but only after explicit authorization is obtained from the appropriate university authority (President or Vice-President).

3. ASU does not monitor electronic communications as a routine matter but it may do so to the extent permitted by law as the university deems necessary for purposes of maintaining the integrity and effective operation of the university's electronic systems. ASU specifically reserves the right to access data and information created, transmitted, received, or stored on or through any of its electronic information systems when the appropriate University authority (President or Vice President) deems such access necessary for legitimate business purposes of the university or the appropriate university authority has a reasonable belief, based on a complaint or otherwise, that such access is necessary to investigate wrongdoing or determine if the electronic information system is being used for improper purposes.

## C. Prohibited Uses of Computing Resources

1. Violating activities - Computing resources may not be used for any activity that violates state or federal laws. Such activities include, but are not limited to intimidating, threatening or harassing individuals, or violating the university's policies, including but not limited to its policies concerning relationships between members of the university community. Users should also refrain from viewing pornography in public venues.

2. Money-making - University computing resources may not be used for personal money-making or commercial purposes.

3. Infringing Usage - Every user is expected to use the computing facilities in a manner which does not infringe upon the rights of others or the use of those facilities by other people and which does not waste resources.

4. Unauthorized Access – Users are only authorized to access resources that they have been explicitly given access to. Attempts to elevate privileges, circumvent security measures, or use accounts, data, or other resources that the user has not been given explicit access to is forbidden.

5. Employees are prohibited from installing software on university-owned computers not directly tied to job related functions. Students are prohibited from installing software on university-owned computers without prior approval of Computing Services or the instructor. Usage of software or data without a valid license or in violation of copyright law is not allowed on the ASU computing network.

6. Attaching personal hardware to the campus network without the approval of Computing Services and appropriate supervisory personnel is not allowed. Incompatible hardware can cause damage to the system and/or impact network performance. Personal computers in the Residence Halls are explicitly approved.

#### D. Suspension or Revocation of Access

1. Violations of this policy are dealt with seriously. Users suspected of violating these policies may be temporarily denied access to ASU's information technology resources during investigation of the alleged abuse. Illegal acts involving ASU information technology resources may also be subject to prosecution by state and federal authorities.

### HOVERBOARDS

Segway Hoverboards (aka "Hoverboards") and other lithium-powered, self-balancing personal transportation devices are prohibited on campus and in all Residence Halls due to fire safety concerns. This includes storage, charging, and riding these devices. As a result, all such devices will be confiscated.

### CLERY CRIME STATISTICS

ASU PD prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crimes Statistics Act. The full text of this report can be located on our website at [www.police.adams.edu](http://www.police.adams.edu). You will also be able to connect to our site via the ASU home page at [www.adams.edu](http://www.adams.edu). This report is prepared in cooperation with the local law enforcement agencies surrounding our main campus and alternate sites, Housing and Residence Life, and the Division of Student Services. Each entity provides updated information on their educational efforts and programs to comply with the Act.

Campus crime, arrest and referral statistics include those reported to the ASU PD, designated campus officials (including but not limited to directors, deans, department heads, designated CSA's, judicial affairs, advisors to students/student organizations & athletic coaches), and local law enforcement agencies. These statistics may also include crimes that have occurred in private residences or businesses and that are not required by law. Counseling Services staff informs their clients of the procedures to report crime to the University Police on a voluntary or confidential basis, should they feel it is in the best interest of the client. A procedure is in place to anonymously capture crime statistics disclosed confidentially during such a session.

Each year, a post card is mailed and/or an e-mail notification is sent to all enrolled staff and students which provides the website address (<http://www.adams.edu/ps/annual-security-fire-report.pdf>) to access this report. Copies of the report may also be obtained at the ASU Police Department, located at #1 Petteys Hall or by calling (719) 587-7901. All prospective employees may also obtain a copy from the Human Resources office in Richardson Hall, Suite 1-400, or by calling (719) 587-7990. Additionally, the website address to access the report is attached to ASU employment and enrollment applications.

The following statistics include information on crimes reported to ASU PD, to Campus Security Authorities (CSAs), and to the APD or other law enforcement agencies having jurisdiction over ASU Clery-reportable geographic areas. Statistics are listed for the calendar year in which the crime was reported.

A written request for statistical information is made annually to all Campus Security Authorities and to the Vice President of Student Services, all Directors, Department Heads, Coaches, Faculty Advisors to student organizations, and Residential Life Coordinators, Counseling Center, CSP, APD and ASO.

All of the statistics are gathered, compiled, and reported to the University community via this handbook, which is published by the ASU PD. The ASU PD also submits these crime statistics to the Department of Education. The statistical information gathered by the Department of Education is available to the public through the ED website. If you would like to review statistics from other institutions, please visit <http://ope.ed.gov/security/>.

### CRIME STATISTIC DEFINITIONS – LOCATIONS

**On-Campus:** Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; *and*

Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

**Residence Halls:** A subset of “on-campus” crimes, which include only those crimes that were reported to have occurred in dormitories or other residential facilities for students on campus.

**Non-Campus:** Any building or property owned or controlled by a student organization officially recognized by the institution and any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution’s educational purpose, is frequently used by students and is not within the same reasonably contiguous area of the institution.

**Public Property:** All public property, including thoroughfares, streets, sidewalks, and parking facilities, and is within the campus, or immediately adjacent to and accessible from the campus.

#### **CLERY CRIME OFFENSES & DEFINITIONS**

**Murder/Non-Negligent Manslaughter:** The willful (non-negligent) killing of one human being by another. NOTE: Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths and justifiable homicides are excluded.

**Negligent Manslaughter:** The killing of another person through gross negligence.

**Robbery:** The taking or attempting to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

**Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned – including joy riding.)

**Arson:** The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another kind.

**Weapon Law Violations:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons and all attempts to commit any of the aforementioned.

**Drug Abuse Violations:** Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone) and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Liquor Law Violations:** The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

**Sex Offenses:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

*Rape:* The penetration no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim, including instances in which the victim is incapable of giving consent.

*Fondling:* The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person’s will; or, not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

*Incest:* Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

*Statutory Rape:* Non-forcible sexual intercourse with a person who is under the statutory age of consent.

#### **OTHER OFFENSES**

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- 1) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, type of relationship and the frequency of interaction between the persons involved in the relationship.
- 2) For the purpose of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse and does not include acts covered under the definition of domestic violence.

**Domestic Violence:** A felony or misdemeanor crime of violence committed

- a) By a current or former spouse or intimate partner of the victim
- b) By a person with whom the victim shares a child in common
- c) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
- d) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred
- e) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- a) fear for the person's safety or the safety of others; or
- b) Suffer substantial emotional stress

1) For the purposes of this definition, Course of conduct means two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method device or means follows, monitors, observes, surveils, threatens or communicates to or about, a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

2) Report the location as where a perpetrator engaged in the stalking course of conduct or where a victim first became aware of the stalking.

3) Report any additional behaviors that meet the above definition of Stalking if they occur or continue to occur after an official intervention has been put in place, including, but not limited to, an institutional disciplinary action or the issuance of a no-contact order, restraining or protection order or any warning by the institution or a court.

