



# Students

## *Policies and Administrative Rules*

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**BOARD POLICY 5.0:   ADMISSION POLICY**

*Adopted 7/20/05*

*Revised 11/8/05(RF), 4/14/20*

Eastern Wyoming College is open to all students who meet the admission policies without regard to race, color, national origin, marital status, sexual orientation, sex, religion, political belief, veteran status, age, or disability.

It is strongly recommended that applicants provide the Admissions Office with an official transcript of their secondary school record, high school equivalency certificate, and/or transcripts from colleges previously attended. These credentials are important for purposes of applying for scholarships, academic advisement and efficient transfer of credit hours from previously attended institutions

**BOARD POLICY 5.1:      STUDENT ASSISTANTS POLICY**

*Adopted 5/11/04*

*Revised 11/8/05(RF)*

*Reviewed: 5/11/21*

Monies available for employing student assistants to faculty and staff are administered by the Director of Financial Aid. Such funds are included within the budget of that office.

Funds for this activity are derived from work study monies allocated by the federal government and designated institutional operating funds.

Policies and Procedures for managing the work-study program are maintained in the Financial Aid Policies and Procedures Manual.

**BOARD POLICY 5.2: WITHDRAWAL FROM INDIVIDUAL CLASSES AND COLLEGE**

*Adopted 7/20/05*

*Revised 11/8/05(RF), 3/9/10, 1/13/15*

*Reviewed: 5/11/21*

The Board of Trustees recognizes the need for clear and concise policies regarding student withdrawal from individual classes and from the College.

**Administrative Rule 5.2.1: Withdrawal from Individual Classes and College**

*Adopted 1/13/15*

*Revised: 3/30/20*

**Individual Classes**

It is the responsibility of the student to drop her/his classes; ceasing attendance to classes does not constitute an official withdrawal from class. Students may withdraw from any or all classes by the end of the 12<sup>th</sup> week (80%) of a regular semester and receive a grade of "W" (Withdrawal). For classes with a duration of less than 15 weeks, student withdrawal must be completed on a prorated basis (80%) to the length of the shorter semester. A withdrawal (W) grade is not computed in the student's grade point average. Withdrawal from a class does not release a student from any unmet financial obligation.

A student wishing to withdraw from an individual class must obtain an electronic Drop/Add form from their advisor. Once the electronic form has been signed by all designated parties it will be emailed to the Registrar's office for the official process of withdrawal.

**College**

Withdrawal from Eastern Wyoming College is the official discontinuance of attendance. Students wishing to withdraw are requested to obtain a withdrawal form from the Registrar's Office, complete the form, and return the form to that office. A student who follows this procedure will receive a grade of W (Withdrawal) on his/her transcript for each of the classes in which the student is enrolled, and the grade of W is not computed in the student's grade point average. Discontinuance of attendance without completion of the withdrawal procedure may result in a grade of F (Failure) for each course in which the student is enrolled.

**BOARD POLICY 5.3:                    INSTITUTIONAL WITHDRAWAL**

*Adopted 7/20/05*

*Revised 11/8/05 (RF), 3/9/10, 6/9/20*

The Vice President for Student Services may institutionally withdraw an individual from all classes in the event of a student's total abandonment of classes, a delinquent financial account, violation of the Student Code of Conduct, death, or other extenuating circumstances. The grade of IW (Institutional Withdrawal) is assigned to the student's classes and is not computed in the student's grade point average. The student will have the right to appeal this decision according to the EWC Student Grievance Policy 5.14.

**BOARD POLICY 5.4: CREDIT CLASSES FOR SENIOR CITIZENS**

*Adopted 7/20/05*

*Revised 11/8/05(RF), 3/9/10, 5/11/21*

**Credit Tuition Charges**

Senior citizens who are 60 years of age and who are residents of Wyoming shall be allowed to enroll without tuition charges in any or all credit course(s) sponsored by Eastern Wyoming College.

All people to which the above policy pertains are expected to pay for all books and incidental charges for classes in which they enroll.

**BOARD POLICY 5.5:    FACULTY RESEARCH INVOLVING STUDENT RECORDS**

*Adopted 7/20/05*

*Revised 11/8/05(RF), 3/9/10, 5/11/21*

Faculty research concerning individual student records, grades, class rosters, etc., must be approved by the designated administrator of Student services.

**BOARD POLICY 5.6: FINANCIAL HOLDS**

*Adopted 7/20/05*

*Revised 11/8/05 (RF), 3/9/10, 6/09/20*

The purpose of this system is to consolidate each student's financial obligations to Eastern Wyoming College and thereby be able to provide accurate information to the student about all delinquent financial obligations to Eastern Wyoming College.

If an office or an instructor wishes to place a financial "hold" on a student's transcript or registration, the "hold" will be entered into the computer information system. A "hold" placed on a student's record will prevent that student from receiving a transcript or re-enrolling. When the account has been settled, the appropriate office or instructor will rescind the "hold" on the computer information system.

If a student wishes to appeal a "hold" being placed upon their transcript and/or registration, they may do so in a written statement to the Vice President for Student Services, whose decision may further be appealed according to the EWC Grievance Policy 5.14.



**BOARD POLICY 5.7:     FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT**

*Adopted 7/20/05*

*Revised 11/8/05(RF), 3/9/10, 6/09/20*

**PRIVACY RIGHTS OF PARENTS AND  
STUDENTS**

**"Buckley Amendment"**

**General Statement**

Eastern Wyoming College has the responsibility for effectively supervising any access to and/or release of official data/information about its students. Certain items of information about individual students are fundamental to the educational process and must be recorded. This recorded information concerning students must be used only for clearly defined purposes, must be safeguarded and controlled to avoid violations of personal privacy and must be appropriately disposed of when the justification for its collection and retention no longer exists.

In this regard, Eastern Wyoming College is committed to protecting to the maximum extent possible the right of privacy of all individuals about whom it holds information, records, and files. Access to and release of such records is restricted to the student concerned, to others with the student's written consent, to officials within the College, to a court of competent jurisdiction, and otherwise pursuant to law. Students will receive annual notification regarding the Family Educational Rights and Privacy Act (Statute: 20 U.S.C. 1232 g; Regulation S: 34 CFT Part 99).

Only the personal representative (executor/executrix) or parents of a deceased student may authorize the release of education record information regarding the deceased student, for a period of ten years after the death of the student. Beyond such time, access to anyone requesting the deceased student's education records is permitted without permission.

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. They are:

1. The right to inspect and review their education records within 45 days of the day EWC receives a request for access. Students should submit to the Vice President for Student Services, or other appropriate official, written requests that identify the record(s) they wish to inspect. The EWC official will make arrangements for access and notify the student of the time and place where the records may be inspected.
2. The right to request the amendment of the student's education records that the student believes are inaccurate or misleading. Students may ask EWC to amend a record that they believe is inaccurate or misleading. They should write the Vice President for Student Services who is responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If EWC decides not to amend the record as requested by the student, the College will notify the student of that decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by EWC in an administrative, supervisory, academic or research, or support staff position; a person or company with whom the College has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, EWC discloses education records with consent to officials of another school in which a student seeks or intends to enroll.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by Eastern Wyoming College to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is: Family Policy Compliance Office U.S. Department of Education 400 Maryland Avenue, SW Washington, DC 20202-5920

**Administrative Rule 5.7.1:      Records Vault Access**

*Adopted: 01/25/00*

*Revised 11/8/05(RF), 3/9/10*

Access to the records vault will be available under the following stipulations:

1. Access to the records vault will be granted only through the permission of the Vice President for Student Services or designee.
2. Records should not be removed from the vault if at all possible. If records are removed by authorized personnel, the appropriate form should be filled out and the red tag placed in the file.
3. All records must be returned by 4:00 p.m. to the vault. No records are to be kept overnight.
4. Exceptions to the above policy will be made through the Vice President for Student Services.

