

## **Section 1- Introduction to the Student Code of Conduct**

Waukesha County Technical College (WCTC), as a community dedicated to learning, personal growth, and the advancement of knowledge, expects and requires the behavior of all WCTC students to be compatible with its 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 the classroom and during 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.

The Student Code of Conduct sets forth the conduct standards expected of all WCTC students. WCTC is an institution of higher education dedicated to preparing students to meet regional employment demands. The WCTC Code of Conduct is guided by the College values of Integrity, Community, Social Justice, Respect, and Responsibility. The purpose of this Code is to encourage and promote a positive and inclusive learning environment. The Student Code of Conduct lists procedures to respond to behaviors that violate the Code of Conduct, and it provides for sanctions that are intended to educate and safeguard members of the College community.

Students at WCTC are responsible for knowing the information, policies, and procedures outlined in the Student Code of Conduct and acknowledge the right of WCTC to take action when a violation of the Student Code of Conduct occurs. The College applies the preponderance of evidence (information showing that it is more likely than not that a policy violation occurred) standard in determining if a violation has occurred and provides consequential action/sanctions up to, and including, behavioral warning, probation, suspension, expulsion, or withdrawal. WCTC reserves the right to make changes to this Code as necessary, and once those changes are posted online, they are immediately in effect. Students are encouraged to check online on the WCTC website for the updated versions of all policies and procedures. By accepting admission to WCTC, a student accepts responsibility to adhere to the Code of Conduct and acknowledges the right of WCTC to take conduct action, up to and including suspension or expulsion.

In order to maintain high standards of instruction and to permit all who attend WCTC to obtain the most from their educational experience, students will: a) conduct themselves in a manner as to comply with all civil and criminal laws and College policies and regulations while on WCTC properties or off-site school-sponsored events; b) not interfere with the educational process of the College in any manner; c) conduct themselves both on-campus and off-site in a manner that does not endanger the safety or well-being of other students, staff or faculty.

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 WCTC 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.

The student conduct process may occur simultaneously, prior to, or following any criminal, employment, or other proceeding. A student charged with violating the Code of Conduct may not avoid the conduct process by withdrawing from the College. Student conduct proceedings may continue without the student's participation, and a student may not be permitted to acquire records or make registration changes until the matter is resolved. A student may be sanctioned regardless of enrollment status. The student will be notified through their WCTC email account or via certified letter.

The Student Code of Conduct lists procedures to respond to behaviors that violate the Code of Conduct, and it provides for sanctions that are intended to educate and safeguard members of the College community. If students have any questions about this Code, please contact the Student Development Manager at (262) 691.5302.

### **Section 2- Jurisdiction**

Whenever a student commits a violation of the Student Code of Conduct on the College Campus or at an activity, function, or event sponsored or supervised by the College, discipline and sanctions may be imposed on the student. Discipline may also be imposed whenever a student commits a violation of the Student Code of Conduct off-campus if 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 others; and/or
- Any situation that significantly impinges upon the rights, property, or achievements of others and/or
- Any situation that is detrimental to the educational mission and/or interests of WCTC

WCTC academic programs may have program-specific handbooks with additional expectations and sanctions specific to the program. Students may be subject to possible sanctions from both their specific academic program as well as the general Student Code of Conduct.

While most online speech by students not involving the use of the WCTC resources, networks, or technology may not be subject to this Code, students should be aware that there are exemptions. Online speech involving the use of the WCTC resources, networks, or technology that falls into the following categories is prohibited:

- Obscenity;
- Libel or defamation;
- Plagiarism and cheating;
- Speech which incites or is likely to incite imminent lawless action;
- Fighting words;
- A true threat defined as "a threat a reasonable person would interpret as a serious expression of intent to seriously harm upon specific individuals";
- Speech posted online about WCTC or its community member that causes a significant disruption to WCTC's activities, which may include but not limited to hate speech.

WCTC recognizes the constitutional right to engage in free speech, including through personal use of social media. Members of the WCTC community who use social media to communicate ideas and information should do so in a manner that does not adversely impact the professional or educational experience of others at WCTC. For detailed information, please see Social Media Policy located on the WCTC portal (GOV 312).