*Note: The above listed crime definitions from the Uniform Crime Reporting Handbook, 2013 Revised UCR definition of Rape, as prescribed by 2014 VAWA Negotiated Rulemaking Final Consensus Language.*

**Hate Crimes:** The ASU PD is also required to report statistics for hate (bias) related crimes by type of bias as defined below for the following classifications; murder/non-negligent manslaughter, sex offenses (forcible and non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny, vandalism, intimidation, and simple assault.

If a hate crime occurs where there is an incident involving intimidation, vandalism, larceny, simple assault or other bodily injury (see definitions below), the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the compliance document.

A hate or bias related offense is not a separate, distinct crime, but is the commission of a criminal offense that was motivated by the offender's bias. For example, a subject assaults a victim, which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of his bias against the victim's race, sexual orientation, etc., the assault is then also classified as a hate/bias crime.

#### **CLERY HATE CRIME OFFENSES & DEFINITIONS**

**Larceny:** The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another

**Vandalism:** To willfully or maliciously destroy, injure, disfigure or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law

**Intimidation:** To lawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack

**Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness

## **TIMELY WARNING AT ADAMS STATE UNIVERSITY**

In the event that a situation arises, either on or off campus, that, in the judgement of the Chief of Police, constitutes an ongoing or continuing threat, a campus-wide “timely warning” will be issued. In circumstances where the student population may be at risk from a dangerous person or situation, notification is made using all of the following means: emergency alert texts (e2campus), emails, web site notifications, and published postings of flyers.

### **E2CAMPUS EMERGENCY ALERT SYSTEM**

ASU has a voluntary sign up system for emergency notifications. Students may enroll via two separate ways to receive text alerts involving any emergency on or within proximity of the campus. Not every criminal event will create a campus warning. Only those events where a suspect may still be at large and is believed to be dangerous and still in the area or a physical threat to students, such as a gas leak or bear on campus will necessitate a campus-wide warning. Other circumstances including severe weather or public safety emergencies may generate a campus alert. Students, faculty and staff may opt in via a text message system or online version. Specific campus administrators have access to the various alert systems and have unilateral discretion in commencing an alert.

### **EMAILS**

In the event of a campus emergency an Attribute Based Message (ABM) is sent out in which every member of the campus community with a current email address will receive the warning via email. Some who have selected the option to also have the text alert be sent to their emails will receive two separate emails regarding the warning. When the threat is over, an additional ABM and text alert will be sent out notifying the campus community that the threat has passed.

### **WEBSITE NOTIFICATIONS**

ASU’s Emergency Alert System automatically sends the alert to the ASU Facebook and Twitter pages. The Director of Communications will post accurate information to the ASU website.

### **PUBLISHED FLYERS**

In the case of an intimate threat on campus or the need to warn the campus community of a crime that poses a potential and immediate threat, the campus will publish and post flyers across campus warning of the possible threat. These flyers will be posted on every single entrance door across campus by members of the ASU Police Department.

The ASU community is also part of a San Luis Valley-wide community served by the Colorado State Patrol dispatch system with the capacity for mass reverse-911 calls and the ability to make alerts via text, voice, phone, and e-mail.

Timely warnings are primarily the responsibility of the Director of Campus Police services (the Chief of ASU PD), and the Vice President for Student Services. The ASU PD gathers annual statistical data for crime reporting by standards developed by the US Department of Education as proscribed by the CLERY Act. The university has identified individuals who serve as Campus Security Authority’s (CSAs) from across campus to also serve on a campus wide Clery Compliance Committee to assure data is accurately accounted for.

Although the University has means by which anonymous reports of crimes may be made; there is no formal policy regarding confidential reporting for purposes of annual reporting of crime statistics.

### **E2CAMPUS EMERGENCY ALERT SYSTEM TESTS**

Are conducted twice a year, once in the fall semester and once in the spring. Tests are administered by the Office of Student Services, and are performed using a test group, currently consisting of the ASU Health and Safety Team. During the test, group members will receive a text message that reads “Test – Please respond to this text with the time received, and response time.” Tests are normally unannounced, and the test group is sensitized to know that a response is expected when test-alert is received.

The ASU Campus Health and Safety Team currently consists of the Vice President for Student Services, the Director of Counseling & Career Services, the Chief of Police, the Director of Human Resources, the Director of Auxiliary Services, and the Vice President of Academic Affairs. The Program Assistant for Student Services serves as Administrative Assistant to this team.

**Adams State University only uses the e2campus Emergency and vital notifications.**

## HAZING POLICY

### PHILOSOPHY

Adams State University believes that membership in the ASU community is nurtured in an atmosphere of social and moral responsibility, respect for duly constituted authority, and commitment to the objectives of higher education. Furthermore, anyone affiliated with Adams State University engaging in hazing activities may subject themselves to criminal penalties. Therefore an action, event, or program which includes hazing is contrary and detrimental to the purpose of the University, the education and personal development of its students, and thus, has no place within Student Life or the University community.

### DEFINITION

Hazing is defined as any action or situation which includes any mental or physical requirement, request or obligation placed upon any person (new member, associate member, member, affiliate, guest) which could cause discomfort, pain, fear, disgrace, injury, or which is personally degrading or which violates any federal, state, local statute or University policy. Any activity described in this definition upon which the initiation, or admission into, or affiliation with, or continued membership in an organization is directly or indirectly conditional, shall be presumed to be "forced" activity.

1. No person shall recklessly participate in the hazing of another.
2. No student or advisor shall knowingly permit the hazing of another.
3. No student or advisor shall fail to report hazing.
4. The negligence of consent of the student/participant or any assumption or risk by the student/participant is not a defense to any action brought pursuant to this policy.

### **Actions and activities which are explicitly prohibited include, but are not limited to the following:**

- a) Forcing, requiring or endorsing new members/associate members to drink alcohol or any other substance and/or providing such alcohol or other substance;
  - b) The unauthorized or illegal use of alcohol in any form or quantity during any new member activity;
  - c) Calisthenics (sit-ups, push-ups and runs);
  - d) Branding and tattooing;
  - e) Pushing, shoving, punching, whipping, beating, tackling or any other physical abuse;
  - f) Unauthorized line-ups of any nature;
  - g) Throwing anything (garbage, water, paint, etc.) at an individual;
  - h) Any form of paddling, physical abuse, psychological abuse, deception or shocks;
  - i) Requiring individuals to walk or march in formation of any kind;
  - j) Publicly wearing apparel which is conspicuous and not normally in good taste (uniforms, head apparel, boots/shoes, etc.);
  - k) Not permitting individuals to speak for extended periods of time and/or forced exclusion from social contact;
  - l) Preventing any person from practicing personal hygiene;
  - m) Any activity which interferes with an individual's scholastic pursuits (class attendance, preparation, study time, etc.)
  - n) Forced consumption of food or other substances;
  - o) Theft, defacement or destruction of private or public property
  - p) Conducting unauthorized scavenger hunts, treasure hunts, quests, road trips, paddle hunts, big brother/little brother hunts, big sister/little sister hunts;
  - q) Engaging in public stunts and buffoonery, public displays or greetings;
  - r) Servitude of any nature (food runs, personal errands, academic work, etc.);
  - s) Permitting less than six consecutive hours of sleep each night;
  - t) Conducting a new member related activity between the hours of 12:00 midnight and 7:00am. Or awakening individuals during these hours;
  - u) Nudity or exposure to the elements at any time;
  - v) Yelling, screaming or calling individuals demeaning names;
  - w) Engaging in unauthorized activities which involve compelling an individual or group of individuals to remain at a certain location or transporting anyone anywhere, within or outside the city of Alamosa (road trips, kidnaps, sneaks, drops, etc.);
  - x) Assigning or endorsing "pranks" (stealing composites, trophies, mascots, etc.)
  - y) Conducting activities which do not allow adequate time for study during pre-initiation or initiation periods;
  - z) Conducting activities designed to deceive or convince new members that he/she will not be initiated or will be hurt;
- a) Carrying of any items (paddles, bricks, rocks, pocket change, signature books, etc.

