



**WE ARE**

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# Student Code of Conduct

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UNIVERSITY OF WYOMING



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## University of Wyoming Student Code of Conduct and Community Standards

### I. INTRODUCTORY INFORMATION

The University of Wyoming (UW) is an academic community dedicated to teaching, scholarship, research, service, inclusion, and the holistic development of students. As an academic community, the University is interested in the safety, welfare, success, and education of its members and in fostering an environment consistent with its educational mission, purpose, and processes. The primary purpose of the Student Code of Conduct and Community Standards is to establish standards and procedures necessary to maintain a community conducive to learning and to advance the educational objectives of the University of Wyoming. Acknowledging that learning occurs in a multitude of places, UW believes a set of community standards develops professionalism and decision-making in all students.

Choosing to join the UW community as a student obligates each member to a code of responsible behavior; when students voluntarily enter the University they assume obligations of performance and behavior relevant to the University's mission, processes, and functions, including the academic and professional standards of academic units. The University encourages exemplary conduct by balancing the rights of the individual student with the responsibility to the larger community.

#### A. PHILOSOPHY AND MISSION

The mission of the Dean of Students Office is to educate students and student organizations about community standards and prohibited conduct, promote student learning, success, and accountability, and facilitate the development of thoughtful, responsible, and engaged members of the community. The Student Code of Conduct is a key component of the Dean of Students Office efforts to reduce and prevent behavior that undermines academic success and detracts from the educational mission of the University; ensure the health and safety of students and the community; provide timely support and resources for students; and prevent violence in and around the University community. The Student Conduct Code defines University intervention, resolution options, and possible action related to the behavior of both individual students and student organizations.


#### B. GOALS OF THE STUDENT CODE OF CONDUCT

The goals for Student Code of Conduct are as follows:

- to protect the safety and welfare of the University community;
- to facilitate an understanding of the campus values outlined in the Community Standards;
- to help bring the student's behavior into alignment with the Community Standards;
- to help the student reflect on their responsibility for their behavior;
- to address impacts of a student's behavior on those impacted, including the Community;
- to help the student consider the consequences of their behavior in advance; and
- to assist the student in making future choices that will enable them to be successful.

The University of Wyoming educates students who violate the Student Code of Conduct through education and support, conduct review, and imposition of sanctions, including suspension or dismissal from the University. Decisions made using the Student Code of Conduct take into consideration both the rights of the student(s) and the needs of the University in accomplishing its educational goals and mission.

In exercising its disciplinary authority, the University is committed to the principle of fundamental fairness. The Student Code of Conduct is administered without regard to race, gender, religion, color, national origin, disability, age, protected veteran status, sexual orientation, gender identity, genetic information, creed, ancestry, political belief, or any other applicable protected category or participation in any protected activity,



as defined in [UW Regulation 4-2](#). Consistent with state and federal law, reasonable accommodation will be provided to persons with disabilities upon request.

### C. DEFINITIONS

This list of definitions is not exhaustive. Additional definitions may be provided be found within University Regulations and policies.

1. **Advisor** is a parent, friend, attorney, or other individual who provides the student support, guidance, or advice during proceedings.
2. **Bystander Intervention** means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of harm, violence, and/or sexual misconduct.
5. **Consent** is a freely and affirmatively communicated willingness to participate in particular sexual activity or behavior, expressed either by words or clear, unambiguous actions. Initiators of sexual activity are responsible for obtaining consent. Silence or passivity does not imply consent. The use of intimidation, coercion, threats, force, violence or through exploitation of another's mental or physical condition negates any consent obtained. Consent is not present if obtained from an individual who is incapable of giving consent due to lack of consciousness, age, mental disability, or incapacitation due to ingestion of drugs or alcohol.
6. **Hearing Officer** is the Dean of Students or designee who manages the conduct and fact-finding proceedings.
7. **Impacted Party** is someone identified by the Dean of Students Office, or the Hearing Officer, as an individual or individuals directly impacted by alleged violence and/or abuse (including domestic violence, dating violence, sexual misconduct, or stalking).
8. **Protected Classes** refers to race, gender, religion, color, national origin, disability, age, protected veteran status, sexual orientation, gender identity, genetic information, creed, ancestry, or political belief.
6. **Reporting Party or Reporter** is an individual who reports a possible violation of the Code, including concerns about discrimination or sexual misconduct.
7. **Responding Party** is the person against whom a complaint/allegation is brought or initiated.
8. **Sexual Misconduct** is engaging in non-consensual contact or conduct of a sexual nature. Sexual misconduct incorporates a range of behaviors including hostile environment sexual harassment, sexual assault, sexual exploitation, sexual harassment, stalking, and any other conduct of a sexual nature that is nonconsensual.
9. **Student** for the purposes of the Student Code of Conduct is:
  - a. any person who is admitted to the University of Wyoming;
  - b. any person who is enrolled at the University of Wyoming and is pursuing undergraduate, graduate, or professional studies, including full-time and part-time status;
  - c. any person who is taking or auditing class(es) through the University; or
  - d. any person who was enrolled in the University at the time of the misconduct or is within one calendar year of their last date of attendance.
10. **Student Organization** is the designation given to all student groups who have completed the registration requirements to be classified and formally registered with the University.
11. **Witness:** Individuals with firsthand knowledge of the incident.

### D. UNIVERSITY CONDUCT PROCESS VS. LEGAL PROCEEDINGS

The procedures described in this Code are administrative procedures designed to create opportunities for members of the University community to evaluate alleged violations and determine appropriate sanctions if necessary. They are not legal proceedings. Although many elements of the law (such as due process) influence and inform our campus conduct proceedings, campus conduct procedures do not follow all the rules and procedures of a formal legal proceeding, nor are they intended to. The University conduct process operates separately and independently from the criminal justice process and civil proceedings. The student conduct process may happen before, during, or after criminal proceedings. Since the student conduct



process is entirely separate from criminal or civil litigation, legal outcomes do not affect the student conduct process nor will pending criminal or civil litigation stop or delay the student conduct process.

All members of the University of Wyoming community are also subject to relevant local, state, and federal laws. Alleged violations that are also violations of local, state, or federal laws may be prosecuted separately through the criminal justice system. Because the University's proceedings are administrative and not legal proceedings, many legal rules of procedure and evidence are not applicable or required. The University may use, among other things, information from third party sources, such as law enforcement agencies, reports of investigation, the courts, and other witnesses to help determine whether the Student Code of Conduct has been violated. In cases where one student (the "Impacted Party") files a complaint against another student (the "Responding Party"), the University may proceed with the case on the basis of other evidence and testimony, even if the Impacted Party does not wish to participate or continue in the process.

#### **E. ADMINISTRATIVE RESPONSIBILITY**

As prescribed by [UW Regulation 11-1](#), the Vice President for Student Affairs is responsible for the overall administration of the Student Code of Conduct and campus conduct proceedings related to general misconduct. The Dean of Students is responsible for day-to-day administration of the Student Code of Conduct and for managing and resolving cases of general misconduct. The Prohibited Conduct section of this Code provides a detailed description of expected standards of general behavior and procedures.

The Provost and Executive Vice President is responsible for the overall administration of academic misconduct. Individual cases of academic misconduct are initially handled in the schools and colleges by the faculty in collaboration with the faculty member's department head. As outlined in [UW Regulation 2-114](#), academic disciplinary records will be maintained in the Dean of Students Office.


The Equal Opportunity Report and Response (EORR) office is responsible for the overall administration of sexual misconduct and discrimination policy. See [UW Regulation 4-2](#) and [UW Regulation 4-3](#) and learn more about those policies at the Report It website here (<http://www.uwyo.edu/reportit/>).

