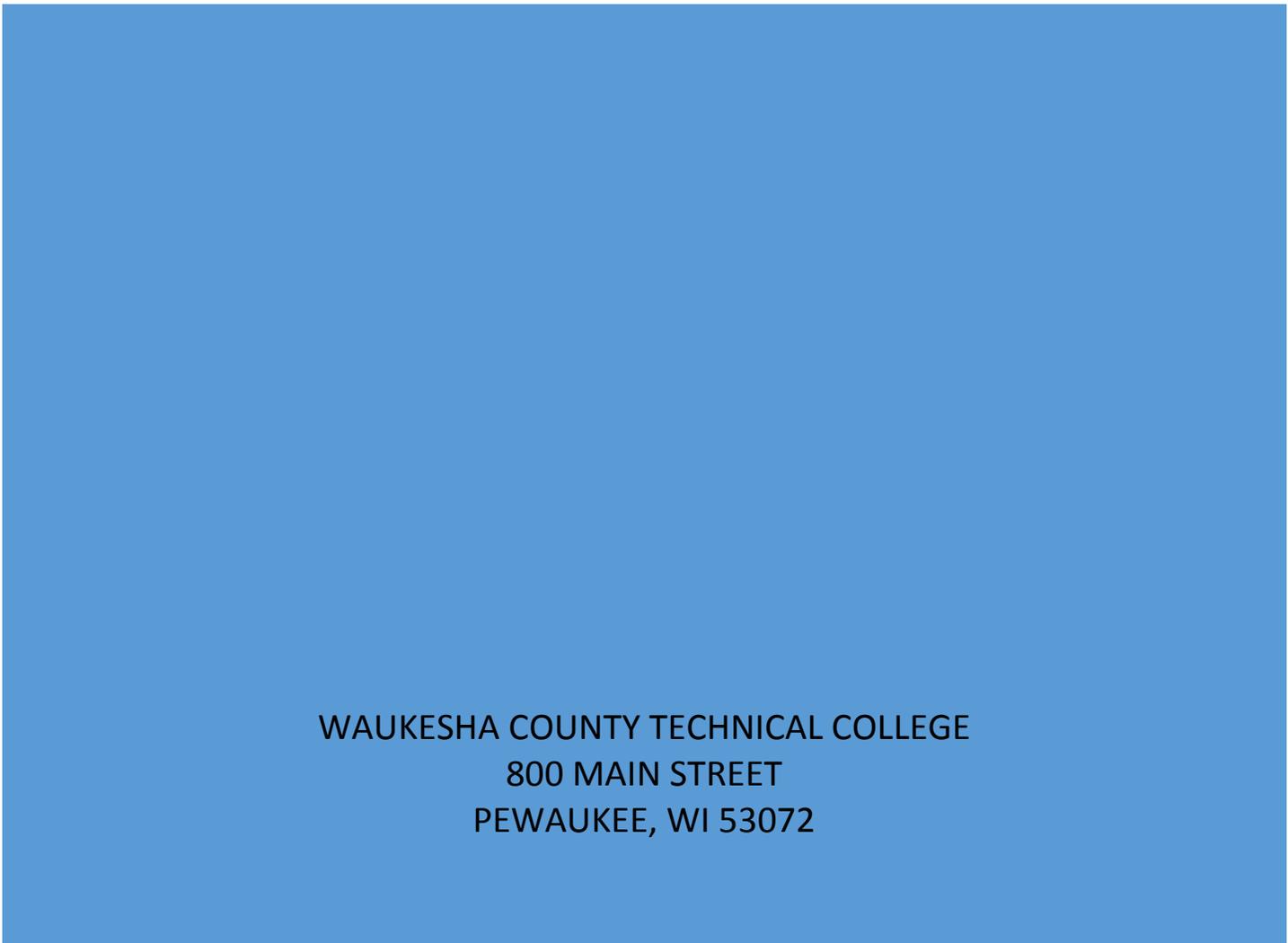




STUDENT CODE OF CONDUCT
AND
ACADEMIC ETHICS CODE OF
CONDUCT



WAUKESHA COUNTY TECHNICAL COLLEGE
800 MAIN STREET
PEWAUKEE, WI 53072



Student Code of Conduct

Preamble

WCTC, as a community dedicated to learning, personal growth and the advancement of knowledge, expects and requires the behavior of all of its students to be compatible with its high standards of scholarship and conduct. Acceptance of admission to WCTC carries with it an obligation for the welfare of its community.

All individuals and/or groups of the WCTC community are expected to speak and act with respect for the human dignity of others, both in and outside, and in social, recreational and academic activities. WCTC encourages the free exchange of ideas and opinions, but expects that the free expression of views will be made with respect for the human dignity and freedom of others. WCTC expects the highest standards of conduct for its students. While many standards of conduct parallel the laws of society in general, WCTC standards may be more stringent and set higher than the expectations of the law.

Core Values of Student Conduct at Waukesha County Technical College

- **Integrity:** WCTC students exemplify honesty, honor and a respect for the truth in all of their dealings.
- **Community:** WCTC students build and enhance their community.
- **Social Justice:** WCTC students are just and equitable in their treatment of all members of the community and act to discourage and/or intervene to prevent unjust and inequitable behaviors.
- **Respect:** WCTC students show positive regard for each other, for property and for the community.
- **Responsibility:** WCTC students are given and accept a high level of responsibility to self, to others and to the community.

WCTC students are responsible for knowing the information, policies and procedures outlined in this document. WCTC reserves the right to make changes to this code as necessary and once those changes are posted online, they are in effect. Students are encouraged to check online on the myWCTC student portal for the updated versions of all policies and procedures. By accepting admission to WCTC, a student accepts its rules and acknowledges the right of WCTC to take conduct action, up to and including suspension or expulsion.

The WCTC community is committed to fostering a campus environment that is conducive to academic inquiry, a productive campus life and thoughtful study and discourse. The student conduct program within the Office of Student Development is committed to an educational and



developmental process that balances the interests of individual students with the interests of the WCTC community.

A community exists on the basis of shared values and principles. At WCTC, student members of the community are expected to uphold and abide by certain standards of conduct that form the basis of the Student Code of Conduct. These standards are embodied within a set of core values that include integrity, social justice, respect, community and responsibility.

Each member of the WCTC community bears responsibility for their conduct and to assume reasonable responsibility for the behavior of others. When members of the community fail to exemplify the five core values listed above by engaging in violation of WCTC's Student Code of Conduct rules, campus conduct proceedings are used to assert and uphold the Student Code of Conduct.

The student conduct process at WCTC is not intended to punish students; rather, it exists to protect the interests of the community and to challenge those whose behavior is not in accordance with our policies. Sanctions are intended to challenge students' moral and ethical decision-making and to help them bring their behavior into accord with our community expectations. When a student is unable to conform their behavior to community expectations, the student conduct process may determine that the student should no longer share in the privilege of participating in this community.

Students should be aware that the student conduct process is quite different from criminal and civil court proceedings. Procedures and rights in student conduct procedures are conducted with fairness to all, but do not include the same protections of due process afforded by the courts. Due process, as defined within these procedures, assures written notice and a hearing before an objective decision-maker. No student will be found in violation of WCTC policy without information showing that it is more likely than not that a policy violation occurred and any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student.

SECTION 2: JURISDICTION

Students at WCTC are provided a copy of the *Student Code of Conduct* annually in the form of a link on the WCTC website. Hard copies are available upon request from the Student Life Office (C-121). Students are responsible for having read and abiding by the provisions of the *Student Code of Conduct*.

The *Student Code of Conduct* and the student conduct process apply to the conduct of individual students and all WCTC-affiliated student organizations.

WCTC retains conduct jurisdiction over students who choose to take a leave of absence, withdraw or have graduated for any misconduct that occurred prior to the leave, withdrawal or graduation. A hold may be placed on the student's ability to re-enroll and all sanctions must be



satisfied prior to re-enrollment eligibility. In the event of serious misconduct committed while still enrolled but reported after the accused student has graduated, WCTC may invoke these procedures and should the former student be found responsible, WCTC may revoke that student's degree or certificate.

The *Student Code of Conduct* applies to behaviors that take place on the campus, at WCTC-sponsored events and may also apply off-campus when the Director of Student Development or designee determines that the off-campus conduct affects a substantial WCTC interest. A substantial WCTC interest is defined to include:

- Any situation where it appears that the student's conduct may present a danger or threat to the health or safety of self or others; and/or
- Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes disorder; and/or
- Any situation that is detrimental to the educational mission and/or interests of WCTC;

The *Student Code of Conduct* may be applied to behavior conducted online, via email or other electronic medium. Students should also be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. WCTC does not regularly search for this information but may take action if and when such information is brought to the attention of WCTC officials. However, most online speech by students not involving the use of WCTC resources, networks or technology may not be subject to this Code, with two notable exceptions:

- A true threat, defined as "a threat a reasonable person would interpret as a serious expression of intent to inflict bodily harm upon specific individuals";
- Speech posted online about WCTC or its community member that causes a significant on-campus disruption.