b) Forcing, requiring, or endorsing new members/associate members to violate any University, national/international policy or any local, state or federal law.

### **PARKING AND PARKING DECALS**

Any student having a motor vehicle or motor-driven cycle, and wishing to make use of the ASU parking facilities, must get a parking decal from the ASU Police Department. Such decal will allow the student to park a motor vehicle in designated lots on campus. Parking of vehicles in any space designated for certain persons, departments, visitors, or handicapped people without authorization is not permitted. Parking decals may be picked up from ASU PD officials at registration or at the ASU PD Office or at the One Stop Services Center in the Student Union Building. Copies of traffic regulations and regulations pertaining to motor vehicles are available at the time of registration and also may be obtained from the ASU PD Office. Students who own or operate a motor vehicle on the ASU campus are responsible for obtaining and abiding by University motor vehicle and parking regulations. This also pertains to vehicles owned or operated by spouses of students. Parking decals may be picked up at any time throughout the semester. Faculty, staff, and students are not considered visitors and may not park in spaces reserved for visitors.

### **CAMPUS TRAFFIC ENFORCEMENT**

Vehicles found in violation of the ASU Traffic Regulations will be issued violation notices, with the amount of fines issued as listed in the "Traffic Rules and Regulations." If the noted fine is not paid or an appeal filed within a ten (10) calendar day period from the date of issue, there will be a delinquent fee added to the total. If these amounts are not paid within thirty (30) calendar days from the date of issue, these outstanding fees plus an additional administrative fee will be assessed to the student's account at the Business Office. If the student has graduated, the student's transcript may be held until the penalty is paid. Individual citations may be reviewed for validity by the Chief of the ASU Police Department and voided upon reasonable grounds.

### **PEACEFUL ASSEMBLY AND EXPRESSIVE ACTIVITY**

ASU acknowledges the rights and privileges of individual students or groups of students to gather on the University campus for the purpose of peaceful assembly and expressive activity, including marches, vigils, sit-ins, literature distribution, protest, and similar gatherings. The University expects the rights and privileges of all persons to be respected while students are engaging in assembly or expressive activity. The University expects that students engaged in assembly or expressive activity on campus will conduct themselves in a manner that will not impair the health, safety, or welfare of any individual, disrupt normal University services, or damage or destroy property.

Students planning an assembly that is expected to involve more than five persons, a literature distribution event, or an event involving any structure (for example, a table), are required by the University to give at least 48 hours advance notice and register the event in the Office of the Vice President for Student Services. Events will be registered on a first come, first serve basis. If more than one event seeks to be registered at the same time and place, staff in the Office of the Vice President for Student Services may assist in arranging a suitable alternative place for the assembly or expressive activity, if the preferred location cannot accommodate more than one activity. Registration of the event may be denied if an appropriate space is not available, adequate security cannot be provided for the event, or the event does not comply with other University policies, including those outlined in this Handbook.

Students may engage in assembly or expressive activity in publicly-accessible outdoor areas, provided that the activity does not disrupt previously scheduled activities, including University classes or other events, and provided that students have registered the event if it meets the criteria in the prior paragraph. Similarly, students may engage in assembly or expressive activity in the atrium area of the student union building provided that the activity does not disrupt previously scheduled activities and provided that students have registered the event if it meets the criteria in the prior paragraph. Students engaging in assembly or expressive activity that disrupts previously scheduled activities will be asked to move their activity. Expressive activity shall not be conducted in academic, athletic, or administrative facilities, areas of the student union other than the atrium, or residence halls except by prior permission from appropriate University officials.

The peaceful assembly and expressive activity policy applies only to students. Non-students or outside groups should consult with the Vice President of Student Services regarding obtaining permission for any assembly or expressive activity.

## **POLITICAL CAMPAIGN POLICY**

The university is subject to restrictions concerning activities of a political nature. In particular, the Internal Revenue Code imposes on tax exempt organizations limitations relating to attempts to influence legislation and participation or intervention in political campaigns on behalf of initiatives or candidates for public office.

The American Council on Education has taken the initiative in preparing a statement of guidelines for use by universities in their efforts to comply with applicable provisions of the Internal Revenue Code. These guidelines apply to students and student organizations:

Educational institutions traditionally have recognized and provided facilities on an impartial basis to various activities on college campuses, even those activities that have a partisan political bent, such as, for example, the Republican, Democratic, and other political clubs. This presents no problem. However, to the extent that such organizations extend their activities beyond the campus and intervene or participate in campaigns on behalf of the candidates for public office, or permit nonmembers of the university community to avail themselves of university facilities or services, an institution should, in good faith make certain that proper and appropriate charges are made and collected for all facilities and services provided.

Extraordinary or prolonged use of facilities, particularly by nonmembers of the university community, even with reimbursement, might raise questions. Such organizations should be prohibited from soliciting, in the name of the university, funds to be used in such off-campus intervention or participation.

Every member of the academic community has a right to participate or not, as a member sees fit, in the political decision process. On the other hand, no member of that community should speak or act in the name of the institution in a political campaign.

In planning and engaging in political activities, no member of the university community should directly or indirectly involve the university. Questions concerning the application of these points should be addressed to the Office of Student Services.

## **REFUND POLICY**

By the act of registration, students automatically incur a financial obligation to Adams State. Students who register for classes are responsible for payment of the full amount of tuition, fees, and other applicable costs, whether or not they attend class, unless they officially withdraw within the time specified for refund. Students having unpaid financial obligations due the university are not allowed to register for classes, receive a diploma upon graduation, or receive a transcript of credits.

**A STUDENT THAT EARLY REGISTERS FOR A FUTURE TERM AND THEN INCURS FINANCIAL OBLIGATIONS WHICH REMAIN UNPAID, MAY HAVE THE FUTURE TERM REGISTRATION CANCELLED FOR NON-PAYMENT OF A PAST DUE FINANCIAL OBLIGATION.**

Tuition and fees rates are listed online at [businessoffice.adams.edu](http://businessoffice.adams.edu). Payment deadline for fall/spring semesters is the 2nd Friday of the semester. The payment deadline for summer semester is the first Friday of the first class. A late fee is charged for payment not complete by the deadline. Additional late payment fees are assessed in subsequent months when payment is not made.