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. Complaints reported on the Pewaukee campus may also be submitted to the Village of Pewaukee Police Department and/or Pewaukee Security Office. Complaints may be submitted to Waukesha Police and the Waukesha Security Office, which provides safety and security for their respective 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.

Except under extreme emergency circumstances, premises occupied by students and the personal possessions of students will not be searched unless reasonable suspicion exists and appropriate authorization has been obtained. For premises such as lockers and other facilities controlled by the College, an appropriate and responsible authority will be designated to whom application should be made before a search is conducted (the Vice President of Student Services or WCTC designee).

An application will be prepared to specify the reasons for the search and the objects or information sought. If possible, the student will be present for the search. For premises not controlled by the College, the ordinary requirements for lawful search will be followed. When reasonable suspicion exists, tests for illegal controlled substances or alcohol may be administered consistent with applicable law.

Appropriate law enforcement personnel will be responsible to advise students of their rights when students are charged or arrested for violations of law. Appropriate College officials reserve the right to independently investigate student misconduct and alleged violations of institutional regulations or policies. No illegal harassment will be used by College representatives to cause an admission of guilt or to extract information about the conduct of other suspected persons.

### **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's 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- 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. The Student Code of Conduct standards extend to and include the virtual (online) classroom environment, as well as any virtual interactions that may take place as a student. The online and virtual standards of behavior are as important as they are during the in person environment and

appropriate student behavior is expected. The following rules apply to the in person classroom and virtual session environments. Any student found to have committed or to have attempted to commit the following misconduct is subject to the sanctions outlined in Section 7: Formal Conduct Procedures. WCTC encourages community members to report to WCTC officials all incidents that involve the following actions.

### **Integrity**

WCTC students are expected to 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 the Academic Code of Conduct;
6. **Trust.** Violation 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 valuable;
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 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 the 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 on the myWCTC student portal.
7. **Gambling.** Gambling as prohibited by the laws of the State of Wisconsin.
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. Prohibited Items include any type of firearm whether or not a permit is obtained; switchblade; a knife (excluding eating utensils); a jackknife with a blade longer than three 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 Criminal Justice 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 in 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:
- a. Intentionally or recklessly causing a fire which damages WCTC or personal property or which causes injury;
  - b. Failure to evacuate a WCTC-controlled building during a fire alarm, fire drill, or other emergency evacuation drill;
  - c. Improper use of WCTC fire safety equipment; or
  - d. 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 service animals (such as a guide dog), are not permitted on campus except as permitted by law. Emotional Support Animals, therapy animals, and comfort animals are not considered Service Animals under the Americans with Disabilities Act (ADA); therefore, they are not permitted on campus.
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 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 conduct that is based upon an individual or group's actual or perceived protected status—including, but not limited to, 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 any reserve component of the military forces of the United States or Wisconsin—that: (1) adversely affects a term or condition of an individual’s employment, education, or participation in WCTC educational program or activity; or (2) is used as the basis for a factor in decisions affecting an individual’s employment, education, or participating in a WCTC educational program or activity.