The *Student Code of Conduct* also applies to students enrolled in partnership programs including, but not limited to, High School Completion and Dual Enrollment. Individuals who are visiting the campus are subject to expectations and actions that fall under the WCTC Visitor's Policy.

There is no time limit on reporting violations of the *Student Code of Conduct*; however, the longer someone waits to report an offense, the harder it becomes for WCTC officials to obtain information and witness statements and to make determinations regarding alleged violations.

Though anonymous complaints are permitted, doing so may limit WCTC's ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as



quickly as possible to the Office of Student Development and/or to the Village of Pewaukee Police Department, which provides safety and security for the Main Campus. A person making a complaint may request confidentiality; however, there may be circumstances in which WCTC cannot guarantee that a complaint (or the identity of the person making the complaint) will remain confidential, as the College must comply with all applicable laws regarding its duty to investigate issues and complaints brought to its attention.

WCTC email is WCTC's primary means of communication with students. Students are responsible for reviewing and being aware of all communication delivered by WCTC to a student's WCTC email address.

SECTION 3: VIOLATIONS OF THE LAW

Alleged violations of federal, state and local laws may be investigated and addressed under the *Student Code of Conduct*. When an offense occurs over which WCTC has jurisdiction, the WCTC conduct process will usually go forward notwithstanding any criminal complaint that may arise from the same incident.

WCTC reserves the right to exercise its authority of interim suspension upon notification that a student is facing criminal investigation and/or complaint. Interim suspensions are imposed until a hearing can be held, typically within two weeks.

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

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

SECTION 4: RULES AND REGULATIONS

A. Core Values and Behavioral Expectations

WCTC considers the behavior described in the following sub-sections as inappropriate for the WCTC community and in opposition to the core values set forth in this document. These expectations and rules apply to all students. WCTC encourages community members to report to WCTC officials all incidents that involve the following actions. Any student found to have committed or to have attempted to commit the following misconduct is subject to the sanctions outlined in Section 7: Conduct Procedures.



Integrity

WCTC students exemplify honesty, honor and a respect for the truth in all of their dealings.

Behavior that violates this value includes, but is not limited to:

1. **Falsification.** Knowingly furnishing or possessing false, falsified or forged materials, documents, accounts, records, identification or financial instruments;
2. **Academic Dishonesty.** Acts of academic dishonesty as outlined in the Academic Ethics Code of Conduct;
3. **Dishonesty or Deception.** Offering or accepting bribes in return for grades, services, etc.
4. **Unauthorized Access.** Unauthorized access to any WCTC building (i.e. keys, cards, etc.), facility, construction site or property, or unauthorized possession, duplication or use of means of access to any WCTC building;
5. **Collusion.** Action or inaction with another or others to violate this Code or Academic Ethics Code of Conduct;
6. **Trust.** Violations of positions of trust within the community;
7. **Election Tampering.** Tampering with the election of any WCTC-recognized student organization (minor election code violations are addressed by the Student Government Association (SGA));
8. **Taking of Property.** Intentional and unauthorized taking of WCTC property or the personal property of another, including goods, services and other valuables; Taking or keeping items belonging to the library or items placed in the library for display;
9. **Stolen Property.** Knowingly taking or maintaining possession of stolen property; Selling or attempting to sell textbooks unless the seller is the owner or can prove permission of the owner.

Community

WCTC students build and enhance their community. Behavior that violates this value includes, but is not limited to:

1. **Disruptive Behavior.** Substantial disruption of WCTC operations including obstruction of teaching, research, administration, other WCTC activities, and/or public service functions on or off-campus, and/or other authorized non-WCTC activities which occur on campus; Unruly and/or inappropriate classroom behavior; Having minor children or other non-student minors in the classroom or learning environments;
2. **Disorderly Conduct/Rioting.** Causing, inciting or participating in any disturbance that presents a clear and present danger to self or others, causes physical harm to others, or damage and/or destruction of property;
3. **Unauthorized Entry.** Misuse of access privileges to WCTC premises or unauthorized entry to or use of buildings, including trespassing, propping or unauthorized use of alarmed doors for entry into or exit from a WCTC building;



4. **Trademark/Copyright Infringement.** Unauthorized use (including misuse) of WCTC or organizational names and images or use of WCTC electronic resources to do the same regardless of ownership;
5. **Damage and Destruction.** Intentional, reckless and/or unauthorized damage to, destruction of or littering on WCTC property, the personal property of another, or property leased by registered student organizations; Damaging items rented, leased or placed on the campus at the request of WCTC; Driving motor vehicles on lawn or grounds without authorization; Failure to maintain an organization's facilities and/or surrounding property;
6. **IT and Acceptable Use.** Violating the WCTC Acceptable Use and Computing Policy, found online at on the myWCTC student portal. *Examples include:*
 - Misuse to bully or harass other individuals;
 - Downloading entertainment software or games;
 - Playing games against opponents over the College network or Internet;
 - Downloading, storing or forwarding music, audio, video, photos or graphics not directly related to required coursework;
 - Using instant message, chat or email during classroom testing;
 - Downloading or installing any software unless directed to do so by your instructor;
 - Copying or uploading any software licensed to the College or data owned by the College without the express authorization of the administrator responsible for the software and data;
 - Commercial solicitation and the distribution of information not directly related to a student's educational purpose;
 - Making unauthorized entry to computational information, communications devices or resources;
 - Vandalism and mischief that incapacitates compromises or destroys WCTC technology resources and/or violates federal and/or state laws;
 - Violating software copyrights and usage licensing agreements; or violating any federal, state, or local law/regulation or College policy/procedure;
7. **Gambling.** Gambling as prohibited by the laws of the State of Wisconsin. (Gambling may include raffles, lotteries, sports pools and online betting activities.)
8. **Weapons.** The use, concealment, creation, manufacture, or possession of weapons, facsimile firearms, and/or potentially dangerous devices, whether functional or not, in College buildings and facilities (owned or leased), or at College sponsored activities held on public or private property off campus is strictly prohibited, except as permitted hereafter. Items include: any type of firearm whether or not a permit is obtained; switchblade; knife (excluding eating utensils); a jackknife with a blade longer than 3 inches; metal knuckles; explosives; compressed gas-operated weapons; electric



weapons as defined in state statutes; archery equipment; knives which open by gravity, thrust or movement; martial arts weapons, and any other device which, based on the manner it is used or is intended to be used, is calculated or likely to produce bodily harm.

- a. Exceptions include knives possessed, transported or used by staff and students in the normal course of an educational program, provided that such possession, transport or use is not intended or likely to produce bodily harm. Pepper Spray, as allowed by state law, is not to be considered a prohibited weapon provided the spray is only used for personal defense.
 - b. Possession, transport of, use of weapons by individuals who are required to carry a weapon as part of their employment or education program, such as police science students and instructors and police officers, provided that such possession, transport or use is in accordance with all applicable laws and regulations and is in accordance with employment or educational requirements are permitted.
- 9. Tobacco and Tobacco look-alikes.** Tobacco or tobacco look-alike use is prohibited inside all college controlled vehicles, buildings, grounds, and parking lots. Tobacco products include but are not limited to cigarettes, cigars, pipes, chewing tobacco and electronic cigarettes (e-cigarettes). All sales and advertising of tobacco products on college campuses are prohibited. This includes the distribution of samples of tobacco products or coupons redeemable for tobacco products.

10. Fire Safety

Violation of local, state, federal or campus fire policies including, but not limited to:

- Intentionally or recklessly causing a fire which damages WCTC or personal property or which causes injury;
- Failure to evacuate a WCTC-controlled building during a fire alarm, fire drill or other emergency evacuation drill;
- Improper use of WCTC fire safety equipment; or
- Tampering with or improperly engaging a fire alarm or fire detection/ control equipment or other emergency notification and evacuation equipment while on WCTC property. Such action may result in a local fine in addition to WCTC sanctions.

11. Animals. Animals, with the exception of animals that provide assistance (e.g. service animals, such as seeing-eye dogs) are not permitted on campus except as permitted by law.

12. Wheeled Devices. Skateboards, roller blades, roller skates, bicycles and similar wheeled devices are not permitted inside WCTC buildings. This does not include wheeled devices to assist individuals with mobility related impairments or disabilities, such as wheelchairs, scooters and walkers. Additionally, bicycles, skateboards, rollerblades and other similar wheeled items which are not used because of mobility impairments may



not be ridden on railings, curbs, benches, or any such fixtures that may be damaged by these activities and individuals may be liable for damage to WCTC property caused by these activities.