Accounts must be paid in full by the last day of the semester in which charges are incurred. Accounts not paid in full by close of business on the last day of the semester are considered past due. Past due accounts must be placed with the state collection agency, private collection agency, or private counsel for collection of past due amount. In addition, all costs of collecting past due accounts are assessed to the debtor per state law CRS 5-12-102. This includes but not limited to interest, collection costs, and reasonable attorney fees.

Students who attempt an "unofficial" withdrawal are still registered, continue to incur charges, and will have failing grades posted at the end of the semester.

### Refunds of Tuition and Fees for Complete Withdrawals

Official withdrawals for undergraduate students are initiated through the Vice President for Student Services, Richardson Hall Office 2-800 or via email to [studentaffairs@adams.edu](mailto:studentaffairs@adams.edu). Graduate students should contact or email Graduate Studies at [gradschool@adams.edu](mailto:gradschool@adams.edu).

In order to receive a 100% refund or remove 100% of charges, a student must withdraw from all courses before the first day of classes. Beginning the first day of classes, refunds are pro-rated based on the percentage of the enrollment period the student completes. This percentage is a daily calculation based on the student's date of withdrawal. The number of calendar days completed by the student is divided by the total calendar days in the enrollment period (excluding breaks of five days or more) to arrive at the percentage of completion. This percentage is applied to institutional costs (tuition, fees, room, and board) to determine prorated costs due Adams State. The difference between the original tuition, fees, room and board and the prorated tuition, fees, room and board is adjusted off the student's account.

Adjustments of institutional charges are computed through 60% of the enrollment period. There are no adjustments after 60% of the enrollment period has elapsed.

If a student received financial aid, federal, state, and institutional financial aid repayment calculations must be completed before a refund is issued to the student. In some instances, a student may not be eligible for a refund and may owe a balance to Adams State if the repayment to financial aid is greater than the student's pro-rated charges.

For example, withdrawal prior to the start of classes (or 0% completion of courses) will result in a 100% refund/adjustment to the student's account. Withdrawal at the 60% point in the semester will result in a 50% refund of tuition and fees.

Percentages into the semester will be adjusted appropriately for courses that are not 16 weeks (e.g., workshops, 6-week courses, etc.).

To be eligible for the above refund, a student must withdraw from all courses for the term. This includes on-campus, off-campus, online, and extended studies courses. To be eligible for room and board (meal ticket) refund, student must complete the check out procedure with the Housing Office.

Nonrefundable charges are listed below and are considered expended at 100 percent when charged. Fees may be subject to change.

Student ID Replacement Fee	\$15.00
Parking Fines	Vary
Emergency Loans	Vary
Emergency Loan Fees	Vary
Deferred payment Fee	\$10.00
Late Registration Fee	\$50.00
Late Payment Fee	\$40.00 initial charge, \$10.00 monthly
Bookstore Quick Loans	Vary

Important reminder: If you register for classes and are unable to attend, please notify the Records Office prior to the first day of classes. This will remove charges at 100 percent. Once classes begin, you must process a complete withdrawal and will be assessed on the percentage of the enrollment period completed.

A course drop differs from a complete withdrawal. If a course is dropped prior to census date, charges will be removed at 100% as long as the student is registered in at least one other course. If the withdrawal is after census date, charges are due and payable at 100%.

Questions regarding complete withdrawal, course drop, and refunds may be directed to Student Business Services, Student Union Building next to the OneStop Center, telephone 719.587.7728, or toll free at 877.862.8202 or email at [studentbusiness@adams.edu](mailto:studentbusiness@adams.edu).

#### REFUNDING OF STUDENT CREDIT BALANCES

BankMobile Disbursements (formerly Higher One) is our partner to deliver refunds of credit balances on student accounts and pay student employment (work study) earnings. A credit balance may come from payment of

financial aid (grants, scholarships or loans) credited to a student's account, overpayment of charges, or adjustments for tuition, fees, or housing.

#### FINANCIAL AID DISBURSEMENT

Financial aid funds disbursed to a student's account are first credited to the student's educational expenses. Once education expenses are paid in full and if a credit balance remains, the credit balance is refundable to the student. Some financial aid requirements are as follows:

- the student's first class has started.
- the student is registered for the number of credit hours for which aid is awarded.
- the student is taking classes for credit. Classes taken as "no credit" are not aid eligible.
- classes taken apply to the student's program of study.

#### RELEASE/PUBLICITY ASU INFORMATION

All publicity and release of information to the public regarding the University, its students and personnel, and activities will be given to the Assistant to the President for Communications or designee for approval and release.

#### EVENTS RESERVATION POLICY

##### POLICY

It is the policy of Adams State University (ASU) that all events held on Adams State University property must be scheduled a minimum of seven (7) Business days in advance to be accommodated. Reservations must be made through:

- Athletics/RMAC/NCAA events in Athletic facilities – Athletics 719-587-7251
- Student Union Building events – 719-587-7961 or asusubres@adams.edu
- All other events - Events Management – 719-587-7232

Reservation requests will be approved or declined within 48 business hours of the request. An account code will be required at the time of the reservation as available.

Events that are not scheduled within the 7 business day advanced reservation policy are subject to the following:

- Direct approval from the Director of Facilities Services or designee. The Event Services Manager will provide response back to customer.
- Additional rates and fees will be charged for all events and will be provided upon reservation request.

No equipment will be removed from campus grounds unless approved as an **official ASU event**. In which case, the department head or designee is responsible for picking up equipment, cleaning equipment after use, and returning equipment to Facility Services. All equipment must be returned by 5:00pm the following business day.

No ASU equipment may be used **off campus** for personal use, per Board Rule 1-16. "It is the duty of state employees to protect and conserve state property. No employee shall use state time, property, equipment or supplies for private use or any other purpose not in the interests of the State of Colorado."

#### INSURANCE POLICY GUIDELINES

Based on the nature of the event and in some cases, based on an organization's event history, the sponsoring organization may be responsible for providing an original copy of their certificate of insurance for general liability and endorsement in the amount of \$1,000,000 (unless a greater amount is required to cover liability costs) at least five (5) working days before the event. The endorsement shall be a separate document to the certificate and shall name as additionally insured the Board of Trustees for Adams State University, Adams State University and its agents, employees, volunteers and auxiliaries.

Event Cancellation - 48 hours is required to cancel any approved scheduled event. Failure to cancel will result in fees being charged or loss of deposit.

### Purpose

The purpose of this policy is to provide guidelines and procedures for scheduling reservations for campus events.

### Definitions

Official ASU events are defined as the following categories:

- University Academic Events
- University Sponsored Events
- University Related Events

#### UNIVERSITY ACADEMIC EVENTS

University Academic Events that are not defined under Definition C (Athletic Events) planned by Academic, Administration, or Athletics which are directly related to the instructional mission of Adams State University. Examples of such events include:

Listed by priority (with relation to reserving of academic classrooms, reserving of non-academic space is on a first-come-first-serve basis):

1. Regularly scheduled classes and labs as per the Vice President for Academic Affairs Classroom assignment policy (4 Phases)
2. Activities resulting from academic courses (rehearsals, University concerts and theatre productions, tutorials, review sessions, seminars and lectures);
3. Department meetings.