2. **Harassment.** Any unwelcome conduct based on actual or perceived protected status—including, but not limited to, 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. 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. **Retaliation** is defined as any adverse action taken against a person because he or she engaged in protected activity. Retaliation against an individual for alleging discrimination or harassment or for filing, testifying, assisting, or participating in any investigation or proceeding involving such allegations is a serious violation of WCTC policy. Acts of alleged retaliation should be reported immediately to the Student Development Office and will be promptly investigated. WCTC is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.
4. **Reputational Harm.** Any public conduct not protected by the First Amendment, which casts the good name of WCTC in disrepute.
5. **Abuse of Conduct Process.** Abuse, interference, or failed compliance with 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. **Harms to Person.** 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 is 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. Cyber-bullying is generally defined as using electronic devices such as computers, mobile telephones, or tablets to engage in behavior that 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. **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the reporting party. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition: Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. For the purposes of complying with the requirements of this section and Federal Regulation §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
6. **Domestic Violence:** A felony or misdemeanor crime of violence committed: by a current or former spouse or intimate partner of the reporting party; by a person with whom the reporting party shares a child in common; by a person who is cohabitating with, or has cohabitated with, the reporting party as a spouse or intimate partner; by a person similarly situated to a spouse of the reporting party under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or by any other person against an adult or youth reporting party who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred. For the purposes of complying with the requirements of this section and Federal Regulation §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
7. **Stalking :** A series of two or more acts carried out over time, however short or long, that show a continuity of purpose, including any of the following: maintaining a visual or physical proximity to the reporting party; approaching or confronting the reporting party; appearing at the reporting party's workplace or contacting the reporting party's employer or coworkers; appearing at the reporting party's home or contacting the reporting party's neighbors; entering property owned, leased, or occupied by the reporting party; or contacting the reporting party by telephone or causing the reporting party's telephone or any other person's telephone to ring repeatedly or continuously, regardless of whether a conversation ensues.
8. **Sexual Misconduct.** Includes, but is not limited to, sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, and/or sexual exploitation;
9. **Public Exposure.** Includes deliberately and publicly exposing one's intimate body parts, public urination, defecation, and public sex acts;
10. **Lewd or Obscene Conduct.** Possession or distribution of any obscene materials, as defined by the standards of the 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.** Under the influence, use, possession, or distribution of alcoholic beverages or paraphernalia except as expressly permitted by law and 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 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. **Other Policies.** Violating other published WCTC policies or rules;
6. **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;

7. **Violations of Law.** Evidence of violation of local, state, or federal laws, when substantiated through the WCTC conduct process.

### **Section 5- Filling an Incident Report**

Any person may allege a violation of the Student Code of Conduct by completing a report found on the WCTC Portal. Students may contact Campus Security (262.691.5281), Student Development (262.691.5302), or any member of the College staff to initiate an incident report. An incident report may be filed by a student or employee online by clicking on the 'Concerns' icon on the portal.

The College reserves the right to initiate a student conduct process based on available information, even if a formal incident report has not been received. The incident report shall describe the conduct in question and, if known, the name of the person or persons alleged to have engaged in that conduct. An incident report should be filed within 24-48 hours of the reportable incident, if possible.

### **Sections 6- Student Conduct Authority and Gatekeeping**

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 oversight of non-academic student behavior to the Student Development Manager, who oversees the Student Development Coordinator, who receives direct support from the Dean of Student Support. The Student Development Manager and Student Development Coordinator (or designee) will assume responsibility for the investigation of an allegation of misconduct to determine if the complaint has merit.

Any question of interpretation of the Student Code of Conduct will be referred to the Student Development Manager, whose interpretation is final. The Student Code of Conduct will be updated annually under the direction of the Student Development Manager, with a comprehensive revision process being conducted every three to five years.

### **Section 7- Formal Conduct Procedures**

#### **Preliminary Investigation**

Upon receiving an incident report, the Student Development Manager and Student Development Coordinator may appoint additional staff to conduct a preliminary investigation of the complaint.

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. If sufficient evidence of a conduct violation is found, the student will be informed in writing of the charge(s) (including the specific provision(s) of the Student Code of Conduct alleged to have been violated). Students alleged to have violated the Student Code of Conduct may request to view the incident form. However, students may only view a hard copy and will not be permitted to take a picture of the report or take the report out of the Student Development Office. WCTC will redact personal information (names, ID numbers, and addresses) of other students or staff members. Students are permitted to take notes while viewing the report but cannot make a complete verbatim duplication of the report. Requests for viewing these reports must be made in writing to the Student Development Manager at least three business days in advance.



### **Possible Outcomes of the Preliminary Investigation**

The Student Development Manager, Student Development Coordinator, or designee will determine the most appropriate resolution and/or adjudication format, which include:

- 1. Insufficient Cause:** If the Student Development Manager, Student Development Coordinator, or designee finds insufficient cause to charge a student with violating the Student Code of Conduct, and/or if the investigation indicates that the student is not responsible for the violations, the case will be closed.
- 2. Mediation:** In appropriate cases, the Student Development Manager, Student Development Coordinator, or designee may coordinate a mediation process with the involved parties. Mediation is a voluntary process in which the parties involved meet with a neutral third party to discuss and design a resolution to the issues of concern. Mediation often results in a written agreement that is drafted and signed by both parties. If students elect not to participate in the mediation process, adjudication of the case may take another form as listed here. Mediation is never used to resolve cases involving sexual misconduct.
- 3. Full Investigation:** If the Student Development Manager, Student Development Coordinator, or designee finds evidence to support a full investigation, steps will be followed to do so, as described below.