Social Justice

Students recognize that respecting the dignity of every person is essential for creating and sustaining a flourishing WCTC community. They understand and appreciate how their decisions and actions impact others and are just and equitable in their treatment of all members of the community. They act to discourage and challenge those whose actions may be harmful to and/or diminish the worth of others. Conduct that violates this value includes, but is not limited to:

- 1. Discrimination.** Any action or that is based upon an individual or group's actual or perceived status (sex, gender, race, color, age, creed, national or ethnic origin, ancestry, physical or mental disability, veteran status, pregnancy status, religion, sexual orientation, citizenship, arrest record, conviction record, membership in the armed forces, National Guard, or other protected status) that is sufficiently severe that it limits or denies the ability to participate in or benefit from the WCTC's educational program or activities.
- 2. Harassment.** Any unwelcome conduct based on actual or perceived status including: sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, sexual orientation, citizenship, arrest record, conviction record, membership in the armed forces, National Guard, or any reserve component of the military forces of the United States or Wisconsin or other protected status. Any unwelcome conduct should be reported to campus officials, who will act to remedy and resolve reported incidents on behalf of the victim and community. For more information, please see the Discrimination/Harassment Policy or see the Student Portal.
- 3. Hostile Environment.** Sanctions can and will be imposed for the creation of a hostile environment only when unwelcome harassment is sufficiently severe, pervasive (or persistent) and objectively offensive that it unreasonably interferes with, limits or denies the ability to participate in or benefit from the WCTC's educational or employment program or activities.
- 4. Retaliatory Discrimination or Harassment.** Any intentional, adverse action taken by an responding individual or allied third party, absent legitimate nondiscriminatory purposes, against a participant in a civil rights grievance proceeding or other protected activity under this Code and under the College's Discrimination/Harassment Policy.



5. **Reputational Harm.** Any public conduct not protected by the First Amendment which casts the good name of WCTC in disrepute.

6. **Abuse of Conduct Process.** Abuse or interference with, or failure to comply in, WCTC processes including student conduct and academic ethics hearings including, but not limited to:
 - a. Falsification, distortion, or misrepresentation of information;
 - b. Failure to provide, destroying or concealing information during an investigation of an alleged policy violation;
 - c. Attempting to discourage an individual's proper participation in, or use of, the campus conduct system;
 - d. Harassment (verbal or physical) and/or intimidation of a member of a campus conduct body prior to, during, and/or following a campus conduct proceeding;
 - e. Failure to comply with the sanction(s) imposed by the campus conduct system;
 - f. Influencing, or attempting to influence, another person to commit an abuse of the campus conduct system.

Respect

WCTC students show positive regard for each other and for the community. Behavior that violates this value includes, but is not limited to:

1. **Harm to Persons.** Intentionally or recklessly causing physical harm or endangering the health or safety of any person.
2. **Threatening Behaviors:**
 - a. **Threat.** Written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property;
 - b. **Intimidation.** Intimidation defined as implied threats or acts that cause a reasonable fear of harm in another.
3. **Bullying and Cyberbullying.** Bullying and cyberbullying are repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally, and are not protected by freedom of expression. Cyberbullying is generally defined as using electronic devices such as computers, mobile telephones or tablets to engage in behavior which is intended to harass, discriminate and/or cause fear, intimidation or harm to others;
4. **Hazing.** Defined as an act that endangers the mental or physical health or safety of a student, or that destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to intervene to prevent (and/or) failing to discourage (and/or) failing to report those acts may also violate this policy;



5. **Intimate Partner/Relationship Violence.** Violence or abuse by a person in an intimate relationship with another (also called domestic and/or dating violence);
6. **Stalking.** Stalking is a course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to feel fear;
7. **Sexual Misconduct.** Includes, but is not limited to, sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, and/or sexual exploitation;
8. **Public Exposure.** Includes deliberately and publicly exposing one's intimate body parts, public urination, defecation, and public sex acts;
9. **Lewd or Obscene Conduct.** Possession or distribution of any obscene materials, as defined by the standards of WCTC community.

Responsibility

WCTC students are given and accept a high level of responsibility to self, to others and to the community. Behavior that violates this value includes, but is not limited to:

1. **Alcohol.** Use, possession, or distribution of alcoholic beverages or paraphernalia except as expressly permitted by law and the WCTC's Drug/Alcohol Policy;
2. **Drugs.** Use, possession or distribution of illegal drugs and other controlled substances or drug paraphernalia except as expressly permitted by law and the WCTC's Drug/Alcohol Policy;
3. **Prescription Medications.** Abuse, misuse, sale, or distribution of prescription or over-the-counter medications; For more information, please see the Drug/Alcohol Policy;
4. **Failure to Comply.** Failure to comply with the reasonable directives of WCTC officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so;
5. **Financial Responsibilities.** Failure to promptly meet financial responsibilities to the institution, including, but not limited to; knowingly passing a worthless check or money order in payment to the institution or to an official of the institution acting in an official capacity;
6. **Other Policies.** Violating other published WCTC policies or rules;
7. **Health and Safety.** Creation of health and/or safety hazards (dangerous pranks, hanging out of or climbing from/on/in windows, roofs, etc.) or failure to comply with safety expectations as outlined in any course syllabi;
8. **Violations of Law.** Evidence of violation of local, state or federal laws, when substantiated through the WCTC conduct process.

SECTION 5: OVERVIEW OF THE CONDUCT PROCESS

This overview gives a general idea of how WCTC's campus conduct proceedings work, but it should be noted that not all situations are of the same severity or complexity. Thus, these procedures are flexible, and are not exactly the same in every situation, though consistency in similar situations is a priority. The campus conduct process and all applicable timelines commence when a complaint of a potential violation of a WCTC policy is received by a College



Administrator. More details regarding each of these steps are provided in the following Sections.

1. Complaint is received.
2. Notice of the complaint is issued to alleged violator.
3. Investigation is conducted.
4. Hearing takes place for alleged violator to respond to the complaint.
5. Determination of sanction if alleged student is found responsible for violation.
6. Request for Appeal. (Violator has the right to appeal only if the sanction is a suspension or expulsion from the College).

SECTION 6: STUDENT CONDUCT AUTHORITY

A. Authority

The authority over non-academic student behavior involving individuals or groups rests with the President of WCTC. The President delegates authority in matters of conduct to the Vice President of Student Services to establish and hold student conduct proceedings that will ensure the proper administration of WCTC's rules and regulations.

The Vice President of Student Services has delegated this responsibility to the Director of Student Development. The Director of Student Development (or designee) will assume responsibility for the investigation of an allegation of misconduct to determine if the complaint has merit.

The Vice President of Student Services and the Director of Student Development will determine the composition of hearings and Board of Reviews and determine which conduct officer or Boards of Review will be authorized to hear each matter.

The Vice President of Student Services and the Director of Student Development will develop procedures for the administration of the conduct system and procedural rules for the conduct of hearing boards that are consistent with provisions of the Student Code of Conduct.

B. Gatekeeping

No complaint will be forwarded for a hearing unless there is reasonable cause to believe a policy has been violated. Reasonable cause is defined as some credible information to support each element of the offense, even if that information is merely a credible witness or a victim's statement. A complaint wholly unsupported by any credible information will not be forwarded for a hearing.

C. Composition of the Hearing Board of Review

The Director of Student Development will be responsible for assembling the Hearing Board of Review according to the following guidelines:



1. The membership of the Board of Review is selected from a pool of at least 5 impartial students, 5 faculty, and 5 staff/administrative members appointed and trained annually by the Director of Student Development.
2. For each complaint, a Board of Review will be chosen from the available pool, and is usually comprised of one student, one faculty member, and one staff member or administrator. Availability may determine a different composition for the Board of Review, and in complaints involving discrimination, sexual misconduct, or other sensitive issues, the Director of Student Development will usually use three administrative/staff members for the Board of Review. The Director of Student Development appoints the non-voting chair of the Hearing Board of Review, who assures that WCTC procedures are followed throughout the hearing.

D. Administrative Hearing Officers

Administrative Hearing Officers (AHO) are chosen from a pool of annually trained administrators or staff members selected by the Director of Student Development. The AHO may be involved in conducting the investigation of the allegations, as well as facilitating any hearings. The AHO will be involved in making a final determination of any sanctions if deemed appropriate. All sanctions will be approved by the Director of Student Development.

E. Board of Review Pool and the Board of Review

Three-member Boards of Reviews are drawn from the Board of Review pool, with the only requirement being that they did not serve on the Board of Review for the initial hearing. If an all administrative/staff Board of Review is used to hear a sensitive issue, the Board of review will also be comprised of only administrative/staff members.

The Director of Student Development will have final authority to approve all those serving on the Board of Review. The non-voting advisor to the Board of Review is the Director of Student Development (or designee) with responsibility for training the Board of Review, conducting preliminary investigations, and ensuring a fair process for the party bringing the complaint and responding student. In the event of a resignation from the Board of Review, the Director of Student Development (or designee) will solicit a replacement from the group from which the representative came. Decisions made, and sanctions imposed, by the Board of Review or an AHO will be final and implemented, pending the normal appeal process. At the discretion of the Director of Student Development (or designee), implementation of sanctions may be stayed pending review.