Scheduling: Regularly scheduled classes, labs, faculty/administrative department meetings, are scheduled at the end of the preceding term. Concerts, theatre productions and seminars that involve booking outside speakers may be scheduled one year in advance.

Rental Fees: There are no facility rental fees charged for these events, only direct costs for services such as technician/staffing fees, repairs or replacement charges, rental equipment, catering, and extraordinary facilities services.

Contracts: Contracts may be required for outside speakers/lecturers. It is recommended that departments contact the Campus Events Coordinator for more information on contract requirements.

#### UNIVERSITY SPONSORED EVENTS

University Sponsored Events are events directly related to the on-campus community beyond the classroom (athletic, recreation and student programming activities). There are three categories of University sponsored events:

**“All University Events”** - are major institutional events that have scheduling priority. Only the President's Office may classify an event as an All University Event...Some examples of events designated as All University are:

- |  |                                |
|--|--------------------------------|
| Admission's Open Houses                    | Alumni Reunion Weekends        |
| Commencement/Convocation                   | Homecoming Weekend             |
| First Year & Transfer Student Orientations | University Presidential Events |

Scheduling: These events are scheduled and/or sponsored by faculty, staff, administrative offices or departments. An All-University-Event is generally reserved one year in advance. *No additional events will be scheduled during an All University Event* without approval of the sponsor or the President.

Rental Fees: There are no facility rental fees charged for these events, only direct costs for services such as technician/staffing fees, repairs or replacement charges, rental equipment, catering, and extraordinary facilities services.

Contracts: Contracts are required for external performers, speakers, or vendors.

**“Student Events”** - are events planned by Student Services affiliated departments, the Associated Staff & Faculty (AS&F), or a student organization recognized by AS&F. The events are primarily for - members of the University community. Examples of such events are student organizational and informational meetings, competitions, shows, concerts, and all non-athletic sponsored events and other social activities.

Scheduling: These events may be scheduled one semester in advance and are held during academic semesters until the weekend prior to final exam week.

Rental Fees: There are no facility rental fees charged for these events, only direct costs for services such as technician/staffing fees, repairs or replacement charges, rental equipment, catering, and extraordinary facilities services.

Contracts: Contracts are required for external performers, speakers, or vendors. AS&F sponsored events are covered under the Universities insurance policy.

**“Athletic Events”** - are RMAC/NCAA Intercollegiate Athletics Department activities such as practices, games, and intramurals that are planned primarily for members of the University community.

Scheduling: These events may be scheduled one year in advance (or more depending on collegiate rules), and may be held during academic semesters and winter break.

Rental Fees: There are no facility rental fees charged for these events, only direct costs for services such as technician/staffing fees, repairs or replacement charges, rental equipment, catering, and extraordinary facilities services.

Contracts: All other events scheduled in athletic facilities must be coordinated through the Athletics Department.

#### UNIVERSITY RELATED EVENTS

University Related Events are educational conferences, workshops and/or University sponsored events not defined by any other definition in this policy. These events are sponsored by faculty or staff that *may or may not* charge a registration fee. These events may be scheduled one year in advance pending Academic Classroom Scheduling Policy (see Appendix A), and are recognized as a vital part of programming and visibility for the College.

These events are self-supporting from the respective department or faculty area, and are not affiliated with an outside organization or association. Such events require sponsoring faculty or staff members to be **substantially involved in the planning, implementation and participation** of the event. *(Failure to comply may result in fees being assessed to faculty or department members.)*

**May include recruitment events as approved by the Director of Admissions, Universities Vice Presidents or the President i.e. Discover Day, ACT, Knowledge Bowl. Approving departments will be required to submit budget codes for any charges.**

Rental Fees: There are no facility rental fees charged for these events, only direct costs for services such as technician/staffing fees, repairs or replacement charges, rental equipment, catering, and extraordinary facilities services.

#### Community Events

Community Events are those programs and activities organized by any external business, school or community group (profit or not-for-profit). This also includes events that a faculty or staff member may be hosting or organizing, but the college and/or department are not sponsoring.

Scheduling: Events may be scheduled one year in advance. Community event organizers are responsible for the actions of their participants.

Rental Fees: Facility rental, facility utilization and service fees will be charged for any venue being utilized. A Contract, Revocable Permit, and Certificate of Liability Insurance are required.

Facility rental fees will be charged for events held in the Sports Complex or Performing Arts Center, as well as service fees. A Contract, Revocable Permit, and Certificate of Liability Insurance are required.

Employee Discount of 50% will be offered to all **full time** ASU employees for space and/or equipment rental only for a personal event not affiliated with the University.

#### PROCEDURES

##### **Internal Groups (ASU Affiliated)**

- A. Access the Adams State University Events Management website located at <http://adams.edu/calendar/events/index.php>
- B. Fill-out the request form found on the Adams State University Events Management website.
- C. It is mandatory to submit a budget code once the venue or event has been approved.
- D. Contact the Events Manager at 719-587-7232

##### **External Groups (Community)**

- A. Access the Adams State University Events Management website located at <http://adams.edu/calendar/events/index.php>
- B. Fill-out the request form found on the Adams State University Events Management website
- C. Once the venue/venues have been approved a contract will be generated, for the requestor to sign and date. Depending on the nature of the event, a certificate of Insurance may be required
- D. Contact the Events Manager at 719-587-7232 or via email [bmhostetter@adams.edu](mailto:bmhostetter@adams.edu)

#### **SALES AND SOLICITATIONS**

Policies concerning solicitation on the University campus are as follows:

1. All sales, solicitations, or canvassing within the campus must be approved in advance by the Office of Student Services (except the Student Union Building and Housing, which approve their own). This written permission must be carried at all times by salesperson while on campus.
2. Solicitors, salespersons, peddlers, and canvassers are not permitted to operate on a door-to-door basis within the housing units. Visitations to the apartments or rooms of students must be by specific invitation of the student. NOTE: Food may be delivered to a student in the residence halls only if the specific food items have been ordered by the student, and from a licensed purveyor.
3. Solicitation of students or groups for the purpose of selling merchandise or services, or obtaining contributions on campus or off campus by recognized University organizations is subject to authorization. Proceeds from sales must be used toward fulfilling the purposes of the soliciting organization.
4. Requests by student organizations to solicit contributions off campus must be approved by the Office of Student Services.
5. Solicitation by individuals or non-University groups is prohibited except through established University sales outlets.

#### **SMOKING POLICY**

Adams State University recognizes the effects and costs of smoking, tobacco and nicotine use on our society. As a result, the institution has amended its smoking policy to include e-cigarettes and vaporizers on the list of items that may be used only in outdoor designated areas. The policy reads as follows:

University policy prohibits the smoking of cigarettes, cigars, pipes or any other matter or substance that contains tobacco, electronic or e-cigarettes and vaporizers in campus buildings or facilities or within a radius of 15 feet of all entryways of campus buildings or facilities.