**BOARD POLICY 5.8: CLASS ATTENDANCE POLICY**

*Adopted 7/20/05*

*Revised 11/8/05(RF), 3/9/10, 7/14/20*

A student at Eastern Wyoming College is expected to attend all sessions of each course in which the student is enrolled. Active participation in all scheduled learning activities is essential for the student to satisfactorily achieve the educational objectives of any course. Therefore, an instructor is authorized to withdraw a student from a course whenever:

- a. The student's absences in the course exceed 20% (twenty percent) of the scheduled sessions for the semester, or
- b. The student has been absent 6 (six) consecutive class hours in the course.

Where a special program attendance policy varies from the above, the program policy will prevail.

A student who is withdrawn from a course on or before the College's official last day to drop classes will receive a grade of W (Withdrawal) for the course. A student who is withdrawn after the official last day to drop classes will receive either a grade of F (Failure), a grade of IW (Institutional Withdrawal) or a grade of W (Withdrawal) for the course.

It is the responsibility of the instructor to notify, in writing, College Registrar that the student is being withdrawn. The instructor also must indicate what grade the student is to receive, and the last date of attendance. The College Registrar will then notify the student of the action taken.

Due to the variation in course content and in types of classroom activity, make-up policies will vary from instructor to instructor, and will be given specifically in the course outlines given to each student.

**BOARD POLICY 5.9:   ADMISSION OF INTERNATIONAL STUDENTS**

*Adopted 7/20/05*

*Revised 11/8/05(RF), 3/9/10, 5/11/21*

The purpose of this policy is to establish standards for the admission of international students to Eastern Wyoming College. The College will adhere to all United States federal laws and regulations regarding the enrollment of international students. The designated administrator for Student Services is responsible for the establishment and maintenance of such procedures as may be necessary to control the initial enrollment of international students to Eastern Wyoming College, in accordance with the provisions of these regulations.

**Administrative Rule 5.9.1:           Admission of International Students**

*Adopted 9/14/04*

*Revised 11/8/05 (RF), 3/9/10, 3/9/11, 5/22/17, 5/10/18. 4/15/20, 6/1/21*

In order for applications to be acted upon, each International Student indicating a desire to enroll and register for classes at Eastern Wyoming College must provide the following: (An application will not be considered complete until all of these materials referenced in items #1 thru #6 have been submitted.)

1. An English translation of all required academic records, and complete all application materials and correspondence in English.
2. An EWC Application for Admission completed by August 1 for the Fall semester (August through December), and November 1 for Spring semester (January through May), with all other college application materials completed and submitted by the Friday before the first day of classes for either semester.

Applications received after the August 1 and November 1 may be considered for admissions by appealing to the Vice President for Student Services. Students will need to complete the appeal form. The appeal form is available upon request from student services.

3. An EWC Housing Application form for those who wish to live in the residence halls should submit a EWC Housing Application form at least twenty-eight (28) days in advance of the initial term. Students should send the required damage deposit as a money order, bank draft or credit card in US Dollars before the first day of the initial term.
4. Proof of ability to bear the financial obligations incurred while attending Eastern Wyoming College.(i.e. Completion of all sections of the Confidential Financial Statement, including Statement of Guarantor and Bank Verification). International students may not work *off-*campus while attending college at Eastern Wyoming College. Students who are U.S. citizens receive priority consideration for on-campus employment.
5. International student whose primary language is not English or who attended a school in a non-English country are required to furnish English Language Proficiency test scores for admission. Visit [www.w.toefl.org](http://www.w.toefl.org) or <https://www.ielts.org> for more information about the TOEFL. Eastern Wyoming College's institution code for TOEFL is 4700. International student applicants may be accepted into EWC with the following test scores:

**TOEFL (Test of English as a Foreign language) Scores**

Paper based: 487 or Computer Based: 163 or Internet Based: 57

**International English Language Testing System (IELTS)**

IELTS Band Score 6

**DUOLINGO language Assessment**

DUOLINGO Score of 90 or higher

The following categories of applicants are not required to provide test scores (TOEFL, IELTS, DUOLINGO) showing English-language proficiency:

- a. International applicants whose native language is English.
- b. International applicants who have completed at least 2 years at a secondary school in the United States.
- c. International applicants who have completed one year or more of full-time coursework at a post-secondary institution in the United States. The total amount of academic work completed must be officially graded by the registrar of that institution and have a cumulative GPA value of 2.0 or higher, excluding ESL curriculum.
- d. International applicants who have received a degree from an international post-secondary institution whose language of instruction is English. Official documentation will be required from the institution's Registrar's office stating that the medium of instruction for the degree received was English.

All other applicants are required to provide evidence of English-language proficiency.

6. Documentation of an MMR immunization and negative TB test, and/or TB Status must be provided prior to being admitted and registered for classes. International Students are required to have and must show proof of medical insurance at the time of their application and during their enrollment at Eastern Wyoming College.
7. Upon completion of items #1 thru #6 and verification by the institutional Principal Designated School Official (PDSO), a SEVIS 1-20 form will be generated by Eastern Wyoming College at the time of admission to the College.

**International Transfer Students**

1. Students currently attending another college in the United States and wanting to transfer to Eastern Wyoming College must complete the student section of the EWC transfer form. This form must be sent to the student's international contact at the current institution for completion of the school's section, then returned to the EWC Admission Office. The form is available upon request from Student Services.

2. International students whose primary language is not English or who attended a school in a non-English speaking country are required to furnish English Language Proficiency test scores for admission. Visit [www.toefl.org](http://www.toefl.org) for more information about the TOEFL. Eastern Wyoming College's institution code for TOEFL is 4700. International student applicants may be accepted into EWC with the following test scores:

**TOEFL (Test of English as a Foreign language) Scores**

Paper based: 487 or Computer Based: 163 or Internet Based: 57

**International English Language Testing System (IELTS)**

IELTS Band Score 6

**DOULINGO Language Assessment**

DOULINGO Score of 90 or higher

The following categories of applicants are not required to provide test scores (TOEFL, IELTS, DOULINGO) showing English-language proficiency:

- a. International applicants whose native language is English.
- b. International applicants who have completed at least 2 years at a secondary school in the United States.
- c. International applicants who have completed one year or more of full-time coursework at a post-secondary institution in the United States. The total amount of academic work completed must be officially graded by the registrar of that institution and have a cumulative GPA value of 2.0 or higher, excluding ESL curriculum.
- d. International applicants who have received a degree from an international post-secondary institution whose language of instruction is English. Official documentation will be required from the institution's Registrar's office stating that the medium of instruction for the degree received was English.

All other applicants are required to provide evidence of English-language proficiency.