F. Interpretation and Revision

The Director of Student Development will develop procedural rules for the administration of hearings that are consistent with provisions of the Student Code of Conduct. Material deviation from these rules will, generally, only be made as necessary and will include reasonable advance



notice to the parties involved, either by posting online and/or in the form of written communication. The Director of Student Development may vary procedures with notice upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Code. The Director of Student Development may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party. Any question of interpretation of the Student Code of Conduct will be referred to the Director of Student Development, whose interpretation is final. The Student Code of Conduct will be updated annually under the direction of the Director of Student Development with a comprehensive revision process being conducted every 3 years.

SECTION 7: FORMAL CONDUCT PROCEDURES

A. WCTC as Convener

WCTC is the convener of every action under this code. Within that action, there are several roles. The responding student is the person who is alleged to have violated the Code. The party bringing the complaint, who may be a student, employee, visitor, or guest, may choose to be present and participate in the process as fully as the responding student. There are witnesses, who may offer information regarding the allegation. There is an investigator(s) whose role is to present the allegations and share the evidence that WCTC has obtained regarding the allegations.

B. Group Violations

A student group or organization and its officers and membership may be held collectively and individually responsible when violations of this code by the organization or its member(s):

- Take place at organization-sponsored or co-sponsored events, whether sponsorship is formal or tacit;
- Have received the consent or encouragement of the organization or of the organization's leaders or officers; or
- Were known or should have been known to the membership or its officers.

Hearings for student groups or organizations follow the same general student conduct procedures. In any such action, individual determinations as to responsibility will be made and sanctions may be assigned collectively and individually and will be proportionate to the involvement of each individual and the organization.

C. Amnesty:

1. For Victims

WCTC in its sole discretion may provide amnesty to victims who may be hesitant to report to WCTC officials because they fear that they themselves may be accused of minor policy violations, such as underage drinking, at the time of the incident. In this situation, an alternative outcome may be that educational options will be explored.



2. For Those Who Offer Assistance

To encourage students to offer help and assistance to others, WCTC pursues a policy of amnesty for minor violations when students offer help to others in need. At the discretion of the Director of Student Development, amnesty may also be extended on a case-by-case basis to the person receiving assistance. In this situation, an alternative outcome may be that educational options will be explored.

3. For Those Who Report Serious Violations

Students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of WCTC are offered amnesty for their minor violations. In this situation, an alternative outcome may be that educational options will be explored. Abuse of amnesty requests can result in a decision by the Director of Student Development not to extend amnesty to the same person repeatedly.

4. Safe Harbor

WCTC has a Safe Harbor rule for students. WCTC believes that students who have a drug and/or addiction problem deserve help. If any WCTC student brings their own use, addiction, or dependency to the attention of WCTC officials outside the threat of drug tests or conduct sanctions and seeks assistance, a conduct complaint will not be pursued. A written action plan may be used to track cooperation with the Safe Harbor program by the student. Failure to follow the action plan will nullify the Safe Harbor protection and campus conduct proceedings will be initiated.

D. Notice of Alleged Violation

Any member of the WCTC community, visitor or guest may allege a policy violation(s) by any student for misconduct under this Code by the following process and/or via www.wctc.edu/early-alert:

Notice may also be given to the Director of Student Development (or designee) and/or to the Title IX Coordinator, when appropriate. Additionally, administrators may act on notice of a potential violation whether a formal allegation is made or not. All allegations can be submitted by a victim or a third party, and should be submitted as soon as possible after the offending event occurs. WCTC has the right to pursue an allegation or notice of misconduct on its own behalf and to serve as convener of the subsequent campus conduct process.

The Director of Student Development (or designee) will assume responsibility for the investigation of the alleged violation as described in the sub-section (F) below.

E. Review and Finalize Sanction(s)

If the student is found in violation(s), sanctions will be recommended by the



Board of Review, or Administrative Hearing Officer (AHO) to the Director of Student Development and Title IX Coordinator when applicable, who will review and finalize the sanctions, subject to the WCTC appeals process by any party to the complaint.

F. Investigation

Investigation is referenced above, with detailed investigation procedures described in this subsection. The Director of Student Development will appoint an investigator(s) for allegations under this Code. The investigator(s) will take the following steps, if not already completed by the Title IX Coordinator or designee:

1. Initiate any necessary remedial actions on behalf of the victim (if any);
2. Determine the identity and contact information of the party bringing the complaint, whether that person is the initiator of the complaint, the alleged victim, or a WCTC proxy or representative;
3. Conduct an immediate preliminary investigation to identify an initial list of all policies that may have been violated, to review the history of the parties, the context of the incident(s), any potential patterns and the nature of the complaint;
 - a. If the victim is reluctant to pursue the complaint, determine whether the complaint should still be pursued and whether sufficient independent evidence could support the complaint without the participation of the victim;
 - b. Notify the victim of whether WCTC intends to pursue the complaint regardless of their involvement, and inform the victim of their rights in the process and option to become involved if they so choose;
 - c. Preliminary investigation usually takes between 1-7 business days to complete;
4. If indicated by the preliminary investigation and authorized by the Director of Student Development, conduct a comprehensive investigation to determine if there is reasonable cause to believe that the responding student violated WCTC policy, and to determine what specific policy violations should serve as the basis for the complaint;
 - a. If there is insufficient evidence through the investigation to support reasonable cause, the allegations will be closed with no further action;
 - b. A comprehensive investigation usually takes between one day and two weeks;
5. If additional information is needed, meet with the party bringing the complaint to finalize their statement, which will be drawn up by the investigator or designee as a result of this meeting;
6. Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the responding student, who may be given notice of the interview prior to or at the time of the interview;



- a. Prepare the notice of alleged policy violation(s) on the basis of the reasonable cause determination, which may be delivered prior to, during or after the responding student is interviewed, at the discretion of the investigator(s);
7. Interview all relevant witnesses, summarize the information they are able to share and have each witness sign the summary to verify its accuracy;
8. Obtain all documentary evidence and information that is available;
9. Obtain all physical evidence that is available;
10. Complete the investigation promptly by analyzing all available evidence without unreasonable deviation from the intended timeline;
11. Make a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not);
12. Present the investigation report and findings to the responding student, who may:
 - a. accept the findings,
 - b. accept the findings in part and reject them in part,
 - c. or may reject all findings;
13. Share the findings and update the party bringing the complaint on the status of the investigation and the outcome.

G. Formal Hearing

A hearing may be held when there is reasonable cause to believe that a rule or rules have been violated. A formal notice of the complaint will be issued, and a hearing will be held before an administrator. A finding will be determined and is final except in cases that involve Title IX or other discrimination allegations.

In those cases, the hearing results serve as a recommendation to the Director of Student Development and, where appropriate, the Title IX Coordinator, who review and finalize the finding. If the finding is that the responding student is not responsible, the process ends. Applicable appeals options are described below.

H. Special Hearing Provisions for Sexual Misconduct, Discrimination and Other Complaints of a Sensitive Nature

All hearings under this sub-section will be conducted by a three member administrative Board of Review drawn from the Board of Review pool. For sexual misconduct, discrimination and other complaints of a sensitive nature, whether the alleged victim is serving as the party bringing the complaint or as a witness, alternative testimony options may be provided, such as placing a privacy screen in the hearing room or allowing the alleged victim to testify from another room via audio or audio/video technology. While these options are intended to help make the alleged victim more comfortable, they are not intended to work to the disadvantage of the responding student.



The past sexual history or sexual character of a party will not be admissible by the other parties in hearings unless such information is determined to be highly relevant by the Board of Review Chair. All such information sought to be admitted by a party or WCTC will be presumed irrelevant until a showing of relevance is made, in advance of the hearing, to the Chair. Demonstration of pattern, repeated, and/or predatory behavior by the responding student, in the form of previous findings in any legal or campus proceeding, will always be relevant to the finding, not just the sanction. The parties will be notified in advance if any such information is deemed relevant and will be introduced in the hearing.

The party bringing any complaint alleging sexual misconduct, other behavior falling within the coverage of Title IX and/or a crime of violence will be notified in writing of the outcome of a hearing, any sanctions assigned and the rationale for the decision.

I. Notice of Hearing

Once a determination is made that reasonable cause exists for the Director of Student Development (or designee) to refer a complaint for a hearing, notice will be given to the responding student. Notice will be in writing and may be delivered by one or more of the following methods: in person by the Director of Student Development (or designee); mailed to the local or permanent address of the student as indicated in official WCTC records; or emailed to the student's WCTC-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered. The letter of notice will:

1. Include the alleged violation and notification of where to locate the *Student Code of Conduct* and WCTC procedures for resolution of the complaint; and
2. Direct the responding student to contact the Director of Student Development (or designee) within a specified period of time to respond to the complaint. This time period will generally be no less than two days from the date of delivery of the summons letter.

A meeting with the Director of Student Development (or designee) may be arranged to explain the nature of the complaint and the conduct process. At this meeting, the responding student may indicate, either verbally or in writing, to the Director of Student Development (or designee), whether they admit to or deny the allegations of the complaint.