### **Full Investigation of Student Conduct**

If sufficient cause is found, the student will be informed in writing of the charge(s) against him or her (including the specific provision(s) of the Student Code of Conduct alleged to have been violated) and request that the student participates in a mandatory meeting with the Student Development Manager and Student Development Coordinator or designee. The purposes of the mandatory meeting are: to review the charge(s) and possible sanctions in the event that the student is found to be responsible for the violation(s) in question; to provide the student with an opportunity to respond to the charge(s), and to review discipline and appeal procedures and the student's rights in connection with those procedures. In any investigation or conduct meeting, a student may request to bring an advocate, whose function is to support and advise the student, not to represent the student and may not speak in place of the student during scheduled hearing. WCTC will attempt to accommodate all parties' schedules; however, conduct meetings are required, and students will be expected to attend.

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.

1. Complaint is received
2. Preliminary investigation
3. Notice of the complaint is issued to the alleged violator.
4. An investigation is conducted.
5. The hearing takes place for the alleged violator to respond to the complaint.
6. Determination of responsibility based on a preponderance of the evidence.
7. Determination of sanction if the alleged student is found responsible for the violation.
8. Request for Appeal. (Violator has the right to appeal only if the sanction is a suspension or expulsion from the College).

### **Failure to Respond to Notice**

If a responding student fails to respond to notice from the Student Development Office (or designee), the Student Development Manager, Student Development Coordinator (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, 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. In elevated cases, the Student Development Manager, Student Development Coordinator, or designee

may impose interim action(s), including but not limited to removal from class and/or campus prior to a conduct meeting and/or while an investigation or conduct process is occurring.

### **Group Violation**

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.

### **Amnesty 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.

### **For Those Who Offer Assistance**

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.

### **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. This Safe Harbor rule shall not prevent WCTC from investigating complaints of discrimination or harassment brought against a student and issuing disciplinary action based on the results of that investigation.

### **Determination of Sanctions**

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

### **Factors Considered in Determining Sanctions**

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

- a. The nature of the violations(s).
- b. Prior violations and disciplinary history.
- c. Mitigating circumstances surrounding the violation.
- d. The student's motive or purpose for engaging in the behavior.

- e. Sanctions have been imposed in similar cases in the past.
- f. The developmental and educational impact on the student.

### Conduct Sanctions

One or more of the 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. Sanctions may be imposed upon groups or organizations found to have violated the Code of Conduct.

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 the 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 Student Development Manager and/or Campus Police.
7. **Behavioral Requirement:** This includes required activities including, but not limited to, 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. The 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.
10. **Eligibility Restriction:** The student is deemed "not in good standing" with WCTC for a specified period of time. Specific limitations or exceptions will be determined by the Student Development Manager and Student Development Coordinator, 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 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 a study abroad program, attending meetings, or representing WCTC at an official function, or event 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 Student Development Manager 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 to return 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 Manager of Student Development or Student Development Coordinator. This sanction may be enforced with a trespass action,

as necessary. A student returning from a disciplinary suspension will be placed on disciplinary probation for one (1) year.

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.
  - a. 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.
13. **Other Sanctions:** Additional or alternate sanctions may be created and designed as deemed appropriate to the offense with the approval of the Student Development Manager, Student Development Coordinator, or designee. Examples include work assignments or service, essays, administrative referrals, or other related discretionary assignments.

### **Review and Finalize Sanction(s)**

If the student is found in violation, sanction(s) will be reviewed, determined, and communicated by the Student Development Manager, Student Development Coordinator, or designee.

### **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 the Federal Education Rights and Privacy Act (FERPA) or consent of the student.

### **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 (including stalking)
3. Burglary
4. Criminal Homicide—manslaughter by negligence
5. Criminal Homicide—murder and non-negligent manslaughter
6. Destruction/damage/vandalism of property
7. Kidnapping/abduction
8. Robbery
9. Forcible sex offenses
10. Non-forcible sex offenses

**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 Student Development Manager, Student Development Coordinator, or designee. 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 Student Development Manager.