**BOARD POLICY 5.10: CLUB SPONSORSHIP**

*Adopted 7/20/05*

*Revised 11/8/05(RF), 3/9/10, 5/11/21*

Eastern Wyoming College will sponsor no off-campus student club activities that occur outside the school year. This restriction would cover all student activities offered by the College which include: those clubs listed under campus life in the Eastern Wyoming College catalog.

Sponsors of activities which might be hazardous to students must ensure that all the participants have knowledge of the skills and safety precautions required of the activity.

**BOARD POLICY 5.11: RESIDENCE CLASSIFICATION POLICY**

*Adopted 9/14/93*

*Revised 11/8/05(RF), 3/9/10, 6/09/20*

Requirements for in-state residency for tuition determination for Wyoming Community Colleges are established by the Wyoming Community College Commission. The following regulations govern the classification of students as a resident or non-resident for the purpose of tuition assessment at each of the seven Wyoming Community Colleges.

In accordance with Wyoming Community College Commission rules, the EWC Board of Trustees will determine residency classification according to EWC Administrative Rule 5.11.1.

A. RESIDENCE CLASSIFICATION POLICY

1. Individuals may be reclassified for the following term when facts indicate that a change in residency has occurred since the time of original residence classification or since their most recent appeal. Reclassification as an in-state student will not be applied retroactively to previous terms.
2. A student assigned a non-resident classification may submit a request for reclassification to the Registrar. The student must submit the request and accompanying documentation on or before the first day of classes. A decision will be rendered within 20 days of the first day of classes.
3. A student classified as a resident by one Wyoming Community College or the University of Wyoming will be considered a resident at all Wyoming Community Colleges.

B. CLASSIFICATION PROCEDURES

1. Residence classification shall be initiated for each student at the time the application for admission is accepted.
2. The following students are considered nonresidents:

Individuals who are not U.S. citizens or permanent residents except as provided by C.2 or C.3 as follows.

Individuals holding a valid Nonimmigrant status in the following categories:  
F-1 and F-2 / H-3 and H 4 / J-1 / K-1 / J-2 / M-1 and M-2 / Q-1 / R-2 visas except as provided by C.2 or C.3 as follows.

C. RESIDENCY: The following students are considered Wyoming residents (accompanying documents may be required):

1. A financial dependent, or under the age of 24 with a parent, guardian, or spouse who lives in the State of Wyoming. (Provide most recent tax return for verification of dependent status. Additional documents may be required to show length of residency in Wyoming.)



2. A graduate of a Wyoming high school. (High school transcript or diploma may be required.)
3. A student who earned a high school equivalency in Wyoming and also qualifies for a Hathaway Scholarship. (Verification of Hathaway eligibility is required as well as completion of high school equivalency.)
4. An active member of the Wyoming National Guard or U.S. Armed Forces member stationed in Wyoming, or the dependent of one. (Provide military enlistment papers or transfer orders).
5. A Wyoming resident who was temporarily absent from the State due to military service, attendance at an educational institution, or other type of documented temporary absence. (Provide military discharge (Form DD 214), institution transcript/certificate, etc., and proof of residency).
6. A student who has been awarded resident tuition status at another Wyoming Community College or the University of Wyoming. (Submit documentation showing resident tuition status).
7. The spouse or financial dependent of an individual who is a Wyoming resident pursuant to these Guidelines. (Provide a copy of marriage license and verification of spouse's residency).
8. A legal dependent under age 24 of a Wyoming community college graduate. (Provide graduate's name, Wyoming Community College, graduation date, and verification of dependent status.)
9. Has a permanent home in Wyoming. To determine if a permanent Wyoming home has been established, a variety of factors are considered and no one factor determines residence status (see Wyoming Community Colleges Application for Residency Reclassification form for examples). Documentation must show six months' continual presence in Wyoming.
10. A veteran or eligible individual, as described in 38. U.S.C. 3679 (c) (2), and is providing:
  - a. A certificate or other evidence of the veteran's or uniformed service members' qualifying service of 90 days or more in the uniformed services of the United States.
  - b. Other documented evidence as outlined on the Wyoming Community Colleges Application for Residency Reclassification form.

**BOARD POLICY 5.12:            HIGH SCHOOL STUDENT TUITION POLICY**

*Adopted 1/14/03*

*Revised 11/8/05(RF), 3/9/10, 6/10/20*

Wyoming Statutes provide that agreements between the school districts and the colleges or University shall establish that any fees covered by the agreement are assessed to the school district for student participation. The agreement shall also set a payment schedule and arrangements to facilitate payment and collection of the fees. See W.S. 21-20-201(d). Students, parents or guardians do not pay for dual and concurrent enrollment courses.

**BOARD POLICY 5.13:        STUDENT CODE OF CONDUCT**

Adopted 7/ 20/05

Revised 11/8/05(RF), 3/ 9/ 10, 6/09/20

Colleges recognize the student as an adult pursuing an education. Just as a student does not lose citizenship rights upon enrolling at a college, the student also does not become immune to society's obligations and laws or to the responsibilities of daily living in a broader society. In general, the behavioral norms expected of the college student are those of common decency and decorum, recognition of and non-infringement upon the rights and property of others and of the college, honesty in academic work and all other activities, and observance of local, state, and federal laws.

When students enter Eastern Wyoming College, they take upon themselves certain responsibilities and obligations, including satisfactory academic performance and social behavior consistent with the lawful purposes of the college. Student conduct, therefore, is not considered in isolation within the college community but as an integral part of the education process. All students are expected to know and abide by this code of student conduct.

**Administrative Rule 5.13.1     Student Code Authority**

Adopted: 6/29/20

Revised: 6/1/ 21

The Board of Trustees delegates to the College President the authority to oversee the administration of conduct standards.

The Advisory Council for Student Services Committee is responsible for reviewing the Student Rights and Responsibilities Handbook as set forth in Article VI, below. All new and revised Student Rights and Responsibilities Handbook administrative rules must be approved by the Advisory Council for Student Services, the Vice President for Student Services, Leadership Council, and the College President.

Administration of the Code is the responsibility of the Vice President for Student Services or designee who shall develop procedures to carry out the Code.

The Vice President for Student Services or designee shall serve as the principal investigators and administrators for alleged violations of the Code, and shall interpret and implement procedures to carry out the Code.

Decisions made by the Vice President for Student Services or designee, shall be final, pending the appeal process set forth in this Code.

**Administrative Rule 5.13.2     Jurisdiction**

Adopted: 6/29/20

Revised: 6/1/21

The Code shall apply to student conduct on College premises and at or in connection with College related or sponsored events and activities regardless of location. College related and sponsored events include, but are not limited to international or domestic travel, activities funded by the

Student Senate, college approved clubs and athletic events, trainings, online learning, supervised academic/work experiences, and College sanctioned social activities. Off-campus events and activities sanctioned and/or sponsored by the College are also governed by this rule. If it is determined that the alleged off campus misconduct adversely affects the College community or the pursuit of the College's objectives, the same policies and processes that govern on-campus allegations of misconduct will apply.

The code shall apply from the time a student applies for admission to the College through the student's receipt of degree and/or certificate, or they cease formal enrollment. If a student withdraws or ceases to attend while a disciplinary matter is pending, they may be held accountable to the Code.

All persons, including persons who are not students, must comply with all applicable College policies and procedures when attending or participating in any activity connected with the College.