#### **F. AUTHORITY & JURISDICTION**

Authority and jurisdiction for student discipline is prescribed by [UW Regulation 11-1](#). Students are expected to comply with all University policies, procedures, and instructions of University officials acting in the performance of their duties. Failure to do so may result in the student conduct proceedings outlined in this code. The Code of Student Conduct applies to behaviors that take place on university property or in online, extended or distance learning environments, including in social media, applications, or other electronic communications; at university-associated events; and off campus when the Dean of Students or designee determines that the off-campus conduct affects a substantial university interest. A substantial interest could include but is not limited to harm or threats of harm to health or safety, behavior that causes significant university community disruption, adversely impacts the University community or one of its members, or behavior that is detrimental to the educational mission or interests of the university. The University will review each off-campus incident reported to the University on a case-by-case basis to allow for consideration of the unique facts of each situation involving student behavior.

The University will take necessary and appropriate action to protect the safety and well-being of the University community. In addition, if credible information indicates that a student broke local, state, or federal law, the University reserves the right to notify the appropriate authority and may be legally required to do so depending upon the alleged behavior.

The Dean of Students has delegated to the Director of Residence Life the authority to develop and enforce rules and procedures to address the unique needs and management of University residential premises. Such [rules and procedures](#) shall be complementary to this Code. Any question of interpretation regarding the



Student Code of Conduct will be determined at the discretion of the President or designee, in consultation with the Office of General Counsel.

#### **G. REVISIONS TO THE CODE AND DISTRIBUTION**

The Student Code of Conduct will be revised as determined by the Vice President for Student Affairs and pursuant to any applicable University regulation, policy, or procedures. University of Wyoming students are responsible for knowing the information, policies, and procedures outlined in this document. The University reserves the right to make changes to the Student Code of Conduct and Community Standards (SCCS) as necessary and once those changes are posted online, they are in effect. The Student Code of Conduct shall be published and distributed by the Dean of Students Office and shall be available on the University's website. Updates will be communicated via campus email. Students are encouraged to check online for the updated versions of all policies and procedures. Previous versions of the code and relevant procedures can also be found on the Dean of Students website.

#### **H. REPORTING OPTIONS**

Any member of the University community (faculty, staff, or student) or any person unaffiliated with the University who has knowledge of an alleged violation of the Student Code of Conduct may file a report alleging that a violation of the Student Code of Conduct has occurred. The University may itself initiate a complaint. There is no time limit for reporting incidents of misconduct; however, the more time that has elapsed, the more difficult it may be to resolve the allegation as supporting information may have been lost.

Reports may be submitted in writing via email to [dos@uwyo.edu](mailto:dos@uwyo.edu) or submitted via the [UW CARES online form](#) and should include the date, time, place, name(s) of person(s) involved (e.g., the alleged, witnesses) and sufficient detail to assist in the resolution of the allegation as outlined in this Code. Reports of hazing can be reported to the Dean of Students office or submitted via the [Hazing Reporting](#) form. Reports can also be submitted to the Dean of Students in person or by calling 307.766.3296.

Reports of discrimination, work-place violence, sexual misconduct, interpersonal violence, and harassment can be submitted using the online [Report It form](#). Students should be advised that University employees are considered mandatory reporters and must report any disclosure of sexual misconduct, interpersonal violence, civil rights discrimination and workplace violence to the Equal Opportunity Report and Response (EORR) office. A full list of confidential and anonymous reporting options is available on the EORR [website](#).

#### **I. ROLE OF AN ADVISOR VS. UNIVERSITY PROCESS ADVISOR**

Advisors serve to provide process and/or legal advice to students involved in the investigation of allegations or conduct proceedings. Students may have an advisor of their choice to assist them throughout the investigatory and/or student conduct processes at their own expense. The advisor may not serve in a dual role as a witness in the hearing. The advisor is not an advocate and is generally a silent and non-participating presence who observes the proceedings and provides support, guidance, or advice to their student. The University reserves the exclusive right to determine what constitutes appropriate behavior on the part of the advisor. An advisor's availability or lack of availability will not impact or impair the investigation or student conduct process, and all requests for extensions remain within the sole discretion of the Dean of Students or the appointed Hearing Officer. Advisors may not participate in the process without, or on behalf of, the student.

Students will receive direct communication from the University. Upon request, communication may be limited to a written format on which advisors can be copied. Advisors may accompany students at any meetings or conduct proceedings but are limited to non-speaking roles. During a hearing, either party may request a brief recess to consult with their advisor. This request may be granted at the discretion of the Hearing Officer.



Students may also request a process advisor from the University. The process advisor will not provide legal advice, speak on behalf of, advocate for, or work with a student's other advisor/support person(s). The process advisor's role is only to advise the student about University process. More information on the role of a process advisor and how to request one can be found on the Dean of Students [website](#).

#### **J. HEALTH & SAFETY EXEMPTION**

The health and safety of University of Wyoming students is of the utmost priority. To encourage students to offer help and assistance to others, the University may choose not to pursue conduct violations for the following:

- (1) a student who reports misconduct and may have committed a minor violation at the time of a more serious incident, or
- (2) a student who may have committed a minor violation while actively assisting those who need medical aid, or
- (3) a student who may have committed a minor violation while seeking help for themselves.

Consideration will be given to students who act responsibly in the aid of other persons when determining appropriate sanctions and conduct outcomes. The Dean of Students, or their designee, will make the determination about when the exemption will be applied. The Dean of Students, or their designee, could also decide that students receive or are assigned educational or intervention services in lieu of a disciplinary conduct record on file with the University. Abuse of health and safety requests can result in a decision by the Dean of Students not to extend this exemption to the same person repeatedly.


#### **K. INSTRUCTIONAL SETTING ENGAGEMENT**

The primary responsibility for managing the instructional environment of each class rests with each faculty member. Students have the right to participate in relevant and civil discussions, inquiry, and expression activities in their academic endeavors. Students have the responsibility to respect each instructor's freedom to teach and the right of other students to learn. Students may take reasoned exceptions to the data or views offered in any course of study; however, they are responsible for learning the content of any course of study for which they are enrolled.

Students who engage in acts that result in the disruption of a class may be directed by the faculty member to leave the class for the remainder of the class period. Disruptive conduct is not merely classroom dissent. Examples of disruptive behavior include, but are not limited to, verbal abuse of or threatening the instructor or other students; damaging classroom furniture or property; creating excessive noise or distraction; refusing to comply with University policies or instructor or University official's direction; persistently speaking without being recognized or called upon; refusing to be seated; unauthorized use of cell phones, laptops, or other relevant technology; consumption of alcohol or other drugs, or smoking, vaping, or use of other tobacco products in the classroom.

When a student engages in disruptive behavior, instructors should warn the student the behavior is disruptive and must cease or the student may face removal from the class or other learning environment. Instructors should document incidents of disruptive behavior as they arise, even though they may appear to be minor at the time. If a student continues to engage in disruptive behavior, the instructor may direct the student to leave the class for the remainder of the class period. In such instances, and no later than one day after the dismissal, the instructor of record must report the temporary dismissal to their Department Head and the Dean of Students Office. If a student is instructed to leave a class while instruction is ongoing, the student must immediately comply.

After any temporary dismissal from a class, the instructor should try to meet with the dismissed student in an informal meeting outside of class to discuss the disruptive behavior and classroom expectations. The instructor should include another University official, such as a Department Head. Repetition of such behavior



or egregious classroom disruption may result in termination of a student's enrollment in the class as provided through this Code, and the student may be engaged in relevant conduct proceedings.

#### L. FREEDOM OF EXPRESSION

Freedom of expression is essential to the University's commitment to ensure inclusive educational opportunities. Freedom of expression is a fundamental right guaranteed by the U.S. and Wyoming constitutions. Freedom of expression does not generally extend to specific threats of violence against individuals, inciting speech, fraud/perjury, defamation, invasions of privacy, and generally cannot be exercised in ways that significantly disrupt the operation of the University or the legal rights of others. Students have the right to be free from unlawful retaliation for exercising their right to free speech consistent with law, regulation, and policy. The Dean of Students Office may follow up on reports of concern to ensure that all students' free speech rights are protected. You may find more information on the University's position on freedom of expression, intellectual freedom, and constructive dialogue [here](#).

### II. PROHIBITED CONDUCT

The following list of Prohibited Conduct is provided to the University community to inform them of behaviors not permitted. This list should be read broadly and is not designed to define Prohibited Conduct in exhaustive terms. Attempts to commit acts prohibited by this Code may be reviewed and sanctioned to the same extent as completed violations.