The campus is defined as the entirety of the land, buildings, and other structures owned by Adams State University and includes, but is not limited to, open air athletic facilities, University motor vehicles, residence halls, classrooms, offices, and performance halls.

All members of the University community are responsible for compliance with this policy. In addition to being a violation of University policy, smoking in indoor campus buildings or facilities or within 15 feet of such building or facilities' main entrance is now a citable offense under the Colorado Indoor Clean Air Act, C.R.S. 25-14-201, et seq.: "A person who violates this ... [law] is guilty of a class 2 petty offense and, upon conviction thereof, shall be punished by a fine not to exceed two hundred dollars for a first violation within a calendar year, a fine not to exceed three hundred dollars for a second violation within a calendar year, and a fine not to exceed five hundred dollars for each additional violation within a calendar year. Each day of a continuing violation shall be deemed a separate violation.

Note: The only approved exception to this policy is for Theater productions.

## **STUDENT COMPLAINT PROCEDURE**

### **PURPOSE:**

Adams State University strives to assist students in the resolution of their problems with the institution. This policy formalizes institutional practice in alignment with: (1) Colorado Commission on Higher Education Policy Section 1, Part T, "Student Complaint Policy", 1.00, which states "This policy mandates that each public and private institution define and implement complaint and appeals processes to investigate student complaints and appeals in a fair and expeditious manner"; (2) Higher Learning Commission Assumed Practice, A.4., which requires that "The institution provides clear information regarding its procedures for receiving complaints and grievances from students and other constituencies, responds to them in a timely manner, and analyzes them to improve its processes"; and (3) Higher Learning Commission Policy, FDCR.A.10.030, "Institutional Records of Student Complaints," which states that "An institution shall make available an account of the student complaints it has received, its processing of those complaints, and how that processing comports with the institution's policies and procedures on the handling of grievances or complaints."

### **POLICY:**

1. Students have a right to pursue resolution of the problems they encounter in their dealings with Adams State University.
2. Complaints are defined as problems that arise between an individual in the role of a current, prospective, or former student related to alleged employee violations of Adams State University's Code of Ethics or Conflict of Interest policies; broad institutional practices; the content of, lack of, or failure to follow Adams State University institutional policies and procedures; and failure to comply with statutes, regulations, or accreditation requirements that have not been resolved through existing dispute resolution, appeals, petition, waiver, grievance procedures, and the like.
3. Student complaints must be submitted in writing and will be maintained by the Student Services Office and provide details necessary for response or schedule a meeting with the Vice President for Student Services or designee.

The complaint form will require:

1. Name
  2. Student ID number
  3. Mailing address
  4. Email address
  5. Telephone number
  6. Detailed summary of problem
  7. Adams State University employees previously contacted about the problem
  8. Desired resolution of the problem
4. The Vice President or a designee will respond to all student complaints within 30 calendar days.

5. Final responses by the Vice President or designee may be appealed to the Colorado Department of Higher Education and the Higher Learning Commission.
6. Retaliatory action by the University related to a student complaint is prohibited.

**PROCEDURE:**

In order to assure that student complaints are given proper attention and are accurately investigated, the procedure for dealing with student complaints follows:

When a student complains to faculty, administrators, or support (classified) personnel, the person(s) receiving the complaint should immediately direct the complaint to the appropriate Vice President and the following steps should be taken:

1. Arrange for the student complainant(s) to meet with the Vice President or designee
2. Provide the Vice President or designee with the student complainant(s) name(s) and complaint using the complaint form

The Vice President or designee will then:

1. Meet with the student complainant(s)
2. Log the complaint
3. Report the complaint to the appropriate supervisor or the Department Chair in the event the complaint is against a faculty member.
4. The Supervisor, Department Chair may investigate and attempt to resolve the complaint
5. If the complaint is unresolved at this level, or the complaint is against the supervisor/department chair, take the complaint directly to the appropriate Vice President.

\*In the Vice President's absence, a person will be designated to represent him/her in these procedures.

## **STUDENT FEES POLICY**

The Board of Trustees for Adams State University, the governing board, reserves the right without notice to alter tuition and fee charges prior to the first day of any semester. See [businessoffice.adams.edu](http://businessoffice.adams.edu) for current tuition and fees information. See Housing and Food Services for room and board costs.

### **GENERAL INFORMATION**

Adams State University, in compliance with Colorado Commission of Higher Education (CCHE) Student Fee Policy, Section 3.0, has established this institution plan for student fees. The plan and any modifications to it are subject to the modification and approval of the Trustees of Adams State University. Adams State University reserves the right at any time to make changes in the policies and procedures included in this plan, subject to applicable requirements regarding the approval or involvement of the students and institutional student government representatives and the Trustees of Adams State University. Students, faculty and staff of Adams State University are encouraged to review the contents of this plan. Suggestions for additions, deletions, and changes should be made in writing to the Vice President of Student Affairs and the Office of the President.

**ANY POLICY OR PROCEDURE IN THIS PLAN FOUND TO BE IN CONFLICT WITH POLICIES ESTABLISHED BY THE TRUSTEES OF ADAMS STATE UNIVERSITY IN COLORADO, CCHE, STATE OR FEDERAL STATUTES IS SUPERSEDED BY THOSE POLICIES, PROCEDURES OR STATUTES.**

When establishing tuition and fee rates, Adams State University will consider the proposed tuition and fee rates to total cost per student and the financial aid available for needy students. All student fees will be specifically itemized on the student billing statement with the exception of course specific fees that are specifically listed in the course catalog.

### **DEFINITION OF STUDENT FEES**

**Administrative Cost Fees Related to Specific Academic Course(s):** Mandatory fees charged to students to enroll in specific courses.

**Bond Fees:** Mandatory fees charged to retire bonds or other debt obligations issued on behalf of an auxiliary or academic facility.

Capital Fees: Mandatory campus-wide fees charged to build and/or maintain capital assets.

Charges for Service: These are paid by the student to receive a service provided by an auxiliary operation. Examples include housing, meal plan, and parking decals. These assessments are considered a charge for service rather than a student fee.

Instructional or Program Fees: Mandatory academic fee which is not a course specific fee. These are fees related to the instructional program or University, but not to the specific course offering. Examples include University specific fees, program specific fees, or fees related to online course delivery.

Nonpermanent Student Purpose Fees: Mandatory campus-wide fees charged for student purposes that are not permanent student purposes.

Optional Student Fees: These fees are assessed to all students but may be waived by the student.

Permanent Student Purpose Fees: Mandatory campus-wide fees charged to the student body and allocated for specific student programs. Examples include student centers, recreation facilities, computing and other technology, intercollegiate athletics, student government, and other student activities and programs.

User Fee: Charges to cover the costs of delivering specific services which are incidental to the instructional activities. Examples include application fees, transcript fees, ID card fees, and late and deferred payment fees.