J. Interim Action

Under the Student Code of Conduct, the Director of Student Development or designee may impose restrictions and/or separate a student from the community pending the scheduling of a campus hearing on alleged violation(s) of the Student Code of Conduct when a student represents a threat of serious harm to others, is facing allegations of serious criminal activity, to preserve the integrity of an investigation, to preserve WCTC property and/or to prevent disruption of, or interference with, the normal operations of WCTC. Interim actions can include



separation from the institution or restrictions on participation in the community for no more than ten (10) business days pending the scheduling of a campus hearing on alleged violation(s) of the *Student Code of Conduct*. A student who receives an interim suspension may request a meeting with the Director of Student Development or designee to demonstrate why an interim suspension is not merited. Regardless of the outcome of this meeting, WCTC may still proceed with the scheduling of a campus hearing.

During an interim suspension, a student will be denied access to WCTC campus/facilities/events. As determined appropriate by the Director of Student Development, this restriction may include classes and/or all other WCTC activities or privileges for which the student might otherwise be eligible. At the discretion of the Director of Student Development and with the approval of, and in collaboration with, the appropriate Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the responding student.

K. Hearing Options and Preparation

The following sub-sections describe WCTC's conduct hearing processes. Except in a complaint involving failure to comply with the summons of the Director of Student Development (or designee), no student may be found to have violated the Student Code of Conduct solely as a result of the student's failure to appear for a hearing. In all such instances, conduct hearings will proceed as scheduled and the information in support of the complaint will be presented to, and considered by, the Director of Student Development, AHO or Board of Review presiding over the hearing.

Where the responding student admits to violating the Student Code of Conduct, the Director of Student Development (or designee) may invoke administrative hearing procedures to determine and administer appropriate sanctions without a formal hearing. This process is also known as an administrative meeting. In an administrative meeting, complaints will be heard and determinations will be made by the Director of Student Development or designee.

In cases where there is a significant violation of the Student Code of Conduct, a Board of Review hearing may be held. This type of hearing will be allowed at the discretion of the Director of Student Development (or designee). A request by one or more of the parties to the complaint for a Board of Review may be considered. Students who deny a violation for which a Board of Review hearing will be held will be given a minimum of seven days to prepare unless all parties wish to proceed more quickly. Preparation for a Board of Review is summarized in the following guidelines:

1. Notice of the time, date and location of the hearing will be in writing and may be delivered by one or more of the following methods: in person by the Director of Student Development (or designee); mailed to the local or permanent address of the student as



indicated in official WCTC records; or emailed to the student's WCTC-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered.

2. If there is an alleged victim of the conduct in question, the alleged victim may serve as the party bringing the complaint or may elect to have WCTC administration serve as the party bringing the complaint forward. Where there is no alleged victim, WCTC administration will serve as the party bringing the complaint forward.
3. If a responding student fails to respond to notice from the Director of Student Development (or designee), the Director of Student Development (or designee) may initiate a complaint against the student for failure to comply with the directives of a WCTC official and give notice of this offense. Unless the student responds to this notice within two days by answering the original notice, an administrative meeting may be scheduled and held on the student's behalf. As a result, the student may be administratively withdrawn from attending classes or a disciplinary hold may be placed on their WCTC account, deeming them ineligible to register for courses until such time as the student responds to the initial complaint.
4. At least three (3) days before any scheduled formal hearing, the following will occur:
 - a. The responding student will deliver to the Director of Student Development (or designee) a written response to the complaint;
 - b. The responding student will deliver to the Director of Student Development (or designee) a written list of all witnesses for WCTC to call at the hearing;
 - c. The responding student will deliver to the Director of Student Development (or designee) all physical evidence the student intends to use or needs to have present at the hearing and will indicate who has possession or custody of such evidence, if known, so that the Director of Student Development can arrange for its presence;
 - d. The party bringing the complaint will deliver to the Director of Student Development (or designee) a written list of all witnesses for WCTC to call at the hearing;
 - e. The party bringing the complaint will deliver to the Director of Student Development (or designee) all items of physical evidence needed at the hearing and will indicate who has possession or custody of such evidence, if known, so that the Director of Student Development can arrange for its presence;



- f. The party bringing the complaint and the responding student will notify the Director of Student Development (or designee) of the names of any advisors/advocates who may be accompanying the parties at the hearing.
5. The Director of Student Development (or designee) will ensure that the hearing information and any other available written documentation is shared with the parties at least two (2) days before any scheduled hearing. In addition, the parties will be given a list of the names of all the members of the Board of Review in advance. Should any party object to any members of the Board of Review, that party must raise all objections, in writing, to the Director of Student Development immediately. Hearing officers will only be unseated if the Director of Student Development concludes that their bias precludes an impartial hearing of the complaint. Additionally, any Board of Review member who feels they cannot make an objective determination must recuse themselves from the proceedings.

L. Board of Review Hearing Procedures

The Director of Student Development will appoint one Board of Review member as the Chair for the hearing. The parties have the right to be present at the hearing; however, they do not have the right to be present during deliberations. If a student cannot attend the hearing, it is that student's responsibility to notify the Director of Student Development no less than three (3) days prior to the scheduled hearing to arrange for another date, time and location. Except in cases of grave or unforeseen circumstances, if the responding student fails to give the requisite minimum three (3) day notice, or if the responding student fails to appear, the hearing will proceed as scheduled. If the party bringing the complaint fails to appear, the complaint may be dropped unless WCTC chooses to pursue the allegation on its own behalf, as determined by the Director of Student Development. The Director of Student Development (or designee), the Chair and the Board of Review will conduct Board of Review hearings according to the following guidelines:

1. Hearings will be closed to the public.
2. Admission to the hearing of persons other than the parties involved will be at the discretion of the Board of Review chair and the Director of Student Development.
3. In hearings involving more than one responding student, the standard procedure will be to hear the complaints jointly; however, the Director of Student Development may permit the hearing pertinent to each responding student to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each responding student.
4. The parties have the right to an advisor/advocate of their own choosing. Advisors/advocates may be chosen only from within the current WCTC community,



unless an exception is granted by the Director of Student Development for an advisor from outside the community. In the rare instance where civil or criminal court proceedings currently involve a responding student or at the discretion of the Director of Student Development, legal counsel may be permitted to serve as an advisor. The advisor may not make a presentation or represent the party bringing the complaint or responding student during the hearing. They may confer quietly with their advisee, exchange notes, clarify procedural questions with the chair and suggest questions to their advisee. An attorney who fails to respect this limitation will be removed and no replacement will be permitted. The Director of Student Development or the College's legal counsel will provide guidelines on the WCTC Conduct process to the student's legal counsel prior to the hearing.

5. The party bringing the complaint, the responding student, the Board of Review, and the Director of Student Development (or designee) will have the privilege of questioning all present witnesses and questioning all present parties (directly or through the Chair, at the discretion of the Chair). Unduly repetitive witnesses can be limited at the discretion of the Board of Review Chair and/or the Director of Student Development, or designee.
6. Pertinent records, exhibits, and written statements may be accepted as information for consideration by the Board of Review and the Director of Student Development. Formal rules of evidence are not observed. The Board of Review Chair and/or the Director of Student Development, or designee may limit the number of character witnesses presented or may accept written affidavits of character instead.
7. All procedural questions are subject to the final decision of the Director of Student Development or Board of Review Chair.
8. After a Board of Review hearing, the Board of Review will deliberate and determine, by majority vote, whether it is more likely than not that the responding student has violated the *Student Code of Conduct*. The Director of Student Development (or designee) will be present and available as a resource during all deliberations. Once a finding is determined, if the finding is that of a policy violation, the Board of Review will determine an appropriate sanction(s). The Director of Student Development (or designee) is responsible for informing the Board of Review of applicable precedent and any previous conduct violations or other relevant pattern information about the responding student. The Board of Review Chairperson will prepare a written deliberation report and deliver it to the Director of Student Development, detailing the recommended finding, how each member voted, the information cited by the Board of Review in support of its recommendation, and any information the Board of Review excluded from its consideration and why. This report should conclude with any recommended sanctions. This report should not exceed two pages in length and must



be submitted to the Director of Student Development within two (2) days of the end of deliberations.

9. The Director of Student Development will consider the recommendations of the Board of Review, may make appropriate modifications to the Board of Review's report and will then render a decision and inform the responding student and party bringing the complaint (if applicable by law or WCTC policy) of the final determination within 7 days of the hearing. Notification will be made in writing and may be delivered by one or more of the following methods: in person by the Director of Student Development (or designee); mailed to the local or permanent address of the student as indicated in official WCTC records; or emailed to the student's WCTC-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered. In cases of sexual misconduct and other crimes of violence, notice of the outcome will be delivered to all parties simultaneously, meaning without substantial delay between the notifications to each.
10. There will be a single verbatim record, such as an audio recording, for all Board of Review hearings. Deliberations will not be recorded. The record will be the property of WCTC and maintained according to WCTC's record retention policy.