- 1. Alcohol:** Consuming, possessing, manufacturing, distributing, selling, or serving alcoholic beverages on University premises (including University-managed housing) or at University-sponsored activities regardless of age, except as expressly permitted by University policy; Underage possession or consumption of alcohol; Possessing or transporting an open container of alcohol; Providing, distributing, or selling alcohol to individuals under 21; Providing a location for any individual under 21 to possess or consume alcohol.
- 2. Classroom Disruption:** Behavior that an instructor reasonably believes substantially interferes with the teaching or learning process, whether in a classroom or other learning environment (such as an online course, laboratory, field experience, internship, instructor's office, computer lab, or another setting whether it is an on-campus or off-campus location) and continues after an instructor's request to cease
- 3. Dating violence:** Conduct on the basis of sex or that is sexual in nature that is violent and committed by a person who is in or has been in a social relationship of a romantic or intimate nature with an individual. The existence of such a relationship shall be determined based on the individual's statement and consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes but is not limited to sexual or physical abuse or threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.
- 4. Discrimination:** Engaging in behaviors or decision-making that result in an individual experiencing an adverse consequence based on the individual's Protected Class, including but not limited to failure to be hired or promoted or denial of admission to an academic program. See [UW Regulation 4-2](#).
- 5. Disorderly Conduct:** Behaving in a way considered disorderly, lewd, or indecent by a reasonable person. This can include unreasonable noise, disturbance of the public peace, offensive public behaviors (e.g., public urination or defecation, indecent exposure of intimate body parts as prohibited by law even when it does not rise to the level of sexual or discriminatory conduct under EORR policy).
- 6. Domestic Violence:** Conduct on the basis of sex or that is sexual in nature that is violent and committed by a current or former spouse; intimate partner; someone with whom the person shares a child in common; someone with whom a person is cohabitating with as a spouse or intimate partner; by a





person similarly situated as a spouse under the domestic or family violence laws of Wyoming; or by any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of Wyoming. To categorize an incident as Domestic Violence under this policy, the relationship between the Responding Party and the Impacted Party must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

7. **Drugs:** Illegal use, possession, selling, sharing, distributing, cultivating, manufacturing or being under the influence of any state or federally controlled drug or substance; possessing drug paraphernalia; knowingly providing a location for individuals to possess or consume drugs.
8. **Failure to Comply:** Failing to comply with the directions of any University employee acting within the scope of their official duties or failing to identify oneself to such a person when lawfully requested to do so.
9. **Failure to Disclose:** Failure to disclose to the Dean of Students in writing, within five business days, any felony related conviction, plea of guilty or deferred judgement occurring after admission to the University; failure to fully disclose conduct information in the University admissions process.
10. **False Reporting:** Knowingly making a false report of an emergency, crime, or violation of the Code. A determination that the reported emergency or conduct cannot be proven does not necessarily indicate a knowingly false report.
11. **False Representation(s):** Knowingly making false representation(s) to the University in any form. Submitting false information, documentation or withholding information. False representation at the time of admission or readmission may cause an individual to be ineligible for admission to, or continuation at, the University of Wyoming.
12. **False Identification:** Knowingly providing/presenting, creating, or possessing false, falsified, or forged materials, documents, accounts, records, identification, payments, or financial instruments.
13. **Fire Safety:** Engaging in misuse or unauthorized use of firefighting, fire sprinkling systems, and other safety equipment or warning devices, engaging in behavior that creates a fire hazard, and failure to evacuate when a fire alarm is activated.
14. **Forgery or Unauthorized Use:** Forging or using without authorization any University documents or records, financial aid documents, computers, electronic mail, telephones, identification, or property.
15. **Harassment:** Repeated, persistent, severe, or pervasive conduct that unreasonably interferes with an individual's work or academic performance or creates an intimidating or hostile work or educational environment. Examples include targeted threats, intimidation, coercion, or other conduct that is objectively offensive to a reasonable person. Petty slights, annoyances, and isolated incidents (unless extremely serious) will not meet this definition.
16. **Hazing:** Any intentional act or situation that causes embarrassment, harassment, or ridicule, risks emotional, mental, or physical harm, or that destroys, damages, or removes public or private property, and is committed for the purpose of initiation, admission into, affiliation with, advancement within, or general member participation in a group, organization, team, social or academic program, regardless as to whether or not the actions are sanctioned or approved by the organization, and regardless of the hazed person's willingness to participate. Apathy or deference in the presence of hazing is not neutral; both are also violations.



17. **Interfering with Freedom of Movement:** Intentionally or substantially interfering with another’s freedom of movement, including the free flow of pedestrian or vehicular traffic.
18. **Interfering with active bystander:** Intentionally or substantially interfering with, intimidating, threatening, harassing, or retaliating against others for engaging in bystander intervention to prevent or report potential harm, violence, or sexual misconduct.
19. **Interfering with the Conduct Process:** Interfering with conduct procedures or outcomes, including, but not limited to: falsification; distortion or misrepresentation of information; knowingly initiating a complaint without good cause; harassment or intimidation of a Hearing Officer, participants, or University personnel before, during, or after a proceeding; violating interim measures; and failure to comply with the sanction(s) imposed by either the Dean of Students, their designee, or Hearing Officer.
20. **Misuse or Theft of Computer Data, Equipment, Programs, Time, and/or Violation of Information Technology Policies:**
  - a. Unauthorized entry into a file to use, download, read, transfer, or to change the content, or for any other unauthorized purpose.
  - b. Unauthorized use of another individual’s identification and password.
  - c. Use of technology resources to interfere with the work of another student, staff, faculty member or University official.
  - d. Use of technology resources to cyber stalk, send obscene messages, or otherwise violate the law.
  - e. Use of technology resources to interfere with normal operation of the University computing system.
  - f. Attempting to modify system facilities including the introduction of electronic vandalism, e.g., “viruses,” “worm,” or other destructive or disruptive programs and devices, into University computing resources, whether on its premises or connected to it by network.
  - g. Unauthorized use of technology resources for personal profit, to commit crimes and/or otherwise engage in unlawful conduct.
  - h. Unauthorized copying, reverse engineering, reproduction, or file sharing of licensed software on University computing equipment.
21. **Physical Violence:** Engaging in physical violence of any nature against any person, service animal, or pet. This includes fighting; assaulting; battering; using or threatening to use a knife, firearm, or other weapon; physically abusing, restraining, or transporting someone against their will; acting in a manner that threatens or endangers the physical health or safety of any person or causes reasonable apprehension of such harm or injuries resulting in death.
22. **Property Damage:** Defacing, damaging, or destroying University property or the property of another, including but not limited to any member of the University community.
23. **Reckless Endangerment:** Reckless endangerment of others including illegal driving under the influence of alcohol and/or controlled/illegal substances.
24. **Retaliation:** Any form of abuse, threat, intimidation, bullying, coercion, harassment, or attempt to influence or interfere with another individual or group who submits a report, cooperates with any investigation, acts as or chooses not to act as a witness in relation to an alleged violation of the Student Conduct Code, University policy, or any federal or state law or local ordinances. For more information, see [UW Regulation 4-2](#) and [UW Regulation 4-3](#).
25. **Sexual Assault:** Conduct on the basis of sex or that is sexual in nature that meets either of the following:



- a. **Sex Offenses, Forcible:** Any sexual act directed against another person, without that person's consent, including instances in which that person is incapable of giving consent.
    - i. Examples include sexual touching or fondling, however slight, of a person's intimate parts (such as genitalia, groin, breast, buttocks, mouth, or clothing covering same) without consent or by force; non-consensual touching with any of these body parts; one person making another touch them or themselves with or on any of these body parts or any other intentional bodily contact in a sexual manner; any penetration with any object, by a person upon another person that is without consent, and/or by force, including anal, oral, or vaginal or penetration by a penis, object, tongue, or finger and mouth-to-genital contact, no matter how slight the penetration or contact.
  - b. **Sex Offenses, Non-forcible:**
    - i. Incest: Non forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Wyoming law.
    - ii. Statutory Rape: Non forcible sexual intercourse with a person who is under the statutory age of consent in Wyoming.
- 26. Sexual Exploitation of Adults:** Occurs when one person takes non-consensual or abusive sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. When a person for any purpose, knowingly:
- a. Allowing other individuals to observe private sexual activity from a hidden location (e.g., closet) or through electronic means (e.g., FaceTime, Snapchat, Skype or live-streaming of images) without consent of all participants;
  - b. Engaging in voyeurism (e.g., watching private sexual activity without the consent of the participants or viewing another person's intimate parts (including genitalia, groin, breasts, or buttocks) in a place where that person would have a reasonable expectation of privacy);
  - c. Non-consensual digital, video, or audio recording of nudity or sexual activity;
  - d. Unauthorized sharing or distribution of digital, video, or audio recording of nudity or sexual activity;
  - e. Intentionally or recklessly exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals
  - f. Prostituting another person or engaging in sex trafficking
  - g. Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising the person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
  - h. Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections
  - i. Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
- 27. Sexual Exploitation of Minors:** When a person for any purpose, knowingly:
- a. Causes, induces, entices, coerces, or permits a minor to engage in, or be used for, the making of child pornography;
  - b. Causes, induces, entices, or coerces a minor to engage in, or be used for, any explicit sexual conduct;
  - c. Manufactures, generates, creates, receives, distributes, reproduces, delivers, or possesses with the intent to deliver, including through digital or electronic means, whether or not by computer, any child pornography; or
  - d. Possesses child pornography (except as outlined in Wyoming Statute 6-4-303 (b)(iv)).
- 28. Sexual Harassment:** Conduct on the basis of sex or that is sexual in nature that satisfies one or more of the following:



- a. A person acting on behalf of the University in a position of authority conditioning the provision of any aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct (quid pro quo);
- b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity; or
- c. Sexual assault, as defined in this section.

Subsections (a) and (c) are not evaluated for severity, pervasiveness, or offensiveness, because such conduct is sufficiently severe to deny access to the University's education program or activities.

- 29. Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer significant emotional distress.
- a. Course of conduct means two or more acts, including, but not limited to, acts in which the responding party directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveys, threatens, or communicates to or about a person, or interferes with a person's property. Stalking can include repeated, unwanted, intrusive, and/or frightening communications by phone, text, social media, mail, or email; following or waiting for a person at their home, school, work, or other locations, and other actions that control, track, or frighten the targeted individual.
  - b. Reasonable person means a person under similar circumstances and with similar identities to the Impacted Party.
  - c. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- 30. Technological abuse:** an act or pattern of behavior that is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to: artificial intelligence, internet enabled devices, online spaces and platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices, or communication technologies, or any other emerging technologies.
- 31. Theft:** Engaging in theft, attempted theft, or unauthorized possession of property.
- 32. Unauthorized Entry:** Entering, or using without proper authorization, any physical property, vehicle, equipment, building, or area. This includes unauthorized possession or use of University keys, ID cards, computers, lock combinations or other restricted access codes, or passwords.
- 33. University Policies:** Failing to comply with University policies, rules, regulations, or other guidelines, including but not limited to syllabi and other classroom policies. See the Other Important Policies section of this Code for links to some of these relevant University policies.
- 34. Violations of Law:** Violations of federal, state, or local law on University premises, at University functions, or off campus that have an adverse impact on the University or community members.
- 35. Weapons:** Possessing, using, or storing firearms, explosives (including firecrackers), weapons, ammunition, or dangerous chemicals in University facilities or in the course of any University activity without prior authorization by the University of Wyoming Police Department (UWPD). This includes, but is not limited to, BB guns, paintball guns, knives more than 3 inches long, swords, crossbows, handguns, shotguns, and rifles. See [UW Regulation 6-4](#) for more information. Note that any object perceived to be a weapon or used with the intent to cause bodily harm is considered a weapon.



### **III. STUDENT CONDUCT PROCESS AND PROCEDURES**

The University views the conduct process as an educational experience that can promote growth in personal understanding of one's role as a member of an educational community and one's rights, responsibilities, and privileges therein. The goal of the student conduct process is to determine whether a student or organization is responsible or not responsible for violating the Code of Student Conduct; therefore, when issuing a notice of allegation, the university does not make an assumption either way but rather reviews all of the evidence available to make a determination of responsibility.

#### **A. DUE PROCESS IN THE CONDUCT PROCESS**

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

#### **B. RIGHTS & RESPONSIBILITIES IN THE PROCESS**

During the conduct process, the Responding Party (and Impacted Party, when applicable) is entitled to:

- receive a written notice of the alleged violation(s) including time, date, place, and those involved (if known).
- request an explanation of the student conduct process and available resolution options.
- be accompanied by a support person and advisor of their choosing during the conduct process. These persons are limited to a non-speaking advisory role.
- receive access to the information and documents to be presented at the hearing in advance.
- be present during the entire proceeding, except during the Hearing Officer deliberation.
- choose not to participate or to discontinue participation in the process. However, the University may, at its discretion, continue to investigate and act.
- have an opportunity to present information, respond to information submitted by the others (when another is involved), and identify witnesses who may have relevant information.
- be provided with a copy of the completed investigation report (when investigations are initiated), as allowed by law.
- receive a written notification of the outcome of the conduct process.
- be informed of the procedures and deadline for appealing the outcome.

During a conduct process (including investigations), the Responding Party (and Impacted Party, when applicable) have the responsibility to:

- be respectful and truthful in all interactions with the Hearing Officer, Appeals Officer, and other participants.
- read the Student Code of Conduct and other documents related to a specific student's conduct proceeding.
- adhere to the stated deadlines.
- prepare documents and challenge information presented against them if they so choose.

#### **C. STANDARD OF PROOF**

The standard of proof is a preponderance of the evidence, which means the information available shows that the fact sought to be proved is more probable/likely than not. For a student to be found responsible, the available information must support the determination that it is more likely than not that a violation of the Student Code of Conduct occurred.

#### **D. ACCOMMODATIONS**

The Dean of Students Office is committed to providing reasonable accommodations to ensure a fair and safe process for all participants in a conduct resolution process. If a student wishes to request accommodation related to this Code based on disability, the request should be made through the University Disability Support Services office. Accommodation related to other issues, including but not limited to, personal safety and language differences, may be requested through the Dean of Students Office.



#### E. INVESTIGATORY MEETINGS

There are some instances in which the university needs more information to determine how to best proceed with an allegation of student misconduct. In such a case, the university may initiate investigatory meetings. Investigatory meetings may be conducted with the responding students/student organizations, complainants, witnesses, reporting parties or any other individuals who may have knowledge of the case to gather more information. During an investigatory meeting, the university is looking into the nature of the reported incident, complaint or notice, the evidence available, and information related to the parties involved. For cases involving certain types of harassment, sexual misconduct, discrimination, or interpersonal violence, investigatory meetings will be managed by EORR.

#### F. TITLE IX SEXUAL MISCONDUCT, INTERPERSONAL VIOLENCE, HARASSMENT AND DISCRIMINATION

Cases involving allegations of sexual assault, sexual exploitation, dating violence, domestic violence, stalking, harassment, and discrimination will be investigated by the University's Equal Opportunity Report and Response Team (EORR) under the [Equal Opportunity, Harassment, and Nondiscrimination Policy](#). Cases can be referred to the Dean of Students Office for adjudication when a finding of responsibility is made by EORR.