At the discretion of the Vice President of Student Services or designee allegations of misconduct by students or student groups may be adjudicated by the College prior to, concurrent with, or following any civil or criminal proceedings.

**Administrative Rule 5.13.3      Prohibited Conduct**

Adopted: 6/29/20

Revised: 6/1/21

The following constitutes conduct prohibited by the College for which a student or student groups are subject to disciplinary action:

**A. Academic Dishonesty**

Actions constituting violations of academic integrity include, but are not limited to, the following:

1. Cheating. Includes but is not limited to use of any unauthorized assistance for academic work and use of resources beyond those authorized by the faculty member(s) in writing papers, preparing reports, solving problems, or carrying out other assignments. Also included is the acquisition, without permission, of tests or other academic material belonging to a member of the College faculty or staff.
2. Collusion. Includes but is not limited to assisting another to commit an act of academic dishonesty such as paying or coercing someone to acquire unauthorized academic material, taking a test or doing an assignment for someone else, unauthorized group work, use of unauthorized electronic devices, or allowing someone to do these things for one's own benefit.
3. Fabrication. Includes but is not limited to falsifying data, information, or citations in completing an academic assignment or other institutional document. This also consists of providing false or deceptive information to an instructor concerning the completion of an assignment.

4. **Plagiarism.** Includes but is not limited to use of someone else's language, ideas, or other original material that is not common knowledge without attribution to the source. This definition applies to all student work, not limited to print materials, online materials, manuscripts, oral discussion, and the work of other students. Examples include submitting someone else's language, ideas, or materials as one's own; inadequate paraphrasing and/or direct copying of material without academic citations, and self-plagiarism, which includes the unauthorized submission for credit of academic work that was previously submitted for credit in another course.

**B. Alcohol and Drug Violations**

**Alcohol.** The possession, consumption, distribution, sale, or being under the influence of any alcoholic beverage is prohibited on College premises and during College related or sponsored events and activities, except as permitted by law and applicable College policies.

**Drugs.** The possession, consumption, distribution, sale, or being under the influence of any illegal drugs is prohibited at all times. This includes unauthorized use of prescription drugs. The possession, consumption, distribution, sale, or being under the influence of marijuana, cannabis, or any of its derivatives is prohibited on College premises and during College-related or sponsored events and activities.

**C. Assault, Endangerment, and Intimidation**

**Assault.** Unwelcome physical contact that obstructs or disrupts a person from engaging in individual activities; puts a person in reasonable fear for personal safety; or causes or creates a substantial risk of personal injury or property damage.

**Endangerment and Intimidation.** Non-physical contact includes but is not limited to bullying, intimidating, or threatening behavior that obstructs a person from engaging in individual activities; puts a person in reasonable fear for personal safety; causes or creates a substantial risk of personal injury or property damage; or causes or intended to cause emotional or physical distress. Non-physical contact includes all forms of direct or indirect contact with another person such as, but not limited to written, electronic, or telephonic communication of any form.

**D. Disruptive Behavior**

**Disruption.** Actions that cause the obstruction or disruption of teaching, learning, research, administration, disciplinary procedures, and all other College-related or sponsored activities. This includes the College's public service functions and all other authorized activities on College-owned property and community facilities utilized by the college.

**Obstruction.** The obstruction or disruption interfering with the freedom of movement, including obstruction of the free flow of pedestrian or vehicular movement on College property or at a College activity.

**Infringement.** Leading or participating in any activity that unreasonably infringes on the rights of another member of the College community whether intentional or not.

**Interference.** Interfering with someone else's participation in a College activity, event, or process.

**E. Failure to Comply**

Refusing to comply with reasonable directions of College officials, acting in the scope of their duties as they pertain to this Code. In some cases, "officials" may be students employed/ designated to act on behalf of the College and this Code.

Noncompliance with any disciplinary sanction imposed under this Code.

**F. Falsification of Information**

Includes, but is not limited to:

Knowingly furnishing false information, or failing to furnish correct information, in response to request or requirement of a College Official.

Forging, altering, or misusing EWC documents, records, or identification cards, including electronic documents and records.

Unauthorized use of another individual's identification or password, or sharing one's personal identification or password with an unauthorized user.

Knowingly reporting a false emergency.

Knowingly making a false accusation of misconduct.

**G. Fire and LifeSafety**

Includes, but is not limited to:

Tampering with fire safety equipment, generating a false alarm, or engaging in behavior that constitutes a fire or safety hazard.

Failure to evacuate a College building after an alarm has sounded.

Failure to follow the fire and/or life safety-related directives of a person authorized to give such directives.

**H. Harassment**

Unwelcome verbal, nonverbal, visual, or physical conduct that is so severe, persistent, or pervasive that it interferes with or limits the ability of a student, faculty, or staff member to participate in, or benefit from, the College's educational and/or employment opportunities, programs, or activities. A single incident may also constitute harassment.

At the College's sole discretion, harassment may be addressed through the College's Nondiscrimination and Non-harassment Policy instead of or in addition to this Code. At the College's sole discretion, harassment on the basis of actual or perceived sex, gender, gender identity, or gender expression may be addressed through the College's Sexual Misconduct Policy instead of or in addition to this Code.

**I. Hazing**

An act which endangers or jeopardizes the mental or physical health or safety of a student

or other College community member, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for inclusion and/or continued membership in a group or organization. This includes, but is not limited to, all violations of applicable hazing laws. The expressed or implied consent of the person subject to the hazing does not relieve an individual or group from responsibility for violating the Code.

**J. Property Theft and/or Damage**

Attempted or actual theft of, unauthorized use or possession of, and/or damage to property of the College or of a member of the College community.

**K. Recording**

Using, obtaining, attempting to obtain, record or photograph an individual without their consent is prohibited.

Recordings and/or photographs of lectures and presentations may not be used for any reason other than personal educational purposes and may not be shared publicly without the instructor's permission.

**L. Retaliation**

Retaliating, or attempting to retaliate, against any individual for exercising one's rights or reporting information is prohibited. Retaliation towards individuals involved in the process of responding to, investigating, or addressing allegations or violations of federal, state, or local law; College policy, including, but not limited to, the provisions of this Code is also prohibited.

**M. Sexual Misconduct**

Relevant definitions and the procedures for addressing possible sexual misconduct are included in the College's Sexual Misconduct Guidebook.

At its sole discretion, the College may address possible sexual misconduct through this Code and/or its Sexual Misconduct Guidebook.

**N. Stalking**

Stalking is repeatedly contacting another person when the contacting person knows or should reasonably know that the contact is unwanted. "Contacting" includes, but is not limited to, coming into the visual or physical presence of the other person; following another person; or sending written, electronic, or telephonic communication of any form to the other person, directly or through a third party. Stalking on the basis of actual or perceived sex, gender, gender identity, or gender expression is addressed in the College's Gender-based and Sexual Misconduct Policy, and at the College's sole discretion may be addressed through this Code and/or its Sexual Misconduct Policy.

**O. Unauthorized Access and Unauthorized Individuals**

Unauthorized possession, duplication, or other use of a key, keycard, or other restricted means of access to College premises. This includes but is not limited to unauthorized entry onto or into College property.