#### STUDENT FEE PROPOSAL AND APPROVAL PROCESS

All new administrative, course specific, instructional, bond, and permanent and nonpermanent student fees and changes to existing fees, will be reviewed by Cabinet. Cabinet will make a recommendation on the fee or fee change to the President and Trustees of Adams State University. Associated Students and Faculty (AS&F) will be notified of all new administrative, course specific, instructional, bond, and permanent and nonpermanent student fees and changes to existing fees in accordance with the NOTIFICATION PROCESS outlined below, except as otherwise provided herein. If the fee requires a student vote, the REFERENDUM PROCEDURES outlined below must be followed. All mandatory fees and fee increases must be annually approved by the Trustees (CCHE Policy 3.03 & 3.03.01). Trustee review and approval is required prior to assessment of any mandatory fee or fee increase. Students and student government representatives shall have an opportunity to address the trustees during board discussions and action of the student fee proposal. The specific steps required for a new fee or increase in existing fee are outlined below.

#### ADMINISTRATIVE COST FEES RELATED TO A SPECIFIC ACADEMIC COURSE [COURSE SPECIFIC FEES]

These fees should only be used to cover costs for a course offering. Any revenue must be used for costs directly related to the course for which they are charged. Student approval is not required for existing fees, new fees, or fee increases relating to actual administrative costs for a specific academic course.

1. New or increased course specific fees may be forwarded by a Department Chair after discussion with the unit members.
2. The proposed recommendation is forwarded by the Department Chair to the Vice President for Academic Affairs.
3. Upon consultation with the Department Chair and the unit, the Associate Provost will determine whether to forward the proposal to the University's Cabinet for consideration.
4. Cabinet will review the merits of the proposal and forward a recommendation to the President for consideration.
5. If the proposal is accepted by the President, notice will be given to the student body in accordance with the NOTIFICATION PROCESS established by this plan and the proposal will be presented to the AS&F. AS&F will follow the STUDENT FEE PROPOSAL AND REVIEW PROCESS excluding a student referendum.
6. Student response, if any, to the proposed new or increased fees will be communicated to Cabinet by the Vice President of Student Affairs who will then make a recommendation to the President for approval or disapproval.
7. If the President approves the proposed fee or increase, he/she will recommend it to the Trustees for approval. The trustees will be the final authority in approving any proposed or increased course-specific fee.

#### INSTRUCTIONAL OR PROGRAM FEES

Student approval is not required for existing fees, new fees, or fee increases relating to academic instruction or program fees.

1. New or increased instructional or program fee proposals may be forwarded by a Department Chair after discussion with the unit members.
2. The proposed recommendation is forwarded by the Department Chair to the Vice President for Academic Affairs.
3. Upon consultation with the Department Chair and the unit, the Vice President for Academic Affairs will determine whether to forward the proposal to the University's Cabinet for consideration.

4. Cabinet will review the merits of the proposal and forward a recommendation to the President for consideration.
5. If the proposal is accepted by the President, notice will be given to the student body in accordance with the NOTIFICATION PROCESS established by this plan and the proposal will be presented to the AS&F. AS&F will follow the STUDENT FEE PROPOSAL AND REVIEW PROCESS excluding a student referendum.
6. Student response, if any, to the proposed new or increased fees will be communicated to Cabinet by the Vice President of Student Affairs who will then make a recommendation to the President for approval or disapproval.
7. If the President approves the proposed fee or increase, he/she will recommend it to the Trustees for approval. The trustees will be the final authority in approving any proposed or increased instructional or program fees.

#### PERMANENT STUDENT PURPOSE FEES

Student approval is not required for existing permanent student purpose fees, new fees or fee increases.

1. New or increased permanent student purpose fee proposals may be forwarded by a unit head after discussion with the unit members.
2. The proposed recommendation is forwarded to the Cabinet administrator responsible for the unit.
3. Upon consultation with the proposing unit, the Cabinet administrator will determine whether to forward the proposal to the University's Cabinet for consideration.
4. Cabinet will review the merits of the proposal and forward a recommendation to the President for consideration.
5. If the proposal is accepted by the President, notice will be given to the student body in accordance with the NOTIFICATION PROCESS established by this plan and the proposal will be presented to the AS&F. AS&F will follow the STUDENT FEE PROPOSAL AND REVIEW PROCESS excluding a student referendum.
6. Student response, if any, to the proposed new or increased fees will be communicated to Cabinet by the Vice President of Student Affairs who will then make a recommendation to the President for approval or disapproval.
7. If the President approves the proposed fee or increase, he/she will recommend it to the Trustees for approval. The trustees will be the final authority in approving any proposed or increased permanent student purpose fee.

#### NONPERMANENT STUDENT PURPOSE FEES

No new fee or fee increase (in excess of inflation) assessed for nonpermanent student activities shall be collected unless approved by a student referendum and such new fee or increase contains an expiration date.

1. New or increased nonpermanent student purpose fee proposals may be forwarded by a unit head after discussion with the unit members.
2. The proposed recommendation is forwarded to the Cabinet administrator responsible for the unit.
3. Upon consultation with the proposing unit, the Cabinet administrator will determine whether to forward the proposal to the University's Cabinet for consideration.
4. Cabinet will review the merits of the proposal and forward a recommendation to the President for consideration.
5. If the proposal is accepted by the President, notice will be given to the student body in accordance with the NOTIFICATION PROCESS established by this plan and the proposal will be presented to the AS&F (student/faculty government) for student input including a student referendum. AS&F will follow the STUDENT FEE PROPOSAL AND REVIEW PROCESS and REFERENDUM PROCEDURES.
6. The outcome of the referendum will be communicated by AS&F to the President.
7. If the student referendum disapproved the proposed fee or increase, no further action to assess or collect the fee or increase will be taken in the current year. If the student referendum approved the proposed fee or increase, the President shall recommend the proposed fee or increase to the Trustees. The Trustees will be the final authority in approving any proposed or increased nonpermanent student purpose fee.

#### CAPITAL FEES

No new fee or fee increase (in excess of inflation) assessed to build and/or maintain capital assets not related to an academic course shall be collected unless approved by a student referendum. All students who will be potentially assessed this fee will be eligible to vote in the student referendum.

1. New or increased capital fee proposals may be forwarded by a unit head after discussion with the unit members.
2. The proposed recommendation is forwarded to the Cabinet administrator responsible for the unit.
3. Upon consultation with the proposing unit, the Cabinet administrator will determine whether to forward the proposal to the University's Cabinet for consideration.
4. Cabinet will review the merits of the proposal and forward a recommendation to the President for consideration.
5. If the proposal is accepted by the President, notice will be given to the student body in accordance with the NOTIFICATION PROCESS established by this plan and the proposal will be presented to the AS&F (student/faculty government) for student input including a student referendum. AS&F will follow the STUDENT FEE PROPOSAL AND REVIEW PROCESS and REFERENDUM PROCEDURES.

6. The outcome of the referendum will be communicated by AS&F to the President.
7. If the student referendum disapproved the proposed fee or increase, no further action to assess or collect the fee or increase will be taken in the current year. If the student referendum approved the proposed fee or increase, the President shall recommend the proposed fee or increase to the Trustees. The Trustees will be the final authority in approving any proposed or increased capital fee.