#### G. ADMINISTRATIVE MEASURES

The Dean of Students or designee may take immediate administrative action deemed necessary for the health and safety of the University community and/or preservation of property. These actions may be taken without a formal complaint, conduct process, or a finding of responsibility. The Dean of Students or designee shall provide written notification to the student who is issued an administrative action. The notice will include a description of the alleged misconduct; a notation to the Code provisions that are alleged to have been violated; the effective date of the administrative action; and information on the appeal process. These administrative actions include, but are not limited to:

- 1. Class and/or Lab Removal or Alternatives:** The Dean of Students or designee, in consultation with the class instructor, may temporarily bar a student from attending class pending an investigation or hearing for alleged violations of the Student Code of Conduct occurring in the classroom that substantially interfere with teaching or other students' ability to learn.
- 2. No Contact Order:** A No Contact Order is a prohibition from contact with a specified person or persons in any form whatsoever, including, but not limited to, contact in person, by phone, electronically, or through other persons for a specified time. When a no contact order is issued, 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 order. A no contact order shall be deemed sufficient if delivered via the student's University email address. Failure to comply with this administrative action may result in disciplinary action.
- 3. Pending Conduct Transcript Notation:** The Dean of Students may place a comment on a student's transcript regarding the conduct matter if the University is in the process of determining whether the student has violated the code and the potential outcome could be suspension or dismissal. Official transcripts requested before conduct matters are resolved will include a notation indicating conduct proceedings are in progress.
- 4. Student Account Holds:** The Dean of Students or designee may request a disciplinary hold to be placed on the student account which would restrict a student's ability to enroll at the University, register for classes, make schedule adjustments, or have a diploma issued. Holds may be placed when a student is placed on temporary suspension, temporary housing suspension, trespass, during conduct or investigation proceedings, when a student withdraws from the University before a conduct proceeding has been completed, and when a student fails to respond to official communications of the Dean of Students Office. Holds may also be placed when a student has failed to complete any assigned sanction(s). Students who are under investigation or otherwise involved in conduct proceedings will not have degrees issued until the conclusion of the conduct processes, unless otherwise determined by the Dean of Students.



5. **Temporary Housing Suspension:** If the conduct or behavior of a student residing in any University of Wyoming residence halls or apartments is determined by the Dean of Students and the Director of Residence Life to be a threat to others, the ability to live in these facilities may be immediately suspended pending the outcome of a conduct proceeding. During an interim housing suspension, the student is immediately removed from University housing and is not to re-enter any campus housing until a hearing is held and/or a decision regarding the pending complaint has been made.
6. **Temporary Suspension:** In cases where the safety and well-being of members of the University community, the preservation of university property, or when a student poses a substantial threat of disruption of, or interference with, the normal operation of the University, the Dean of Students, with written permission from the Vice President for Student Affairs, may suspend a student for the period of time required to allow a thorough investigation and any potential conduct proceedings.
7. **Trespass:** Consistent with [Presidential Directive 2-2014-1](#), when an individual's actions are deemed to be harmful and/or disruptive to the University and/ or its individual members, contrary to the University's policies, rules, or regulations, or where the individual's actions are contrary to law, an individual may be legally barred from University owned or controlled properties. Failure to comply with this trespass order may result in additional disciplinary action.
8. **Other Administrative Actions:** The Dean of Students or designee may also impose additional administrative actions related to on-campus housing, University employment or activities, and access to university facilities or services, if deemed necessary for the welfare or safety of the University community.

## H. CONDUCT PROCEEDINGS

The University may initiate the conduct process based on information received from any source, including any individual, a university official, staff, faculty, student, social media, online reports, or a law enforcement agency. The Dean of Students appoints a designee to review all conduct allegations, determine whether they fall within the jurisdiction of the Code, whether the allegations pertain to individual and/or student organizational misconduct, and manage the proceedings. All reports of misconduct, regardless of the time elapsed between the date of the incident and the date of the report will be assessed. When told of a potential Code violation, the Dean of Students may assist in the matter's resolution without referring the complaint to a conduct process. Additionally, conduct allegations will be resolved even when a student chooses to withdraw before the allegations have been resolved.

In these cases, the Dean of Students team may take the following actions for both students and student organizations:

- i. **Alternative Resolution Referral:** When informed of a potential violation of the Code, the Dean of Students or designee may assist in the resolution of the matter through an alternative resolution process without referring the complaint to a conduct process. If the student or organization chooses to participate in the alternative resolution option offered to them, and complies with all requirements, the incident will not be maintained as part of the reportable student conduct record. This resolution process will not be used in cases with significant and egregious adverse impact to the campus community or one of its members. Alternative Resolution may include shuttle diplomacy, restorative practices, mediation, facilitated dialogue, conflict coaching, workshop, etc. If the student or student organization does not complete the alternative resolution process, they will be referred to the Dean of Students or designee.
- ii. **Notice of Alleged Violation and Community Values Intake Meeting:** The Dean of Students Office sends a notice of allegation to the student and/or student organization who is the subject of the report or complaint via the student's University email address. In cases where the Responding Party is an organization, the Dean of Students Office sends the notice of allegation to the organization's highest-ranking officer and the organization's advisor, both as listed with the University. The Dean of Students Office reserves the discretion to send the notice of allegation to other member(s) of the organization if there is concern about conflict. This action fulfills the obligation to provide notice to the Responding



Party regarding conduct allegations. Some cases may involve additional inquiry, investigation, or information gathering. The notice of alleged violation shall include:

- a description of the alleged misconduct.
- a notation to the Code provisions that are alleged to have been violated.
- information on how to receive an explanation of the conduct process.
- information on the right to an advisor and how to request a Process Advisor.
- a scheduled meeting time, date, and location for a Community Values Intake Meeting with directions as to how a student can reschedule if needed.

During the Community Values Intake Meeting, the Dean of Students, or designee, will meet with the student and/or student organization to explain the handling of conduct matters and processes, student rights and responsibilities, available documents, possible sanctions, answer any questions the student may have, and determine next steps. The student may be advised by a support person/advisor of their choosing. However, the advisor is limited to advising the student and may not present information or make statements during this meeting or subsequent proceedings.

The student has an opportunity to respond to the alleged violations of behavioral expectations as outlined in the Notice during this meeting or can choose to wait until the alternative resolution/ informal resolution/ hearing as noted below. As part of this process, the student(s) will be asked to share their perspective related to the alleged violations and discuss personal responsibility as well as any community impact. Most students are apprehensive about coming to talk to a university official about their misconduct; yet the conversation is meant to be educational, informal, and grounded in helping the student grow from the experience regardless of the outcome.

If a student requests additional time to prepare materials or meet with an advisor, the Dean of Students, or designee, can pause and schedule a follow-up meeting or provide a deadline for decision within ten (10) business days. For cases referred to a Student Conduct Hearing, the Hearing Officer will discuss and explain the hearing procedure and answer questions for the student. Timelines related to the Student Conduct Hearing are noted below.

Over the course of the Community Values Intake Meeting, one of the following outcomes may occur:

- a. Use of the Health and Safety Exemption:** No formal conduct record or disciplinary sanction occurs based on the application of the policy, but educational and/or interventional sanctions may be assigned.
- b. Informal Resolution:** When informed of a potential violation of the Code the Dean of Students or designee may assist in the resolution of the matter through an informal resolution process. Outcomes of the informal resolution process are maintained as part of the Responding Party's conduct record. Informal resolution options are binding; if the Responding Party does not complete the informal resolution outcomes, the case will be referred for a Student Conduct Hearing, applicable interim measures may be implemented, and they may face additional disciplinary action. Options may include restorative practices, shuttle diplomacy, mediation, etc. Informal Resolution may still result in a status sanction.

If the Code violation involves an Impacted Party, Informal resolution may be initiated only when the following circumstances are met:

- The Responding Party acknowledges impact for the reported behavior; and
- The Dean of Students agrees that an informal resolution is appropriate and will address the individual and community impacts of the behavior.

If the parties agree on a resolution, the parties shall sign a document indicating the terms of the agreement. There shall be no hearing or appeal and sanction(s), if any, shall be applied.





The Dean of Students will evaluate whether this resolution process can be used in cases with significant and/or adverse impact to the campus community or one of its members (e.g., physical violence, sexual/interpersonal violence). Impacted Parties have the right to review informal resolution options with the Dean of Students or designee. However, proceeding with an informal resolution rest with the Dean of Students or designee.