Faculty may provide permission or may restrict persons who are not registered for the course from attending class sessions. Exceptions will be approved by the Vice President for Academic Services in accordance with the American with Disabilities Act and Amendments Act. Additional exceptions may be made at the discretion of

The College reserves the right to remove unauthorized individuals from the campus at any time by college administration if deemed to interfere or disrupt with the educational environment or poses a potential safety threat to others.

**P. Violation of College Policy**

Violation of any College policy, rule, or regulation that is posted by College Officials or available electronically on the College website.

**Q. Violation of Law or Regulation**

Engaging in conduct that is contrary to any federal, state, or local law when such violation poses a risk to, or interferes with the College, its employees and students and their participation in College processes, programs, activities, or events.

**R. Weapons and Dangerous Materials**

Possession of firearms, explosives, other weapons, or dangerous chemicals on College Premises is prohibited. The use of any item in a manner that harms, threatens, or causes disruption to the educational environment is prohibited. Exceptions to this policy are permitted when the weapon and/or dangerous materials are used in conjunction with an approved College instructional program, is carried by a duly constituted law enforcement officer, or is otherwise permitted by law.

**Administrative Rule 5.13.4: Procedures**

Adopted: 6/29/20

Revised: 6/1/21

**A. Removal of Registered Students:**

If a student is engaging in disruptive behavior, faculty and/or staff may temporarily restrict a student's participation in class or temporarily block access to the learning management system. Before allowing the student to return to class, the faculty member(s), Department Chair/ Program Director, will clarify with the student the behavioral standards that must be met in order to continue in the class. This clarification will occur as expeditiously as possible. During the period of restriction, the student must be provided the opportunity to maintain access to the educational/course content. Faculty must facilitate an alternate method for this to occur. The Vice President for Student Services and or designee can provide consultation and coordination throughout the classroom management process. If the disruptive behavior is not resolved through the clarification process, the faculty member, Department Chair/Program Director, Vice President for Student Services and or designee will impose further sanctions in accordance with this Code. Any permanent removal from class must be in accordance with the procedures of this Code.



## **B. Administrative Hearing Process:**

### **1. Report**

Anyone may submit information about a possible Code violation by submitting a report to EWC Report and Incident web page.

### **2. Preliminary Review**

The Vice President for Student Services and/or designee will investigate the alleged Code violation and gather further information if deemed necessary and appropriate. If the information does not substantiate a Code violation, the Vice President and/or designee can close the report or address the questionable behavior through the appropriate department area. If the report does constitute a Code violation, the Vice President and/or designee will provide the following processes. The Vice President for Student Services determines whether (a) the case will proceed to an Administrative Hearing, or (b) other measures or actions are prescribed.

### **3. Interim Action**

The Vice President for Student Services or designee may impose one or more interim actions, including (a) immediate suspension, (b) restriction of access to College premises, the virtual learning environment, and/or all other College activities and privileges, or (c) any other action determined by the Vice President for Student Services or designee as reasonable to prevent the recurrence of the alleged Code violation and protect the integrity of the investigation. The interim action(s) does not replace the Administrative Hearing process as outlined in this Code.

The accused student will be referred to as the Responding Party and thus notified in writing of any interim action and the rationale. Following the written notification of the interim action, the Vice President for Student Services or designee shall provide the student five (5) calendar days, an opportunity to address the action and supporting information in person, by phone, or through written communication. Based on that information, the Vice President for Student Services or designee may maintain, revoke, or modify the interim action.

### **4. Notice of Hearing /Hearing Panel Composition**

After the preliminary review by the Vice President for Student Services or designee, a Hearing Notice may be sent to the Responding Party. The notice shall include: (a) a brief description of the reported allegation(s), (b) the section(s) of the Code the Responding Party is alleged to have violated, (c) the range of possible sanctions for the alleged violation(s), (d) the time frame in which the hearing must take place, (e) information about having a Support Person attend, (f) information on how to request accommodations for a disability y, and (g) information on the Administrative Hearing procedures.

The Administrative Hearing will occur within ten (10) days from the date on the Hearing Notice. Requests for extensions by the Responding Party may be granted at the discretion of the Vice President for Student Services.

The Hearing Panel will be comprised of the Vice President for Student Services, two faculty members selected by the Faculty Senate, one professional employee selected by the Staff Alliance, and one student selected by the Student Senate.

5. Administrative Hearing and Investigation:
  - a. The Responding Party may elect to participate in the Administrative Hearing in person, by telephone, or by videoconference
  - b. The Responding Party may elect to not participate in or attend this hearing. In this case, the Vice President for Student Services or designee may decide the matter in the party's absence. Failure to cooperate or appear will not delay the hearing.
  - c. If the Responding Party elects to participate in the hearing, the Vice President for Student Services or designee will review the alleged violation(s) with the Responding Party at the hearing. The Responding Party will be provided a reasonable opportunity to share their perspective, and respond to the information presented.
  - d. The Responding Party may solicit a support person during the Administrative Hearing, but the Support Person may not participate in the meeting in any other manner, including speaking on behalf of the responding party. The College and/or the Responding Party may solicit legal advice at their own respective expense. The Responding Party must notify the College within forty-eight (48) hours prior to the Administrative Hearing if the Support Person will be an attorney.
  - e. The Vice President for Student Services or designee may gather additional information after the hearing by conducting interviews, reviewing documents, and other activities as deemed necessary. The Vice President for Student Services or designee may need to meet with the Responding Party about information gathered after the initial Administrative Hearing. This may take up to ten (10) days after the hearing, or longer as appropriate under the circumstances.
  - f. The Vice President for Student Services or designee will make reasonable efforts to communicate to all relevant parties any anticipated delays of more than ten (10) days.
6. Decision
  - a. All decisions of the Vice President for Student Services or designee will be based on a preponderance of the evidence.
  - b. After the hearing and the conclusion of any investigation, a decision letter will be sent to the Responding Party's College email and/or their permanent address articulating (i) the decision of the Vice President for Student Services, (ii) the sanction(s) imposed, if any, and (iii) information about the appeal process, if a Code violation is found.

- c. In accordance with FERPA, and if deemed appropriate by the Vice President for Student Services or their designee, the Reporting Party may be notified of the decision and if an appeal is filed.
  - d. The decision of the Vice President for Student Services or designee is final unless an appeal is filed in accordance with the appeal procedures set forth in this Code.
7. Sanctions
- a. Sanctions may be imposed upon any student, student organization, or student group found to be responsible for violating the Code.
  - b. More than one sanction may be imposed for a single violation.
  - c. Sanctions, including, but not limited to, the following, are intended to be educational and developmental in nature:
    - I. Administrative Removal from a Class. The Responding Party will be removed from a specific class but be allowed to continue in all other courses, unless otherwise restricted. The Responding Party is responsible for any tuition and fees associated with the administrative withdrawal process. The faculty member will have the discretion to determine the grade for the class upon removal and communicate to the Registrar.
    - II. Community Service. The Responding Party must provide a designated number of hours of service to a designated entity.
    - III. Educational Sanctions. The Responding Party must complete tasks such as assignments, interviews, reflection papers, educational meetings, or other educational activities.
    - IV. Expulsion. The permanent separation of the Responding Party from the College. This means that the Responding Party may not, at any time in the future: enroll in the College; be a member of any student club or organization; or register for, or participate in, any program, activity, or event sponsored or organized, in whole or in part, by the College. The Responding Party is trespassed from College Premises, which means the party may never again be present on College owned or controlled property, or access the virtual learning environment. The Responding Party's rights and privileges as an enrolled student at the College are immediately revoked. The Responding Party will be responsible for any tuition and fees associated with the administrative withdrawal process, including any financial aid status implications.