M. Conduct Sanctions

One or more of following sanctions may be imposed upon any student for any single violation of the Student Code of Conduct. Any sanction imposed under the conduct violations will be in effect at all campuses/sites or functions sponsored by or under the supervision of WCTC.

1. Warning: An official written notice that the student has violated WCTC policies and/or rules and that more severe conduct action will result should the student be involved in other violations while the student is enrolled at WCTC.
2. Fines: Reasonable monetary fines may be imposed.
3. Restitution: Compensation for damage caused to WCTC or any person's property. This could also include situations such as failure to return a reserved space to proper condition – labor costs and expenses. This is not a fine but, rather, a repayment for labor costs and/or the value of property destroyed, damaged, consumed, or stolen.
4. Community/WCTC Service Requirements: For a student or organization to complete a specific supervised WCTC service.



5. **Loss of Privileges:** The student will be denied specified privileges for a designated period of time. This may include facility suspension. The student no longer has the privilege of entering and/or residing in a particular facility or building for a specified period of time or until a specific condition is met.
6. **Confiscation of Prohibited Property:** Items whose presence is in violation of WCTC policy will be confiscated and will become the property of WCTC. Prohibited items may be returned to the owner at the discretion of the Director of Student Development and/or Campus Police.
7. **Behavioral Requirement:** This includes required activities including, but not limited to, seeking academic counseling or substance abuse screening, writing a letter of apology, etc.
8. **Educational Program:** Requirement to attend, present and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible. Audience may be restricted.
9. **Disciplinary Probation:** The student is not in good standing for a designated period of time and is sent a letter of warning that further acts of misconduct will be subject to further conduct action and may result in suspension or expulsion from WCTC, particularly if the incident occurs during the probationary period. A copy of the notice will be sent to the Vice President of Student Services, the student's academic Dean and Associate Dean, and any other key personnel involved in the case.
10. **Eligibility Restriction:** The student is deemed "not in good standing" with WCTC for a specified period of time. Specific limitations or exceptions may be granted by the Director of Student Development and terms of this conduct sanction may include, but are not limited to, the following:
 - a. Ineligibility to hold any office in any student organization recognized by the WCTC or hold an elected or appointed office at WCTC;
 - b. Ineligibility to represent WCTC to anyone outside the WCTC community in any way including: participating in the study abroad program, attending meetings, or representing WCTC at an official function, event or intercollegiate competition as a player, manager or student coach, etc.;
 - c. Removal from class – student is barred from attending a particular class or may be reassigned to a different section of the same class. Specifics will be coordinated between the Director of Student Development, or designee, and the appropriate academic administrator.



11. WCTC Suspension: Separation from WCTC for a specified minimum period of time, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension. During the suspension period, the student is banned from WCTC property, functions, events and activities without prior written approval from the Director of Student Development. This sanction may be enforced with a trespass action as necessary.
12. WCTC Expulsion: Permanent separation from WCTC. The student is banned from WCTC property and the student's presence at any WCTC-sponsored activity or event is prohibited. This action may be enforced with a trespass action as necessary.
13. Other Sanctions: Additional or alternate sanctions may be created and designed as deemed appropriate to the offense with the approval of the Director of Student Development or designee. Examples include: work assignments or service, essays, administrative referrals or other related discretionary assignments.
14. The following sanctions may be imposed upon groups or organizations found to have violated the *Student Code of Conduct*:
15. If a student is suspended, expelled or removed as a part of a withdrawal agreement, they will be subject to the same refund policy as if they had voluntarily withdrawn from the College. For more information and the current refund timeline, please contact the Registration department.

One or more of the sanctions listed above, and/or deactivation, de-recognition, loss of all privileges (including status as a WCTC registered group/organization), for a specified period of time.

N. Review and Finalize Sanction(s)

If the student is found in violation(s), sanctions will be recommended by the Board of Review, administrator, etc. to the Director of Student Development and Title IX Coordinator when applicable, who will review and finalize the sanctions, subject to the WCTC appeals process by any party to the complaint.

O. Parental Notification

WCTC reserves the right to notify the parents/guardians of dependent students regarding any conduct situation, particularly alcohol and other drug violations. WCTC may also notify parents/guardians of non-dependent students who are under the age of 21 of alcohol and/or other drug violations. Parental notification may also be utilized discretionarily by administrators when permitted by Federal Education Rights and Privacy Act (FERPA) or consent of the student.



P. Notification of Outcomes

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

WCTC reserves the right to determine which WCTC officials have a need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act (FERPA).

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

1. Arson
2. Assault offenses (includes stalking)
3. Burglary
4. Criminal Homicide—manslaughter by negligence
5. Criminal Homicide—murder and nonnegligent manslaughter
6. Destruction/damage/vandalism of property
7. Kidnapping/abduction
8. Robbery
9. Forcible sex offences
10. Non-forcible sex offences

Q. Failure to Complete Conduct Sanctions

All students, as members of the WCTC community, are expected to comply with conduct sanctions within the timeframe specified by the Director of Student Development or Administrative Hearing Officer. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions and/or suspension from WCTC a suspension will only be lifted when compliance with conduct sanctions is satisfactorily achieved. This determination will be made by the Director of Student Development.



R. Violations of Traffic Regulations

Violations of the traffic regulations on WCTC campus are handled by the Village of Pewaukee Police Department and are generally not considered to be disciplinary conduct matters.

S. Violations by Non-Students

Violations committed by faculty, staff or non-students are not actionable via this Code. Please refer to the WCTC Visitor's Policy.

T. Appeal Review Procedures

Any party may request an appeal of the decision of the Board of Review/ Administrative Meeting by filing a written request to the Director or Student Development. All sanctions imposed by the original hearing body remain in effect, and all parties should be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision.

GROUNDINGS FOR APPEAL REQUESTS

Appeals requests are limited to the following grounds and are only allowed in a case where the sanction was a suspension or expulsion and must be filed in writing with the Director of Student Development within seven (7) business days of the notice of the outcome to the hearing, barring exigent circumstances:

1. A procedural error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
2. To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included;
3. The sanctions imposed are substantially outside the parameters or guidelines set by WCTC for this type of offense or the cumulative conduct record of the responding student.

Any exceptions are made at the discretion of the Vice President for Student Services and, when appropriate, the Title IX Coordinator.

The Director of Student Development, or designee, will conduct an initial review to determine if the appeal request meets the limited grounds and is timely. They may consult with the Vice President for Student Services and/or Title IX Coordinator on any procedural or substantive questions that arise.



The Director of Student Development will share the appeal by one party with the other party (parties) when appropriate under procedure or law (e.g., if the responding student appeals, the appeal is shared with the complainant, who may also wish to file a response, request an appeal on the same grounds or different grounds). If granted, the Director of Student Development will refer the request(s) to WCTC's designated, trained Administrative Appeals Officer, the Vice President for Student Services. All request-related documents are shared with all parties prior to submission to the Administrative Appeals Officer.

The Director of Student Development will also draft a response memorandum to the appeal request(s) within seven (7) days of a determination being made, based on the Administrative Appeals Officer's determination that the request(s) will be granted or denied, and why.

If the appeal is not timely or substantively eligible, the original finding and sanction will stand and the decision is final. If the appeal has standing, the Director of Student Development determines whether to refer the appeal to the Vice President for Student Services or to remand it to the original decision-maker(s), typically within 3-5 business days. Efforts should be made to use remand whenever possible, with clear instructions for reconsideration only in light of the granted appeal grounds. Where the original decision-maker may be unduly biased by a procedural or substantive error, a new Board of Review will be constituted to reconsider the matter, which can in turn be appealed, once. Full rehearings by the Vice President for Student Services are not permitted. In review, the original finding and sanction are presumed to have been decided reasonably and appropriately, thus the burden is on the appealing party(ies) to show clear error. The Vice President for Student Services must limit the review to the challenges presented.

On reconsideration, the Vice President for Student Services or original decision-maker may affirm or change the findings and/or sanctions of the original hearing body according to the permissible grounds. Procedural errors should be corrected, new evidence should be considered, and sanctions should be proportionate to the severity of the violation and the student's cumulative conduct record.

All decisions of the Vice President for Student Services are to be made within five (5) days of submission to the Vice President for Student Services and are final, as are any decisions made by the original hearing body, Director of Student Development or Title IX Coordinator as the result of reconsideration consistent with instructions from the Vice President for Student Services.

The presumptive stance of WCTC is that all decisions made and sanctions imposed by the original decision-maker are to be implemented during the appellate process. At the discretion of the Director of Student Development, and in consultation with the Title IX Coordinator when necessary, implementation of sanctions may be stayed pending review only in extremely



exigent circumstances. This does not include proximity to graduation, end of term, or exams. Instead, it refers to an overwhelming likelihood, as determined by the Director of Student Development, that the appeal would result in a reversal of the finding and/or substantial modification of the sanctions.