- c. **Student Conduct Hearing:** The case may move to a Student Conduct Hearing. A student can request to resolve the matter during the Community Values Intake Meeting, or the Student Conduct Hearing will be scheduled within thirty (30) business days. Any deviations to this timeline are up to the decision of the Hearing Officer. As part of this process, the Responding Party will be asked to share their perspective related to the alleged violations and discuss personal responsibility as well as any community impact. The Responding Party may choose to acknowledge responsibility for the alleged violation(s) or waive the Student Conduct Hearing and accept the sanction(s), otherwise the assigned Hearing Officer will determine the level of responsibility based on the available information. The Hearing Officer will determine responsibility using a preponderance of the evidence standard. The outcomes (findings and sanctions) of a Student Conduct Hearing can be appealed.
  - d. **Case Dismissed:** If the reported conduct does not constitute a violation, or there is insufficient information to move forward with conduct proceedings, the Dean of Students will close the case, notify relevant parties as applicable, and offer all student(s) support resources or referrals.
- iii. **Failure to Respond/Missed Hearings:** If the Responding Party does not attend the Community Values Intake Meeting or any subsequent meetings (e.g. Student Conduct Hearing), fails to follow instructions given in the notice or submit requested documentation within a reasonable specified time, fails to reschedule by the date specified in the notice, then the Dean of Students or designee may place a hold on the student’s account or the Hearing Officer may proceed in the student’s absence and will make a decision with the information available on record.

## I. CONDUCT HEARINGS

### 1. Prior to a Hearing

- a. The Dean of Students, or designee, shall notify the Responding Party of the relevant details and schedule the conduct hearing within thirty (30) business days of the decision to move to a hearing. Exceptions to this period or calls to reschedule may be made upon request in extraordinary circumstances and are up to the decision of the Hearing Officer. Accommodating an advisor’s schedule does not constitute an extraordinary circumstance.
- b. The Dean of Students Office and the student(s) shall exchange all relevant documents no later than five (5) business days prior to the conduct hearing. Any participant who fails to submit information or exchange information as required by the deadline(s) may be barred from presenting that information in the hearing, at the discretion of the Hearing Officer.
- c. An Impacted Party will have the right to present information prior to the hearing, observe the hearing, provide a closing/impact statement, bring an advisor to the hearing, be notified of the outcomes of the student conduct proceedings at the same time as the Responding Party and appeal the outcome of the hearing.

### 3. Hearing Participants and Roles

- a. Advisors are limited to advising the student and may not present information, question participants, or make statements during the proceedings. Other support persons may be allowed to observe the hearing at the Hearing Officer’s discretion.
- b. Neither Responding Party nor Impacted Party are required to be present at the hearing for the hearing to proceed. In such instances, the Hearing Officer’s review will be limited to hearing



documents. However, should a student choose to not contribute new information or challenge what is presented in the hearing, the Hearing Officer will be limited in what can be reviewed when determining responsibility for alleged violations.

- c. Students may submit witness statements to be considered in the Hearing. Character witnesses are not allowed to participate in a hearing process but may submit information in writing to the assigned Hearing Officer to be considered in sanctioning, should the Responding Party be found responsible.
- d. Impacted Parties will have the option of sharing a written impact statement for the University's consideration in the sanctioning of the Responding Party as part of the resolution process. Impact statements will be shared with the Responding Party during the resolution process.
- e. The Dean of Students appoints a Hearing Officer who shall preside over the hearing, consider all relevant documents and statements, keep order throughout the hearing process, exercise control over the hearing for efficiency and relevancy and determine all relevant timelines including any appropriate extensions.
- f. The Hearing Officer will not hear arguments about the legality of the procedures. Technical departures from the hearing procedure will not invalidate a decision, recommendation, or proceeding unless they have prevented a fair determination of the issues.
- g. The Hearing Officer will make determinations about the facts and the credibility of the information and determine by a preponderance of the evidence whether the student has violated the Code. The Hearing Officer will also determine appropriate sanction(s), if applicable.

#### **5. During the Hearing**

- a. The Hearing Officer will explain the hearing procedure and review the alleged violation(s) which led to the hearing and summarize the record.
- b. The Responding Party shall present information related to the alleged violations of the Code.
- c. The Hearing Officer will question the Responding Party and will consider any relevant information presented.
- d. All student conduct proceedings are closed to the public. The Hearing Officer may exclude from the proceedings any person who disrupts the hearing process or who fails to adhere to the explicit requests of the Hearing Officer.
- e. Technical rules of evidence and procedures applicable to civil and criminal court cases do not apply to hearings.

#### **6. Hearing Officer Decision**

- a. The Hearing Officer determines the finding of responsibility for each charge based on the preponderance of information standard—whether it is more likely than not that the Responding Party engaged in prohibited conduct. If found responsible for engaging in prohibited conduct as outlined in the Student Conduct Code, the Hearing Officer will determine appropriate sanctions based on the incident's severity, impact on others, and the Responding Party's student conduct record. A Hearing Officer has ten (10) business days from the date of the hearing to provide a decision in writing via email to the student's University email address. The number of days may be extended at the discretion of the Hearing Officer, who will notify all parties of any delay. In cases resulting in dismissal, the Hearing Officer will make the recommendation to the Dean of Student who will notify the parties of the hearing outcome.
- b. The Hearing Officer will consider information shared at the meeting as well as any information shared in the Impacted Party's impact statement when making a sanctioning decision.
- c. The hearing outcome will include the findings of responsibility, rationale for the findings, sanctions (if applicable), and information on the appeal process. In cases involving an Impacted Party, they will also be notified of the Hearing Officer's decision and information on the appeal process at the same time as the Responding Party. If the Hearing Officer finds that there is insufficient information to establish responsibility for violation(s) of the Code, the allegations will be dismissed.



d. The Responding Party and Impacted Party, when applicable, may appeal the decision.

7. **Hearing Recording:** Student Conduct Hearings may be recorded by the Hearing Officer. If the student or student organization requests a copy, the recording of the hearing will be transcribed at the expense of the student/student organization and prepared by a credentialed transcriptionist. Alternatively, the recording may be made available to the Responding Party and any Impacted Party for viewing at the Dean of Student's Office. Reproduction of the recording in any way by a Responding Party, Impacted Party, witness, or Support Persons/Advisors is prohibited.

#### J. STUDENT CONDUCT PROCEDURES FOR ALLEGATIONS INVOLVING AN IMPACTED PARTY

An Impacted Party is someone identified by the Dean of Students Office, or the Hearing Officer, as an individual or individuals directly impacted by alleged violence and/or abuse (including domestic violence, dating violence, sexual misconduct, or stalking).

1. **Informal Resolution:** the Dean of Students or designee will meet with the Impacted Party before the Community Values Intake Meeting to review the reported information, collect information on impact(s), and determine available resolution options. Informal resolution as outlined in this Code may be initiated when the following circumstances are met: the Responding Party acknowledges impact for the reported behavior; and the Dean of Students agrees that an informal resolution is appropriate and will address the individual and community impacts of the behavior.
  - a. Impacted parties will have the option of sharing a written impact statement for the University's consideration in the sanctioning of the Responding Party as part of the resolution process. Impact statements will be shared with the Responding Party during the resolution process.
  - b. The Hearing Officer will consider information shared at the meeting as well as any information shared in the Impacted Party's impact statement when making a sanctioning decision.
2. **Conduct Hearing:**
  - a. For conduct hearings, as outlined in Section (IV)(E) of this Code, the following specific procedural elements will also apply in conduct cases involving an Impacted Party.
  - b. An Impacted Party will have the right to present information prior to the hearing, observe the hearing, provide a closing/impact statement, bring an advisor to the hearing, be notified of the outcomes of the student conduct proceedings at the same time as the Responding Party and appeal the outcome of the hearing.
  - c. Generally, in cases of sexual misconduct, the sexual history of the parties is irrelevant and will not be considered information. However, prior sexual history may be considered under the following limited circumstances at the discretion of the Hearing Officer.
    - i. Where there exists a prior or ongoing sexual relationship between the parties. The prior sexual history between the parties may be relevant only to assess the manner and nature of communications between the parties as it relates to consent. The mere fact of a prior relationship is not sufficient to constitute consent.
    - ii. To establish a pattern or practice of similar conduct
    - iii. To explain an injury or physical evidence.
  - d. Neither Responding Party nor Impacted Party are required to be present at the hearing for the hearing to proceed. In such instances, the Hearing Officer's review will be limited to hearing documents. However, should a student choose to not contribute new information or challenge what is presented in the hearing, the Hearing Officer will be limited in what can be reviewed when determining responsibility for alleged violations.