#### BOND FEES

Bond fees will fall under Administrative Fees, Permanent Student Purpose Fees, or Nonpermanent Student Purpose Fees, depending on the fee details. In addition to these procedures, if the fee is issued for the purpose of repayment of bonds or other debt obligations, additional procedures outlined in SB97-028 will also be followed.

#### OPTIONAL STUDENT FEES

New optional fees or fee increases are exempt from the procedures outlined in this policy. Any optional fees that are automatically assessed unless the student chooses not to pay, except health care fees, will be refunded, upon request, to any student who paid the fee. The refund will be available during the entire semester in which the fee was assessed.

#### USER FEES AND CHARGES FOR SERVICE

These are excluded from the Tuition and Fee Policy as they are assessed for the purpose of delivering a specific service which is incidental to the instructional activities.

### **STUDENT FEE PROPOSAL AND REVIEW PROCESS**

#### NOTIFICATION PROCESS

Any new or increased student fee should provide adequate time for input and at minimum 30 days notice shall be given prior to any new or increased assessment. The 30 days notice will be posted during the academic year. The Cabinet, at the direction of the President, will notify campus media through a news release of any proposed fee assessment or increase. In addition, the Vice President of Student Affairs will post a notice of the proposed fee assessment or increase at the Student Union Building. The notification period will continue for at least thirty (30) calendar days during which time any student or student group may appeal the proposed assessment or increase to AS&F.

#### CONTENTS OF NOTICE

At a minimum, any notice or news release pertaining to a proposed fee assessment or increase must contain the following information:

1. The amount of the new fee or fee increase
2. The reason for the fee assessment or increase
3. The purpose for which the institution will use revenues received from the fee assessment or increase
4. Whether the fee assessment or increase is permanent or nonpermanent and, if nonpermanent, the expiration date for the fee assessment or increase; and
5. A student's right to present his/her concerns to the AS&F.

The amount of the new or increased fee will be submitted to the University newspaper and radio station and shall include:

1. The reason for the new or increased fees
2. The purpose(s) for which the institution will use the new or increased revenues
3. Whether the new or increased fee assessment is temporary or permanent; if temporary, the expiration date for the fee will be published.

Once a proposal is forwarded to AS&F, they will:

1. Schedule public input and appeals by students-at-large at the next scheduled meeting following notification of the proposal. Appeals shall be received in accordance with the COMPLAINT RESOLUTION section of this policy.
2. If the proposed fee or fee increase is subject to a mandatory student referendum, the AS&F shall initiate the referendum process in accordance with the REFERENDUM PROCEDURES section of this policy. If no appeal is received and if the proposed fee or increase is not subject to a mandatory student referendum, the AS&F will debate and reach majority agreement on a recommendation which will be forwarded to the Cabinet through the Vice President of Student Affairs.

#### REFERENDUM PROCEDURES

Student fee issues requiring a referendum shall follow these guidelines:

1. The AS&F is responsible for the conduct of the referendum, including full disclosure of the information relating to the referendum.
2. Information distributed by the AS&F concerning the referendum shall be factual and unbiased. That does not preclude individual members of the AS&F from expressing their opinions or supporting a position. A member of the AS&F may not, however, represent that opinion or position as the opinion or position of the AS&F.
3. Campaigning by the University or members of the student body is subject to the provisions of the AS&F election code.
4. The text of a student fee referendum is subject to administrative legal review through the Office of the President.
5. A student fee referendum shall be voted on over a period of a minimum of (2) class days. This vote will take place during the regular academic year.
6. At least twenty percent (20%) of the current student headcount enrollment must vote in order for a student fee related referendum to be effective. The outcome shall be decided by a simple majority of the votes cast in the referendum.
7. No new fee, fee increase, or fee extension that is defeated by a vote of the student body may be resubmitted for a student vote until the following regularly scheduled election.

#### REVIEW OF FUND BALANCES

The fund balances of all funds, including those funded by student fees are annually reviewed by the Board of Trustees. Any large balances in student fee funds will be examined to ensure appropriateness of the balance and of the fee.

### STUDENT PUBLICATIONS AND COMMUNICATIONS

Student publications at the college serve a valuable and necessary function. One of the primary reasons for the existence rests in the educational value for editors, staff and the student body at large. They should be used as a tool for the establishment and maintenance of free and responsible discussion and intellectual exploration on campus.

In the tradition of liberty of the press, students should be free, individually and collectively, to express their views on issues concerning institutional policy and on other matters of general interest to the student body. The institution must guarantee sufficient editorial freedom for the student publications to maintain their integrity of purposes as vehicles for free expression in an academic community. Student publications should be free of censorship, and their editors and managers should be protected from arbitrary suspension and removal due to student, faculty, administration or public disapproval of editorial policy or content.

At the same time, since the entire academic community is represented in part by student publications, the editors of such publications must recognize their commitment to responsible journalism in the avoidance of libel, indecency and undocumented allegations or personal attacks, and in fair representation of the student body and the university. In an attempt to insure this responsibility, all publication copy must be previewed by the advisor and one or more members of the respective editorial board prior to publication.

The university is committed to protecting students' rights to a free press. The university will not restrict the editorial freedom of student publications and the student press.

Public Broadcasting. Radio, television, and other forms of public broadcasting shall be in accordance with written policies and regulations of governing state and federal agencies and in accordance with policy as set forth by the ASU Communications Board.

### CAMPUS MEDIA

Campus media at Adams State University operate under the sponsorship of AS&F and the Communications Board. Media on campus are the *The Paw Print*, the official student newspaper; *Sandhill Review*, the university literary magazine; and *KASF-FM*, the university radio station. Each is maintained by a student staff in consultation with a faculty advisor.

## **ASSOCIATED STUDENTS & FACULTY**

Each student who pays university service fees is a member of AS&F upon registration. Faculty members also participate. The organization was founded to promote cooperation between the students and faculty. The general social life, social programs, and other student activities of the university are directed through various arms of the AS&F Senate. The AS&F Senate is also a policy-recommending body to the University President. The AS&F Senate serves as a student-lobbying organization for positive changes for the students of Adams State University. Elected officers of the student body and elected faculty members make up the AS&F Senate and are the point of contact for recommending matters pertaining to student life.

## **CLUBS AND ORGANIZATIONS**

The university encourages the formation of clubs and organizations that further the interests and opportunities of students in a specified field of endeavor or recreation. For any organization or club to be chartered on campus, it must present a constitution to be approved by the AS&F Senate and the Vice President for Student Services. Club funding is contingent on AS&F recognition and AS&F Senate approval. Organizations or clubs will not be recognized on campus if they (1) discriminate according to race, creed, sex, age, or ethnic background or (2) advocate the overthrow of the government of the United States, the State of Colorado, or any of its subsidiaries. The diversity within the student body allows for a wide range of interests, knowledge, occupations, and backgrounds, which contributes to a unique learning experience. All students are encouraged to participate in the activities on campus. Opportunities are offered through athletic, educational, religious, and service organizations. More information relative to specific clubs and organizations may be obtained from the AS&F Office or the Office of the Director of Student Life.