OTHER GUIDELINES FOR APPEALS

- All parties will be informed in a timely manner of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision;
- Every opportunity to return the appeal to the original decision-maker for reconsideration (remand) should be pursued;
- Appeals are not intended to be full re-hearings of the complaint (de novo). In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal; Witnesses may be called if necessary.
- Appeals are not an opportunity to second-guess the judgment of the original decision-maker merely because the Administrative Appeals Officer disagrees with the finding and/or sanctions. Appeals decisions are to be deferential to the original decision-maker, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so.

U. Disciplinary Records

All conduct records are maintained by WCTC for ten (10) years from the time of their creation except those that result in separation (suspension or expulsion) and those that fall under Title IX, which are maintained indefinitely.

V. Definitions

1. The term “WCTC” means Waukesha County Technical College.
2. The term “student” includes all persons taking courses at WCTC. Persons who withdraw after allegedly violating the *Student Code of Conduct*, who are not officially enrolled for a particular term but who have a continuing relationship with WCTC or who have been notified of their acceptance for admission are considered “students.” The *Student Code of Conduct* applies at all locations of WCTC.
3. The term “faculty member” means any person hired by WCTC to conduct classroom or teaching activities or who is otherwise considered by WCTC to be a member of its faculty.



4. The term “WCTC official” includes any person employed by WCTC, performing assigned administrative, academic or professional responsibilities.
5. The term “member of WCTC community” includes any person who is a student, faculty member, WCTC official or any other person employed by WCTC. A person’s status in a particular situation will be determined by the Director of Student Development.
6. The term “WCTC premises” includes all land, buildings, facilities and other property in the possession of or owned, used or controlled (usually by lease) by WCTC (including adjacent streets and sidewalks).
7. The term “WCTC property” includes vehicles, keys, identification badges and other items owned, used or controlled by WCTC.
8. The term “student organization” means any number of persons who have complied with the formal requirements for WCTC registration through the Office of Student Life.
9. The term “Director of Student Development” is that person designated by the Vice President to be responsible for the administration of the *Student Code of Conduct* and the student conduct system.
10. The term “hearing board” means any person or group authorized by the Director of Student Development to determine whether a student has violated the *Student Code of Conduct* and to recommend sanctions that may be imposed when a rules violation has been committed.
11. The term “conduct officer” means a WCTC official (including the Director of Student Development) authorized on a case-by-case basis by the Director of Student Development to impose sanctions upon any student(s) found to have violated the *Student Code of Conduct*.
12. The term “Board of Review” means any persons or group authorized by the Director of Student Development to consider an appeal from a conduct officer’s determination as to whether a student has violated the *Student Code of Conduct*.
13. The term “will” is used in the imperative sense.
14. The term “may” is used in the permissive sense.
15. The term “policy” means the written regulations of WCTC found in, but not limited to, the Student Handbook, computer use policy and catalog.



16. The term “complainant” means any person who submits an allegation of violation or presents a complaint on behalf of WCTC, alleging that a student violated the *Student Code of Conduct*.
17. The term “accused student” means any student accused of violating this *Student Code of Conduct*.
18. The term “more likely than not” means information that would lead a reasonable person to conclude that it is more likely than not that a student’s behavior violated the *Student Code of Conduct*.
19. The term “advisor” refers to the individual who assists a student or student organization with hearing preparation. An advisor is any individual the student or student organization chooses and must be affiliated with WCTC, unless a special waiver is granted in the sole discretion of the Director of Student Development.
20. The term “interim suspension” means the temporary exclusion from classes, seminars, programs, social events and other WCTC sponsored activities pending the outcome of hearing scheduled by the Director of Student Development. Interim suspensions can be implemented for cause, to protect the community or an individual, to permit the progress of an investigation, or otherwise in the discretion of the Director of Student Development.
21. The term “interim action” means temporary exclusion from WCTC premises and/or WCTC events and/or other sponsored activities imposed by a Conduct Officer.
22. The term “prior conduct history” means all information related to any *Student Code of Conduct* violation(s) that occurred and were resolved prior to the incident in question.
23. “Protected classes” at WCTC include age, race, color, creed, religion, handicap, disability, marital status, sex, sexual orientation, national origin, ancestry, citizenship, arrest record, conviction record and membership in the military forces, National Guard or any other reserve component of the military forces of the United States or Wisconsin.

W. Approval and Implementation

This *Student Code of Conduct* was approved on June 9, 2014 by the College, and implemented on July 1, 2014.



Academic Ethics Code of Conduct

The purpose of this code is to encourage and promote positive learning and ethical student behavior, define behavior violating academic ethics, specify procedures for the determination of the facts of the alleged misconduct, and to define penalties. It is the responsibility of the student to maintain the highest ethical standards in academic achievement within the positive learning environment provided by the College.

Guidelines for Academic Ethics

Students assume full responsibility for the content and integrity of the course work they submit. The following is a guide to assist students in observing positive behavior in academic ethics:

1. Students must do their own work and submit only their own work on examinations, reports and projects, unless otherwise permitted by the instructor.
2. Students can benefit from working in groups. They may collaborate or cooperate with other students during take-home exams, only if specifically authorized by the instructor in the class syllabus or at the time of the exam.
3. Students must follow all written and/or verbal instructions given by instructors or designated College representatives prior to taking exams, placement assessments, tests, quizzes and evaluations.
4. Students are responsible for adhering to course requirements, including conduct and attendance in the course, as specified by the instructor and/or department.
5. Students are expected to demonstrate professional and civil behavior toward their instructor and fellow students at all times. This includes interactions both in and out of the classroom, as well as electronic communication.
6. A student that suspects another student of academic misconduct is encouraged to report the incident to the instructor.

Academic Ethics Misconduct

Students enrolled in the College assume the obligation of conducting themselves in accordance with the highest ethical standards. Actions constituting violation of the Academic Ethics Code of Conduct include, but are not limited to, the following:

1. Cheating, which is intentional deceit or an attempt to deceive, during the pursuit of academic course work.
2. Plagiarism is representing the work of others as one's own. The use of another's words, ideas or information without acknowledgment is also plagiarism.
3. Collusion is obtaining or giving a student unauthorized assistance on material in any course work.



4. Theft of instructional and test materials is the unauthorized acquisition of instructional and/or testing materials.
5. Misrepresentation/Fraud is using false records, false identification papers, unauthorized identification cards or computer access to services and falsifying records or knowingly withholding pertinent information.

Sanctions for Academic Ethics Violations

When an instructor suspects academic ethics violations has occurred, he/she shall inform the student of the general facts or conduct upon which the allegation is based, including (as appropriate) the date, time and place when alleged conduct took place. If the instructor determines that it did not occur, no further action is necessary.

If the instructor determines the violation did occur, the instructor will apprise the Associate Dean of the situation and the chosen course of action. Additional or more restrictive sanctions may be applicable depending on Program or Course Syllabi. Please refer to that documentation for more information.

1. If the action is not otherwise specified by department policy, the instructor may choose to:
 - Warn the student of unacceptable behavior;
 - Issue an alternative assignment, project or examination;
 - Reduce the grade, or assign a failing grade for the assignment, project or examination;

With consent from the Associate Dean or instructional manager, the faculty may choose to:

- Remove the student from the course and issue the appropriate administrative grade;
 - Assign a failing grade for the course;
 - The instructor shall notify the student, in writing, of the charge(s) and the resulting action. This communication will also be sent to the Associate Dean.
2. On the recommendation of the instructor and Associate Dean or instructional manager, the Dean may choose to suspend or expel the student from the program. In this case, the Dean shall notify the student, in writing, of the charge(s) and the resulting action. This communication will also be sent to the instructor and Associate Dean.

All Academic Ethics Code violations should be reported to the Student Development Office. Three (3) Academic Ethics Code violations will result in suspension from WCTC for a period of two (2) years. Prior to re-enrollment after that period, the student will be required to meet with the Director of Student Development. Any further Academic Ethics Code violations after re-entry will result in permanent expulsion from the College.



Appeal Process for Academic Ethics Violations

Sanctions for Academic Ethics violations that result in a failing course grade can only be appealed through the appeal process, not a Final Grade Dispute. In order to have a decision reviewed for an appeal, the student must provide, in writing, justification as to why at least one of the following criteria are met:

- Evidence did not warrant a finding of responsibility.
- Hearing was not fair or the process outlined in the Code was not followed.
- Sanction is not appropriate for the violation.

The student should submit the nature and cause of the complaint and desired outcome(s) to the supervisor of the instructor or administrator from whom the sanction came.

1. If sanctioned by the instructor, the student should attempt to resolve the issue through a discussion with the instructor and Associate Dean(s), or the instructional manager, within seven (7) college calendar days. These calendar days do not include days the College is on break for holidays as specified on the academic calendar. A college day is defined as a day classes are in session.