Expulsion will become a part of the Responding Party's disciplinary record and permanent academic record. All other sanctions will become part of the Responding Party's disciplinary record but may not be a part of the party's permanent academic record.

- V. **Loss of Privileges.** The Responding Party is denied specified privileges of being a student for a designated period of time.
- VI. **No Contact Directive.** The Responding Party is prohibited from contacting a specified person(s) related to the Code violation. This includes contact initiated through any means (including personal, electronic, and telephonic) as well as contact initiated by any third parties on the Responding Party's behalf or request. This restriction applies both on and off campus. Failure to abide by the terms of this sanction will result in further disciplinary action.
- VII. **Notation on Transcript.** A notation may be placed on the Responding Party's academic transcript related to the party's disciplinary standing for the duration of the sanction. This may be used when the student is suspended or expelled.
- VIII. **Probation.** For a specified period of time, any additional Code violations by the Responding Party will result in progressive disciplinary action. During the period of probation, the Responding Party is not considered in good disciplinary standing. Upon expiration of the probation period and fulfillment of other sanctions imposed (if any), the disciplinary probation will be lifted.
- IX. **Restitution.** For violations involving damage to, destruction of, or theft of property, the Responding Party may be required to make monetary restitution and/or return any stolen or misappropriated property in an amount not to exceed the actual expenses, damages, or losses incurred.
- X. **Suspension.** The temporary separation of the Responding Party from the College for a specific period of time. During the suspension period, the Responding Party is not eligible for the privileges and services provided to enrolled students, including but not limited to registering, attending class, or accessing the virtual learning environment. The Responding Party is trespassed from the College, including from all College owned or controlled property, services, and facilities. The Responding Party will be responsible for any tuition and fees associated with the administrative withdrawal process including any financial aid status implications. Upon expiration of the suspension period, the Responding Party must submit in writing a request for reinstatement to the Vice President for Student Services or designee. The Responding Party may be asked to provide a statement demonstrating readiness to return and successfully re-engage with the College community. If the Vice President for Student Services or designee confirms that all terms of the suspension have been met and the suspension is lifted, the Responding Party may be reinstated with or without additional conditions, at the discretion of the Vice President for Student Services or designee.

- XI. Warning. Written notice that the Responding Party has been found responsible for violating the Code. Additional Code violations may result in progressive disciplinary action. A warning does not affect the Responding Party's disciplinary standing.
- XII. Registration Hold. Students who do not complete assigned sanctions within the time provided may be prevented from registering for classes until completion of those sanctions.

Appeals - See appendix A:

- Board Policy 5.14: STUDENT GRIEVANCE AND STUDENT COMPLAINT POLICY
- Administrative Rule 5.14.1: STUDENT COMPLAINT PROCEDURE
- Administrative Rule 5.14.2: STUDENT GRIEVANCE PROCEDURE
- Administrative Rule 5.14.3: STUDENT GRADE APPEAL PROCESS

#### C. Procedures for Academic Dishonesty

1. Report - Anyone may submit information about a possible Code violation by submitting a report to EWC's Report an Incident webpage. Faculty are encouraged to notify their Department Chair/Program Director and Vice President for Student Services or designee of the possible academic dishonesty.
2. Report Review - The Vice President for Student Services or designee reviews the report submitted and contacts the Reporting Party to follow up on the report and next steps.
  - a. The faculty member's course of action may include, but is not limited to:
    - I. Meet with the student and construct a plan so that the academic misconduct ceases.
    - II. Issue no credit or partial credit for the assignment.
    - III. Allow the student to redo the assignment. Wait to assign a grade to that assignment until the conduct process has concluded.
    - IV. Withdraw the student from the course. The course faculty member's decision shall be communicated in writing to the student, the Department Chair/Program Director, and the Vice President for Student Services or designee.
 

The student may appeal the faculty member's decision by following the College's Complaint Process (Appendix A).
3. The student may appeal the decision/ s, which resulted from the Administrative Hearing by following the steps outlined in Appendix A of this document.
4. The Vice President for Student Services or designee determines whether (a) the case will proceed to an Administrative Hearing, or (b) the case will be closed.

5. This process does not apply to a student contesting a final grade for the course. The grade appeals process is outlined in the Grade Appeals Process in Administrative Rule 5.14.3.

6. Result of an Administrative Hearing

As a result of an Administrative Hearing, the Vice President for Student Services may need to coordinate with the Vice President for Academic Services to make necessary changes to the student's transcript to reflect the hearing results. This may include adjustments to grades from previous terms.

D. Concurrent Proceedings

Nothing in this Code shall preclude or in any way restrict additional actions in any College department, educational program, or activity related to academic, professional, or similar standards specific to the department, program, or activity.

**Administrative Rule 5.13.5:                      Revision Schedule**

Adopted: 6/29/20

Revised: 6/1/21

The Student Code of Conduct shall be reviewed at least every three (3) years or as determined by the Advisory Council for Student Services Committee.

In situations where a timely revision is necessary due to changes in federal or state laws, the Advisory Council for Student Services Committee will create an interim revision to a specific aspect within this Code for the Vice President for Student Services' immediate approval. This temporary/ interim statement will be put into effect until a permanent revision is able to move through the formal approval process.

**Administrative Rule 5.13.6:                      Record Retention**

Adopted: 6/29/20

Revised: 6/1/21

All files and records of procedures under this Code are maintained by the Office of the Vice President of Student Services in accordance with Wyoming state regulations.

**BOARD POLICY 5.14:                    STUDENT GRIEVANCE AND STUDENT COMPLAINT POLICY**

Adopted: 9/10/19

Eastern Wyoming College (EWC) students have the right to pursue timely, legitimate grievances against employees of the College. Therefore, the College shall establish, publish, and follow a procedure that delineates the rights and responsibilities of the grieving party and the college employee against whom a grievance may be lodged.

**Administrative Rule 5.14.1:                    Student Complaint Procedure**

Adopted: 9/10/19

Revised: 2/24/20, 6/1/21

The first procedure, the informal complaint procedure, is designed to permit an expedited and orderly processing of all complaints or concerns of students in an informal manner, while at the same time insuring that the complaints are fully explored and that a reasonable effort has been made to resolve the difficulties without the necessity of formal grievance proceedings.

The informal complaint procedure may be utilized by students to resolve any student/employee problem arising at the College. If the complaint cannot be resolved through this informal procedure, the person or persons involved may avail themselves of the formal grievance procedure.

The informal complaint process is limited to thirty (30) calendar days from the alleged event. Any student who has a complaint may utilize this informal complaint procedure. In implementing this procedure, the complaining party should proceed as follows:

1. The initial complaint should be first discussed between the persons involved; many problems may be resolved on this one-to-one basis.
2. If the individuals concerned are unable to resolve the problem on a one-to-one basis, the following procedures should be followed:
  - a. Students should first define the complaint to the appropriate Department Head or Program Director regarding instructional personnel or matters; or to the appropriate supervisor regarding non-instructional personnel or matters.
  - b. If the parties are unable to resolve the problems with assistance from the Department Head Program Director, or appropriate supervisor, they should next direct their complaint to the Vice President for Student Services or designee.