#### D. STUDENT CONDUCT PROCEDURES FOR ALLEGATIONS INVOLVING A STUDENT ORGANIZATION

Student Organizations (including club sports and fraternities/sororities) are held to the same behavioral expectations as individual students. These organizations are afforded the same rights and obligations under the Code, including being subject to the conduct proceedings outlined herein, and would be subject to the same conduct sanctions. Student Organizations also have access to the same conduct proceedings as individual



students. As with individual students, student organizations are responsible for knowing the community standards, expectations for conduct, and procedures outlined in this Code. They should also be aware of the other University regulations or policies, departmental policies or procedures, rules, or governing documents for which the group may be accountable. Failing to follow any of the policies may be a violation of the code.

In addition to conduct proceedings for student organizations, individual students who are members of a student organization may also be held responsible for their personal actions under this Code. Conduct proceedings for fraternities and sororities will be overseen by the Fraternal Standards Board and the Dean of Students Office at the sole discretion of the Dean of Students.

## E. SANCTIONS

When a student is found responsible for the allegation, it provides an opportunity to educate the student/student organization on the effects of their behavior and to affect a change in the student's behavior for the future. Sanctions are imposed immediately upon a determination of responsibility and may be retroactive to the date of the report. All sanctions imposed by the original Hearing Officer will be in effect during any potential appeal. A request can be made to the Dean of Students to delay implementation of sanctions until an appeal is decided, and the request will be granted or denied at the discretion of the Dean of Students based on exigent circumstances. Graduation, study abroad, internships/ externships, etc. do NOT in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal. In cases where the appeal results in reinstatement to the University or resumption of privileges, all reasonable attempts will be made to restore the student to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

"Progressive discipline," in connection with sanctioning, is the philosophy and practice that allows for prior sanctions to be considered if a student has a prior conduct record, and that the severity of the sanctions imposed may increase with each successive violation. Although not intended to be an exhaustive list, the following are sanctions that may be imposed, either singularly or in combination, for a student or student organization if a violation of the Student Code of Conduct is found.

### 1. Disciplinary Status Sanctions

- a. **Written Warning** is an official written notice that the student has violated University policies, is on notice that they must correct their behavior, and that more severe conduct action will be taken should the student be involved in other violations while enrolled at the University.
- b. **Conduct Probation** is a specified period during which the student is placed on formal notice that they are not in good standing with the University and that further violations of University policies may subject them to suspension or dismissal from the University.
- c. **Conduct Suspension** is the exclusion from enrollment in classes and other privileges or activities for a definite period not to exceed four years and until the conditions and all sanctions which are set forth in the hearing outcome letter are satisfied. A record of the action is maintained in the student's record in the Dean of Students Office. A transcript notation will be made indicating the student has been suspended from the University for conduct violations. This transcript notation may be removed upon graduation by written request of the Dean of Students. Any refund of tuition or fees will be subject to the University's normal withdrawal policy. Students will receive a "W" on all pending course work. A suspension for misconduct shall be effectuated by the Dean of Students.
- d. **University Dismissal** is a permanent termination of student status. A permanent record of the action is maintained in the student's record in the Dean of Students office. A transcript notation will be made indicating the student has been permanently dismissed from the University for conduct violations. Any refund of tuition or fees will be subject to the University's normal withdrawal policy. Students will receive a "W" on all pending course work. A dismissal for misconduct shall be



effectuated by the Dean of Students. Students who are dismissed from the University may be issued a one-year trespass by the University of Wyoming Police Department, pursuant to the University trespass procedures. UWPD can also consider extending the trespass. Trespassed students are not permitted on campus or in University buildings, facilities, or activities at any time for any reason, unless otherwise permitted by UWPD.

- e. **Degree Revocation:** Per [UW Regulation 2-120](#), the University reserves the right to revoke an awarded degree for cause, including but not limited to fraud in receipt of the degree.
  - f. **Transcript Notation** is automatic in cases of suspension and/or dismissal from the University.
2. **Intervention Sanctions:** address immediate behavior for which a student was found responsible.
- a. **Restriction:** is a limitation on a student's privileges for a period of time and may include, but not be limited to, the denial of the use of facilities or access to parts of campus, denial of the right to represent the University, or denial of participation in extracurricular activities not directly associated with academics (e.g., intramural sports, attending athletic events, student organizations, clubs, and associations, or leadership positions within housing, fraternities/sororities, or other organizations). Restrictions can also include issuance of a trespass by UWPD.
  - b. **Parent/Guardian/Emergency Contact notification:** may occur when a student under the age of 21 is found responsible for violations of the Student Conduct Code involving alcohol, drugs, or violence. A notification may also be made when a student is suspended or dismissed from University housing or from the University.
  - c. **Class Removal:** is assigned in consultation with faculty members for violations of the Student Code of Conduct occurring in the classroom that substantially interfere with teaching or other students' ability to learn.
  - d. **Residence Hall and UW Apartments Status Change and Access Restrictions:** The following sanctions may include:
    - i. restrictions on visitation to specified buildings or all University-managed housing.
    - ii. reassignment to another University-managed housing facility as determined by Residential Life staff.
    - iii. suspension from university-managed housing for a specified period, after which the student is eligible to return. Conditions for returning may be specified.
    - iv. removal from living in or visiting any University managed-housing facility.
    - v. trespass from University property.
3. **Educational Sanctions:** engagement in programs or activities to reflect on behaviors and opportunities for long-term connections in our community.
- a. **Educational and Behavioral Change Requirements** are assigned as an opportunity for personal development and can include, but are not limited to, attending alcohol or other substance education, writing a reflection essay, doing community service, seeking academic counseling, attending a decision-making class, and other relevant educational opportunities.
  - b. **Workshops** are designed to address specific knowledge or skill areas. These workshops are intended to help a student learn more about themselves and our shared communities.



c. **Restitution** is compensation for damage caused to the University or any person's property. This is not a fine, but rather a repayment for the value of property destroyed, damaged, consumed, or stolen.

4. **Student Organizations Sanctions:** As appropriate, all other sanctions listed above may be imposed on a student organization for violations of this Code. The following sanctions may also be imposed on student organizations:

- a. **Organizational Warning:** official disciplinary action conveying to the organization that its violated University policy, and that any future violation of this Code may result in more severe disciplinary action, including Organizational Probation, Organizational Suspension, or Revocation of University recognition. Notification will also be sent to any national or regional organization with which the Student Organization is affiliated.
- b. **Organizational Probation:** a period in which the organization's behavior is under University review, conveying that the behavior was unacceptable, and that any future violation of this Code may result in more severe disciplinary action, including Organizational Suspension or Revocation of University recognition. Notification will also be sent to any national or regional organization with which the Student Organization is affiliated.
  - i. Organizational Probation shall be imposed for at least the rest of the current semester.
  - ii. A Student Organization found to have violated this Code while currently on Organizational Probation shall be placed on Organizational Suspension as a minimum sanction. A Student Organization found to have violated this Code and previously been on Organizational Probation but not currently on Organizational Probation may be placed on Organizational Probation as a minimum sanction.
- c. **Organizational Suspension:** suspension of official University recognition for a period no less than the remainder of the current semester. Notification will also be sent to any national or regional organization with which the University Recognized Student Organization is affiliated.
  - i. Suspension will be effective immediately upon a Hearing Officer's decision.
  - ii. During the period of suspension, the Student Organization will have all benefits of University recognition suspended. A suspended Student Organization may not participate in University Sponsored Activities, participate in events and activities as an organization, use or schedule University facilities, and cannot use the University of Wyoming's name or marks in any manner for any purpose.
  - iii. The suspension and all associated documentation shall be maintained in the Student Organization official University records.
  - iv. A date at which time the Student Organization may request to be cleared by and returned to good organizational standing can be established contingent upon fulfillment of all requirements set forth by the Hearing Officer.
  - v. A Student Organization that has violated this Code and has been suspended within the last two (2) years shall be suspended as a minimum sanction.
- d. **Loss of Recognized Status:** Student Organizations that lose their recognized status will not be eligible to be recognized for a minimum period of one (1) academic year. Sanctions shall be effective immediately and all benefits given to a Student Organization shall be permanently removed. Recognized status may also be revoked per [UW Regulation 11-4](#).
- e. **Additional Sanctions:** sanctions that may be given in addition to Sections (IV)(J)(2) of this Code include, but are not limited to, the following:
  - i. loss of privileges or benefits granted to Student Organizations.