**Violation of Traffic Regulations**

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

**Violations by Non-Students**

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

**Academic Integrity**

For Academic Integrity cases, please see the Academic Ethics Code of Conduct. All Academic Ethics Code violations will be reported to the Student Development Office.

**Procedural Standards in Student Code of Conduct Proceedings**

Educational institutions have a duty and the disciplinary powers to protect their educational purpose through the setting of standards of scholarship and conduct for the students who attend them and through the regulation of the use of institutional facilities. The College encourages students, faculty, and staff to resolve disputes informally in appropriate cases.

**Interim Action (if Necessary)**

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

**Section 8- Appeals**

A student who disagrees with the findings of responsibility or the sanctions levied may choose to request an appeal, which is only allowed in cases where the sanction is a suspension or expulsion. 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.

Appeals requests are limited to the following grounds and are only allowed in a case where the sanction was a suspension or expulsion:

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.

An appeal must contain the following information:

1. Reason for the appeal request.
2. The name, address, and telephone number, and WCTC email of the party.
3. A clear statement explaining the nature and circumstances of the appeal, citing the new evidence and/or the explanation with specifics of the alleged lack of fairness in the prior hearing.

Appeals are not intended to be full re-hearings of the complaint. 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 student disagrees with the finding and/or sanctions. Appeals decisions are to be deferential to the original decision-maker, making changes to the finding only when at least one of the three criteria that create grounds for an appeal are met, and to the sanction only if there is a compelling justification to do so.

### **Reviews for Conduct Appeal**

Students must submit a formal hearing appeal in writing via WCTC email to the Dean of Student Support within seven calendar days of the imposed sanction. The Dean of Student Support, or designee, will conduct an initial review to determine if the appeal request meets the limited grounds and is timely. If granted, the Dean of Student Support will refer the request(s) to WCTC's designated, 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 Appeals Officer is the final appeals body within the Student Conduct process. The Appeals Officer shall be responsible for reviewing substantive or procedural appeals from the decisions issued following the WCTC conduct process.

The Dean of Student Support will also draft a response memorandum to the appeal request(s) within seven calendar 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 Dean of Student Support determines whether to refer the appeal to the Vice President for Student Services typically within seven calendar days. Full re-hearings 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 a clear error. The Vice President for Student Services must limit the review to the challenges presented.

On reconsideration, the Vice President for Student Services 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 seven calendar days of submission to the Vice President for Student Services and are final, as are any decisions made by the original hearing body or Dean of Student Support 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 Dean of Student Support, 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 Dean of Student Support, that the appeal would result in a reversal of the finding and/or substantial modification of the sanctions. Witnesses may be called if necessary

### **Disciplinary Records**

All conduct records are maintained indefinitely by WCTC.

### **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.  
Related to student conduct, the term "student" includes any person who is currently enrolled in at least one credit or non-credit course of study, including but not limited to, High School Completion and Dual Enrolment. Persons who are not officially enrolled for a particular term but have been notified of their acceptance for admission are considered students. This applies to all WCTC campuses, centers or sites owned and/or operated by WCTC, as well as all classrooms, labs, clinics, or other College designated areas, regardless of the mode of the program and/or course delivery.
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 Student Development Manager.
6. The term "WCTC premises" includes all land, buildings, facilities, and other property in 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 Development.
9. The term "conduct officer" means a WCTC official (including the Student Development Manager, Student Development Coordinator) authorized on a case-by-case basis by the Student Development Manager to determine the responsibility of a student and impose sanctions upon any student(s) found to have violated the Student Code of Conduct.
10. The term "Administrative Appeals Officer" refers to the Vice President of Student Services and determines whether a student has violated the *Student Code of Conduct*.
11. The term "will" is used in the imperative sense.
12. The term "may" is used in the permissive sense.
13. The term "policy" means the written regulations of WCTC found in, but not limited to, the Student Handbook.
14. The term "accused student" means any student accused of violating this *Student Code of Conduct*.

### **WCTC Core Values**

- **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.