This informal procedure does not rule out discussions among the complainant or any other person who may assist in resolving the situation, including the immediate supervisor in charge of the particular department or activity involved.

In the event the above procedure does not result in a mutually agreeable solution, the student may file a formal grievance with the Vice President for Student Services, which will then be processed in accordance to the procedures set forth within the College's Formal Student Grievance Procedure.

**Administrative Rule 5.14.2:**

**Student Grievance Procedure**

Adopted 9/10/19

Revised: 2/24/20, 6/1/21

**Purpose**

The student grievance procedure provides a process for resolving certain student disputes with employees, decisions, and defined processes and procedures of the college. This procedure applies to all student issues, including but not limited to academic issues, student services, or administrative concerns. Students who wish to appeal final course grades should follow the Grade Appeal Process defined in Administrative rule 5.14.3.

Persons who were enrolled as students at Eastern Wyoming College (EWC) at the time the incident occurred may use the grievance procedure. The person filing the grievance must be the subject of alleged unfair treatment that is related to their status as a student or program participant. A grievance cannot be filed on behalf of another person.

*If the basis of the claim is discrimination and/or harassment based on federal or state civil rights laws, the student may use the College's grievance process or file a complaint directly with the Office of Civil Rights. Complaints may be filed with the OCR using OCR's electronic complaint form at the following website: <http://www.ed.gov/about/offices//st/ocr/complaihtintro.html>.*

**Grievance Process**

1. EWC has established the grievance process to ensure that the student's rights are protected and the College community functions in an orderly manner.
2. Except as otherwise outlined herein, a grievance is a dispute of policy and/or procedure with college employees.
3. The following steps outline the formal steps the Student Grievance Committee and the Vice President for Student Services (VPSS) shall follow to ensure that all parties in the process receive fair and equitable treatment.

**Student Grievances**

1. The basic outline of the procedure shall be included in the Student Handbook. The formal grievance procedure is not intended to replace informal complaint procedures, but only provides an additional avenue of dialog for students.
2. The Student Grievance Committee shall provide a prompt, fair, and equitable hearing for each grievance filed and submit a written recommendation to the VPSS. In some cases, the committee may determine, based on written evidence, that the grievance does not meet the definition of a grievance and shall so recommend a summary judgement to the VPSS without convening an internal meeting.



3. If a student has a disability and would like to request an accommodation to assist them through the grievance process they may do so by informing the VPSS. The VPSS will then work with disability services to accommodate the request.

### **Non-Grievable Matters**

The following matters are not grievable under this procedure except as noted:

- Matters over which the College is without authority to act.
- Final Course Grades.

### **Student Grievance Procedure**

#### **1. Receiving grievance phase:**

- a. If efforts to resolve a complaint informally fail, the student may obtain a Student Grievance Form from the VPSS or in order to file a written complaint. The completed Student Grievance Form must be submitted to the VPSS within thirty (30) working days of the alleged unfair action or within ten (10) working days of the unsuccessful resolution of the informal complaint process. The written complaint shall contain the following:
  - A concise statement of the grievance;
  - A complete description of the action(s) of all parties involved;
  - A detailed description of the alleged events;
  - The date of the alleged occurrence;
  - The place of occurrence of the alleged events;
  - The relief or remedy sought by the complainant.
- b. After the written complaint is filed, the grievance enters the formal hearing phase and is remitted to the Student Grievance Committee for consideration.

#### **2. Hearing phase**

- a. Within three (3) working days after the receipt of the written complaint, the VPSS will provide copies of the formal complaint to all parties involved.
- b. Within three (3) working days after the receipt of the written complaint, the VPSS will appoint a grievance committee.
- c. The Student Grievance Committee shall be composed as follows and shall have at least:
  - One professional/classified staff and one alternative selected by the Staff Alliance President.
  - One faculty member from the faculty at-large and one alternative

- selected by the Faculty Senate President, and
  - One (1) student and one alternative selected by the Student Senate President.
- d. The chair of the Student Grievance Committee will be identified by the VPSS from within the designated committee and shall have voting privileges. The committee reserves the right to appoint a substitute member, who is acceptable to both parties, if a committee member and the alternative is unavailable to serve. The three (3) committee members shall constitute a quorum. Within five (5) working days of receipt of the written complaint, the office or individual whose action is being grieved may submit a response to the Student Grievance Committee.
- e. Within two (2) working days of receipt of the written response, the Student Grievance Committee will review the complaint and determine if the complaint constitutes a grievance. In some cases, the committee may determine, based on the written evidence, the grievance does not meet the definition of grievance and shall recommend to the VPSS the claim be dismissed. All parties will be provided all written evidence collected by the Student Grievance Committee prior to the formal hearing.
- f. Within the next five (5) working days, the Student Grievance Committee will hold a hearing at which both the student who filed the grievance and the accused party shall have an opportunity to participate relevant information.
- g. Within the five (5) working days after the hearing, the committee shall submit written findings to the VPSS and make a recommendation to resolve the grievance. Copies of this recommendation will be provided to all parties involved.
- h. Either party may appeal in writing the recommendation within five (5) working days to the VPSS.
- i. If no appeal from either party is received by the VPSS within five (5) working days of the recommendation from the Student Grievance Committee, the VPSS will communicate the recommendation(s) of the Student Grievance Committee to all parties. The recommendation is final and binding.

### **3. Appeals Process**

In the event of an appeal, the VPSS shall, within five (5) working days, give written notice to involved parties that an appeal of the recommendation has been received. The VPSS will review the appeal to determine if the appeal meets the limited grounds and is timely. The original finding will stand if the appeal is not timely or substantively eligible and that decision is final and binding. The party requesting appeal must show error as the original finding is presumed to have been decided reasonably and appropriately. The ONLY grounds for appeal are as follows:

- a. A procedural or substantive error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established

- procedures); or
- b. To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding. A summary of this new evidence and its potential impact must be included in the written appeal.
  - c. Within five (5) working days, the VPSS will render a determination. The VPSS will inform in writing the findings to all parties within five (5) working days.

If the VPSS determines that new evidence should be considered, it will return the complaint to the Student Grievance Committee to reconsider in light of the new evidence, only. The deciding of the VPSS is final and binding.

### **Student Grievance Hearing Guidelines**

1. The following guidelines will govern the student grievance hearing. The hearing will be conducted in a closed session and be recorded by the committee.
2. The student grievance hearing is not a "court hearing" and is not meant to substitute for any external legal proceedings. Hence, the rules are flexible and follow the standards of internal procedures, as agreed upon by the members of the Student Grievance Committee. No legal counsel for either party will be allowed to be present or participate in the hearing.
3. Each party may have an advisor who will be allowed to witness the presentation. They may not communicate directly to the committee.
4. Either party who wishes to bring witnesses must submit the list of witnesses to the chair of the Student Grievance Committee at least two (2) working days prior to the hearing.
5. All witnesses shall be excluded from the hearing except when called for giving testimony.
6. Each party to the grievance will be allowed the same amount of time for making a presentation, if they so choose.
7. The complainant will present the case first; the respondent will present after the complainant's presentation.
8. A brief time, as determined by the chair, will be allowed to each party to offer any arguments or rebuttals.
9. The only persons allowed to present the case or argue will be the complainant and the respondent. The person making the presentation may only address the committee.
10. The Committee reserves the right to question, cross examine, or recall either party or witnesses, in order to gather additional information.