- ii. restitution for loss, damage, or actual expenses incurred as a result of the Recognized Student Organization behavior.
- iii. participation of Student Organization (its officers, other members, or full membership) in educational programming, including alcohol and other drugs counseling or reflection activities.
- iv. trespass from all or a portion of any University premises or University-sponsored activities.
- v. Any other sanction determined appropriate as a result of a conduct proceeding.

#### **5. Failure to Complete Sanctions or Comply with Requests**

As members of the University community, students and Student Organizations are expected to comply with conduct sanctions within the period specified. Failure to fully complete the assigned conduct sanctions by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions and a Dean of Students Office hold placed on the student's or Student Organization's account.

### **M. APPEALS**

A Responding Party may appeal a Hearing Officer's decision. In cases where an Impacted Party has been identified by a Hearing Officer, that individual also has a right to appeal the Hearing Officer's decision. A Hearing Officer's decision is considered final if an appeal is not submitted within the specified time. Appeals submitted by another party on a student's behalf will only be accepted when a student acknowledges and affirms that the appeal represents their position. The Dean of Students Office will assign an Appeals Designee who will review the appeal and the hearing record to determine one of the following actions:

- Deny the appeal,
- Send the case to the Dean of Students (or designee) to review the record, make any necessary modifications, and render a final decision, or
- Grant the appeal and convene an Appeals Hearing to review the record of the case. New information not available at the time of the initial hearing or investigation can be considered.

#### **1. Timeline and Process for Appeals**

- a. Appeals shall be made in writing by the student within five (5) business days of the Outcome Notice being delivered. Guidance on what should be included in a written conduct appeal will be provided in a student's conduct outcome letter.
- b. Both Responding Party and Impacted Party have the right to appeal the finding and sanctions, if any are issued.
- c. While an appeal is pending, the Responding Party must comply with all sanctions from the Hearing Officer's decision.
- d. An appeal may be sought on the following grounds:
  - i. On a claim of error in the conduct procedure; minor deviations from designated procedures will not be a basis for supporting an appeal unless there is an adverse effect on the outcome of the hearing.
  - ii. The sanction(s) imposed were not appropriate based on totality of the circumstance.
  - iii. There is new evidence that was not available at the time of the original hearing, and it may change the outcome of the hearing.
  - iv. On a claim that the Hearing Officer's decision was arbitrary, capricious, or biased.

#### **2. Appeals Hearing**

- a. If an appeal is referred to an Appeals Hearing, the Appeals Hearing shall occur within thirty (30) business days of the decision. Any deviations to this timeline are up to the decision of the Appeals Hearing Officer.
- b. The Appeals Hearing shall be convened by the Appeals Hearing Officer who will summarize the record on behalf of the University, manage the Appeals Hearing, ask questions of the relevant parties and act as decision maker.
- c. An appeal is limited to a review of the hearing record and supporting information that was evaluated in the decision-making process, unless the Appeals Hearing Officer determined in the



appeals review that there is new and relevant information presented that was not reasonably available at the time of the original investigation or hearing.

- d. Responding Party and Impacted Party are responsible for presenting information in response to the appeal and alleged violation(s) of the code, calling witnesses, and providing additional documentation for consideration to the Dean of Students Office ten (10) business days before the scheduled Appeals Hearing. A finalized Appeals Hearing packet will be shared by the Dean of Students Office with Responding Party, Impacted Party, and the Appeals Hearing Officer within five (5) business days of the Appeals Hearing.
- e. Responding Party and Impacted Party can make a five (5)-minute opening statement and a five-minute closing statement. All questioning of the parties will occur through the Appeals Hearing Officer.
- f. Any changes to this timeline are up to the discretion of the Appeals Hearing Officer.

### **3. Appeals Hearing Outcomes**

Within ten (10) business days of the Appeals Hearing, the Appeals Hearing Officer will take one of the following actions:

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

### **4. Appeals Designees and Appeals Hearing Officers**

- a. An Appeals Designee/Appeals Hearing Officer pool shall be established annually and comprised of members selected by the Dean of Students.
- b. Each annual pool of potential Appeals Officers shall consist of faculty, staff, and/or qualified persons external to the University.
- c. The Dean of Students Office shall train the pool at least annually.

## **N. CONDUCT RECORDS & CONFIDENTIALITY**

Reports referred to the Dean of Students will result in the development of a conduct file in the name of the Responding Party. If the student or organization is found not responsible for the allegations, the file will be marked no action. Conduct records with sanctions less than suspension or dismissal will be maintained in the Dean of Students Office for seven (7) years following the calendar year of record and then destroyed. Records of cases in which suspension from the University occurred are kept for at least ten (10) years. Records of cases in which dismissal from the University occurred are kept indefinitely.

Pursuant to the Family Educational Rights and Privacy Act (FERPA), the Dean of Students Office may disclose personally identifiable information in the event that the release of information is necessary to protect the health or safety of the student or other individuals. For more information about FERPA, including when student records can be released and to whom, please visit [the University's FERPA webpage](#). Individual conduct records may be requested by the student via email at [dos@uwyo.edu](mailto:dos@uwyo.edu). All conduct records are education records and may not be disclosed in whole or in part except as provided by law, by the written authorization of the student, under legal compulsion, or where the safety of other persons may be involved. Conduct records are maintained separately from the student's academic record but are part of the student's educational record and subject to FERPA.





## O. OTHER IMPORTANT POLICIES

The policies listed below outline expectations for all University of Wyoming students. As with the Code, students are expected to familiarize themselves with these policies (all available at [UW Regulations And Standard Administrative Policies & Procedures](#)).

- [Equal Opportunity, Harassment, and Nondiscrimination Policy and procedures](#)
- [Title IX and Sexual Misconduct \(UW Regulation 4-3\)](#)
- [Equal Education and Employment Opportunity \(UW Regulation 4-1\)](#)
- [Discrimination and Harassment \(UW Regulation 4-2\)](#)
- [Proper Use for Computing, Telecommunications, Network and Other Technology Resources Operated by the Division of Information Technology \(UW Regulation 8-1\)](#)
- [Use of Buildings, Grounds and Services \(UW Regulation 6-4\)](#)

Students living in university-managed housing (residence halls, apartments, etc.) or anyone visiting a student in these facilities should be aware of Residence Life Policies. Individual students should be aware of departmental policies and classroom expectations. Additionally, there may be honor codes or professional expectations articulated educational programs to which students are expected to adhere.

Student employees (e.g., student, work study) should be aware of Human Resources policies and expectations, in addition to the Student Code of Conduct. Individuals who are simultaneously employed by the University (e.g., Classified Staff, Administrative/Executive, Faculty/Academic, Part-Time Worker) and classified as a student will be expected to understand and adhere to the Student Code of Conduct, in addition to any Human Resources policies and expectations.

All Student Organizations should be aware of the governing policies and expectations by the offices who oversee their group, such as [Student Organization policies](#), [Club Sports policies](#), [Fraternity and Sorority Life Policies](#), etc. Students who are University of Wyoming Student Athletes, members of ROTC, and members of University of Wyoming fraternity and sororities are also held to expectations for those programs.