If the complaint remains unresolved, the student shall submit, in writing, the nature and cause of the complaint and desired outcome(s) to the Dean, or designee, and then meet with the Dean, or designee, within seven (7) days of the initial meeting, in an attempt to mediate the problem. The Dean will send copies of that communication to the instructor and Associate Dean, or Manager. After the meeting, the Dean, or designee, will provide a response to the student, in writing, within seven (7) calendar days. Copies of this communication will again be sent to the instructor and Associate Dean, or Manager. If the issue remains unresolved after the written response from the Dean, the student may, within ten (10) calendar days after receiving the Dean's or other staff members written response, request in writing, to the Director of Student Development, or designee, a hearing with the Board of Review.

2. If the student is originally sanctioned by the Associate Dean as described in section 1A above, the student must initiate the appeal process with the Dean.

If the issue remains unresolved after the written response from the Dean, the student may, within ten (10) college days after receiving the Dean's or other staff members' written response, request in writing, to the Director of Student Development, or designee, a hearing with the Board of Review.

3. If the student is originally sanctioned by the Dean, the student may, within ten (10) calendar days after receiving the Dean's written response, request in writing to the Director of Student Development, or designee, a hearing with the Board of Review.



Board of Review for Academic Ethics Misconduct Appeal

The Board of Review consists of three (3) members. These members will come from a trained pool of five (5) students, five (5) administrators, and five (5) instructors, and there will be one Board member from each of these categories. The Director of Student Development will select three members from this pool for each Board of Review hearing, making efforts to ensure representation of each constituency. The College's attorney may be present to act as an advisor, but will not be a voting member. In order for student peers to sit as members of the Board of Review, all involved students must sign a release and authorizations to have students sit on the Board. If appropriate authorizations are not obtained, the Board of Review will proceed without student representatives.

The Director of Student Development, or designee, will serve as the Chair of this committee. The Board of Review is advised by this person and the Chair does not participate in the hearing but serves as a resource during the deliberation and sanctioning phases of the hearing. This Chair has access to a student's conduct history, and will make it available to the Board of Review when appropriate.

Board of Review Procedures

1. If an accused student, with notice, does not appear before the hearing board, the information in support of the alleged violation(s) will be presented and considered in the student's absence. If no defense is offered, it is reasonable for the hearing officers to infer that no defense is available.
2. All persons will be asked to affirm that their testimony is truthful and will be admonished that furnishing false information to WCTC may result in additional violations of the Academic Ethics Code of Conduct.
3. The complainant, accused student and their advisors, if any, will be allowed to attend the entire portion of the hearing at which information is received, excluding deliberations of responsibility and sanctioning. Admission of any other person to the hearing will be at the discretion of the hearing board chair and/or the Director of Student Development.
4. Attorneys: Private attorneys will be allowed to be present at the hearing on behalf of any party. They may consult with and advise the parties during the proceeding but may not examine witnesses or otherwise directly participate on behalf of either party. An attorney who fails to respect this limitation will be removed and no replacement will be permitted.
5. In hearings involving more than one accused student in the same situation, the Director of Student Development may permit the hearings concerning each student to be conducted jointly.



6. The complainant and the accused student(s) have the right to be assisted by an advisor they choose. The advisor must be affiliated with WCTC, unless a special waiver is granted in advance by the Director of Student Development. The complainant and the accused student are responsible for presenting his or her own information at the hearing, and therefore, advisors are not permitted to speak or to participate directly in any hearing. Advisors who do not observe this restriction can be removed from the hearing by the Chair or the Director of Student Development. No replacement advisor will be permitted. The Dean, Associate Dean or manager, will also be present at the hearing.
7. The complainant, accused student and the hearing board may arrange for witnesses to present pertinent information to the board. Witnesses will provide information to and answer questions from the hearing board. Questions may be suggested by the accused student and/or complainant to be answered by each other or by other witnesses. This will be facilitated by the board with such questions directed to the chair rather than to the witness directly. Questions of whether potential information will be received will be resolved at the discretion of the chair of the board.
8. Pertinent records, exhibits and written statements may be accepted as information for consideration by a board at the discretion of the chairperson.
9. All procedural questions are subject to the final decision of the chair of the board.
10. The hearing board will determine, by a majority vote, whether the accused student has violated each section of the Academic Ethics Code of Conduct which the student is accused of violating. The board's determination will be made on the basis of whether it is more likely than not that the accused student violated the *Student Code of Conduct*. The Board of Review may consider the record of the original hearing with the conduct officer, but is not bound by it.
11. Formal rules of process, procedure and/or technical rules of evidence, such as are applied in civil or criminal court, are not used in these proceedings.
12. Hearings (excluding deliberations) will be audio tape-recorded. The tape-recording will be kept until a College Vice President or designee has rendered his or her decision, after which the tape will be erased.
13. The Chair will prepare a written deliberation report to the Vice President, detailing the finding, how each Board of Review member voted, the information cited by the Board of Review in support of its finding, and any information that the Board of Review excluded from its consideration, and why. This report should conclude with any recommended sanctions. This report should not exceed two pages in length and must be submitted to the Vice President of Learning within 48 hours after the end of the deliberations. The Vice President may make appropriate modifications and then will implement the final determination. This determination will be sent, in writing, to the student, complainant, Dean, Associate Dean or manager, and copied to the members of the Board of Review.



Grade Dispute

Students who wish to dispute a grade received on a test, essay, homework, performance, computer program project, etc. may do so informally by discussing the matter with the instructor who issued the grade. However, the instructor's decision, except as outlined below, is final and may not be further appeals. Sanction for Academic Ethics violations that result in a failing course grade can only be appealed through the Academic Ethics Violations appeal process, not this grade dispute process.

When a student believes that the final grade he or she has received in a course is inaccurate or unjustified, the student must be able to provide justification for the appeal and the student must use the following procedures to dispute the grade. If a student receives a failing final grade due solely to attendance reasons, the grade is not appealable. It is the student's responsibility to have an on-going discussion with the instructor about the status of their grade.

1. Within 30 calendar days from posting of the final grade, the student shall contact the faculty who issued the final grade and discuss the grade in question. Students must complete a Final Grade Dispute form (available on the Portal) and review it with the Instructor. If the student is unable to contact the faculty member, he or she may seek assistance through the Associate Dean.
2. If the student and instructor are not able to resolve the dispute and the student wishes to pursue the matter further, he or she shall contact the Associate Dean within ten (10) calendar days of the date of the faculty member's decision and submit the Grade Dispute form. The Associate Dean, or designee, will work to attempt a resolution.
3. If the Associate Dean and the student are not able to resolve the dispute and the student wishes to pursue the matter further the student has ten (10) calendar days from the date of the Associate Dean's decision to make an appeal and submit the Grade Dispute form to the Dean. The Dean will meet individually with the student and the faculty member, or may choose to meet with them together in an attempt to resolve the grade. The Dean will put in writing to the student his/her decision.
4. If the Dean and the student are not able to resolve the dispute and the student wishes to pursue the matter further the student may make a written request to the Director of Student Development for an Academic Appeals Board hearing within ten (10) calendar days of the written decision of the Dean. If the request is not filed within the prescribed time, the student forfeits the right to any further appeal. The Grade Dispute form must accompany the request for the Appeal.
5. The Academic Appeals Board will be scheduled when appropriate by the Office of Student Development, within ten (10) calendar days after receiving the written request for hearing. The student, instructor, Associate Dean or the Dean may request that the time may be extended for justifiable reasons (e.g., summer schedule and faculty availability) or extenuating circumstances. The student, the instructor, the Associate



Dean and the Dean will be notified in writing in such circumstances. All persons involved in the hearing will be notified in writing by certified mail or personal delivery of hearing time, date, and location. The Director of Student Development is responsible³ for these notifications.

Academic Appeals Board

1. The Academic Appeals Board shall be established to hear appeals initiated by a student to contest a final course grade received by the student.
2. The Academic Appeal Board consists of three (3) members. These members will come from a trained pool of five (5) students, five (5) administrators, and five (5) instructors, and there will be one Board member from each of these categories. The Director of Student Development will select three members from this pool for each Board of Review hearing, making efforts to ensure representations of each constituency. The College's attorney may be present to act as an advisor, but will not be a voting member. In order for student peers to sit as members of the Board of Review, all involved students must sign a release to authorize students sitting on the Board. If appropriate authorizations are not obtained, the Board of Review will proceed without student representatives.
3. The student and instructor(s) may each have one person of their choosing present during this hearing for support and may consult with the student, but this support person will not be permitted to speak for, or otherwise act as an advocate for, the student or instructor. The Dean and Associate Dean will be present to discuss their role and findings.
4. After hearing all information, all participants, except Board members, will be asked to leave the room. The Board will then deliberate in private. The Academic Appeals Board shall, by majority vote, make a recommendation to the Vice President of Learning.
5. After receipt of the recommendation of the Academic Appeals Board and within ten (10) calendar days, the Vice President of Learning shall render a written decision and furnish copies of the decision to the student, Dean, Associate Dean, faculty and to the Director of Student Development.
6. The decision of the Vice President of Learning is final.