Procedural decisions not addressed in this document shall be the responsibility of the Student Grievance Committee (duly recorded and signed by all members of the committee and provided to all parties to the grievance). Such records shall be retained with other pertinent files.

### **Retaliatory Acts**

Any person who files a grievance, or any person who testifies, assists or participates in a proceeding, investigation or hearing relating to such grievance, who feels they are being subjected to retaliatory acts should report such incidences to the VPSS.

It is a violation of the grievance procedure to engage in retaliatory acts against any person who files a grievance or any person who testifies, assists or participates in the grievance proceeding, investigation or hearing relating to such grievance. Such act will be subject to discipline, up to and including expulsion for students, termination for EWC employees, and dismissal for authorized volunteers, guests or visitors.

### **Definitions**

1. **Vice President for Student Services (VPSS)** is the College employee designated by the College President to administer student grievances.
2. **Complainant(s)** is a person who is subject to alleged inequity as it applies to Board Policies, and/or College Procedures. For purposes of this procedure, a Complainant(s) is a student who was enrolled at the time of the alleged incident.
3. **Accommodations** - Assistance for students requiring language or interpretation assistance, disabilities accommodations, or alternate arrangement for online/distance learning students.
4. **Appeal** - The procedure for further consideration of a grievance if the complainant or respondent believes there were exceptional circumstances that affected the grievance procedure decision.
5. **Bias** - "A tendency to believe that some people, ideas, et c., are better than others that usually results in treating some people unfairly." (Source: Webster's online dictionary)
6. **Department Chair/Program Director** - Person who oversees a department at Eastern Wyoming College. Refer to the EWC Organizational Chart for specific information.
7. **Discrimination** - Unequal treatment based on race, gender, color, sexual orientation, age, disability, ethnicity, or religion.  
(Source: <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>)
8. **Exceptional Circumstances** - The discovery of new evidence not presented in the initial grievance and/or an allegation of serious bias or discrimination at some level of the student grievance procedure and/or documentation showing that the grievance policy was not properly followed by the College.

10. **Formal** - The informal communication regarding an incident has not led to resolution through initial steps in the procedure and the student files an official grievance form. All formal grievances are documented and logged in the office of the VPSS.
11. **Harassment** - Severe, pervasive, and offensive behavior that negatively affects another's access to an educational opportunity or other college benefit.
12. **Incident** - The situation or circumstance that the student perceives as grievable.
13. **Informal** - The communication regarding an incident is simply at the inquiry stage and open to resolution without a formal procedure.
14. **Student Grievance Form** - The electronic form a student uses during the grievance procedure, available on the College website and the office of the VPSS.
15. **Working Days** - Days the College is open and operating under a normal schedule. This excludes weekends, closings due to weather conditions, and holidays observed by EWC.

### **Administrative Rule 5.14.3: Student Grade Appeal Process**

Adopted: 9/10/19

Revised: 2/24/20, 6/1/21

#### **Grade Appeal Process**

Students have the opportunity to appeal a final grade. Grade appeals must:

- a. Be initiated by the student no later than 30 calendar days after grades are posted in the student information system.
- b. Conclude within one semester (excluding summer) following the assignment of the final grade.
- c. Follow the prescribed final grade appeal process, including use of the Final Grade Appeal Form (available from the Academic Services office).

Students may appeal a final grade following the prescribed process. Only the final grade for a course may be appealed (individual assignment or examination grades may not be appealed). An appeal may be initiated if the student is able to demonstrate that an inappropriate final grade was assigned as a result of prejudice, caprice, or other improper conditions such as mechanical error or assignment of a final grade inconsistent with those assigned to other students.

#### **Process to Appeal a Final Grade**

##### **Step 1. Student Meeting with Instructor**

A student who seeks to appeal a final grade must first meet with or discuss the matter with the instructor to review the criteria applied in assigning the final grade before the appeal progresses to the next level. (If approached, administrators, department heads, program directors, fellow faculty and staff shall redirect the student to the closest level of resolution; i.e. to the faculty member involved).

Instructors shall provide the student, in writing, a determination on the outcome of their discussion. If the student is dissatisfied with the decision, the student may request a meeting with the department head or program director to appeal the decision of the instructor. The student must make the appeal within five (5) working days after notification by the instructor.

### **Step 2. Student Meeting with Department Head/Program Director**

The department head or program director must arrange a meeting no more than five (5) working days after receiving a request from the student. The department head/program director may meet separately with the student and instructor, or if both agree, to discuss the appeal jointly. The student shall describe on the Final Grade Appeal Form, and supply to the department head/program director prior to the meeting the following: (1) the facts surrounding how grades in the class were assigned, (2) what inaccuracies the student believes exist in the assignment of the final grade, and (3) the remedy being sought.

Providing sufficient evidence of discrepancies or errors in the grade will be the responsibility of the student. If insufficient evidence is offered, the appeal is denied. The department head/program director shall provide written notification of their recommendation to the student and instructor within five (5) working days of the meeting.

Should the instructor involved in the appeal be the department head or program director, the student should proceed directly to Step 3. Student Meeting with the Vice President for Academic Services.

### **Step 3. Student Meeting with Vice President for Academic Services**

If either party is dissatisfied with the recommendation of the department head/program director, they may appeal to the Vice President for Academic Services within five (5) working days after receiving written notification from the department head/program director. Following the same procedure outlined in Step 2, the student should additionally provide information addressing why the evidence was not properly evaluated or what additional evidence was not previously considered. The Vice President for Academic Services (VPAS) shall provide a written decision to both parties within five (5) working days of their arranged meeting(s).

### **Step 4. Student Meeting with Academic Appeals Committee**

Within five (5) working days after receiving notification from the Vice President for Academic Services that the appeal has been denied, a student appealing a grade in a course may request a hearing before an Academic Appeals Committee. This request will be in writing to the Vice President for Academic Services (VPAS). The committee will consist of one (1) full-time instructor to be named by the student, one (1) full-time instructor to be named by the instructor and one (1) full-time instructor to be named by the VPAS.

The VPAS will request that the student and instructor submit the name of their nominees within five (5) working days after notification of all parties involved. Upon receiving the names of those nominees and appointing a third instructor to the committee, the VPAS will set the time, date and place of the closed hearing and notify all parties. This will be done within five (5) working days after having received the names of both nominees. A student may present written evidence relevant to the grade appeal and may be advised at the hearing by one or more persons of his/her own choice. The student may have a maximum of two (2) persons in the room at a time. The Academic Appeals

Committee may request information from the instructor and/or person's familiar with the case.

Within five (5) working days after this hearing, the Academic Appeals Committee will notify the student, the instructor, and the VPAS in writing of its findings:

- a. A grade change is justified and will be made.
- b. A grade change is not justified and will not be made.

If the decision of the Academic Appeals Committee is to change the grade, the VPAS will have five (5) working days to make the grade change. The decision of the Academic Appeals Committee will be final. The same appeal process will be followed when the instructor is not accessible or no longer employed by Eastern Wyoming College by excluding Step 1 involving the instructor. All time limits stated are in working days. All time limits may be extended by mutual consent.