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Williston State College
Student Code of Conduct:
Rights and Responsibilities of Community
Updated December 2023

I. Introduction

1.1 General WSC Values

WSC students have an opportunity to gain the most from their education together. When every member of the WSC community takes responsibility to observe and help maintain a code of conduct that contributes to the educational effectiveness of the College and health of its community, then transformational learning is possible. The intent of this code is to foster educational development of personal accountability and commitment to the community.

A person enrolling at the College comes to the campus as both a citizen and a member of the academic community. As a citizen, each student is entitled to the freedoms and rights guaranteed to other citizens by the United States Constitution and the Constitution of North Dakota. Rights such as free speech, lawful assembly, petition, and due process are not lost upon enrollment. As a member of the academic community, each student has the right to access opportunities to learn and to benefit from the institution's educational environment.

WSC expects every member of the WSC community to abide by civil laws and College regulation. The Student Code of Conduct is founded upon four core values that support an educationally purposeful environment:

- **Respect for the WSC Community**
All WSC stakeholders have a responsibility to respect the WSC community. Individuals show respect by actively choosing to conduct themselves in a manner that does not negatively impact the educational mission of the College or the well-being of themselves or others. The WSC community believes each individual should contribute, first and foremost, through awareness of self and how personal decisions affect others, as well as through promoting an environment conducive to learning and nurturing a culture of shared ownership and responsibility to the WSC community.
- **Respect for the Protection and Rights of Others**
WSC strives to respect the protection and rights of others to provide a positive and enriching educational environment. Any conduct that inhibits the educational process is of concern, whether it occurs on or off college premises. WSC works to appropriately handle and respond to such conduct, keeping protection and rights paramount throughout the process.
- **Respect for Self**
WSC creates space for development of self, supports individual wellness, and aims for each person to have a strong sense of respect for self. The WSC community defines respect for self as having guiding values that encourage a high standard of conduct including integrity, dependability, positive attitude, attendance to curricular and co-curricular activities and appropriate physical attire and cleanliness.
- **Respect for Individuals in the Conduct Resolution Process**
All WSC students have identified rights within the Student Code of Conduct and as afforded by due process. The College will work with students in an educational and fair manner to assist them in reflecting upon and growing from their personal experiences.

1.2 Code Authority

The President of WSC is charged with the responsibility for development and administration of institutional policies and rules governing the role of students and their conduct. The President also has the responsibility of establishing guidelines for students that set forth standards of conduct and provide for appropriate procedures and sanctions for violation of those standards, consistent with procedural fairness (North Dakota State Board of Higher Education Policy Manual, 305.1). The President has delegated student conduct responsibilities to the Vice President for Student Affairs. The Vice President has assigned the Office of Student Affairs to carry out these functions.

A Student Code of Conduct contains statements of college policies relevant to student life. Development and enforcement of these standards of conduct are an educational endeavor designed to foster students' personal, social, and ethical development. This document forms the basis for student conduct expectations as a member of the WSC community. The enforcement of these standards serves to promote the protection of the rights, responsibilities, and health and safety of members of the WSC community.

The Vice President for Student Affairs developed the content of this code with input from a committee of individuals that included various members of the Division of Student Affairs coupled with student, faculty, and staff representatives, and WSC's designated legal advisor.

Contents of the code may be subject to change prior to the republication of this document. If changes are made, documents relating to the changes will be available from the Student Services Division and/or communicated to students through official College electronic media. These changes will be included in future code revisions. An attempt also has been made to reference local, state, or federal laws that complement College policies.

Conduct described in this code is illustrative rather than exhaustive. In the event there arises some ambiguity, inconsistency, or need for clarification of these statements, the definition, interpretation, or clarification will be determined at the discretion of the Vice President for Student Affairs, from whom any student, staff, or faculty member may request written clarification. Final authority for interpretation of this code lies with the Vice President for Student Affairs.

Questions should be referred to the Student Services Office (Stevens Hall, Suite 105, (701) 774-4200, wsc.studentaffairs@willistonstate.edu).

1.3 General Suggestion Procedure

Faculty, staff, students, and other community members may offer general, constructive suggestions using WSC's anonymous [suggestion box](#). Williston State College considers a suggestion to be an idea or plan offered for consideration.

If a reply to a suggestion or comment is desired, the suggestion must include a name, email address and/or phone number.

Arrangements may also be made to meet with a Student Affairs staff member (Student Services Office, Stevens Hall, 105) to offer a suggestion. The Division of Student Affairs will disseminate suggestions to the appropriate division and review for improvements, if necessary.

1.4 General Student Responsibilities

All students are expected to observe the standards published in this code and those outlined in any other College policies, procedures, contracts, or license contracts published elsewhere. In addition, students are expected to observe the laws of the community, the state, the nation, and relevant jurisdictions when touring and/or studying abroad.

1.5 Persons Covered Under This Code

For the purpose of this document, “student” is defined as any individual who has been admitted to the College, was previously enrolled in the College, and/or uses College resources for purposes related to the College’s educational mission, including, but not limited to, performing research, and taking classes. Students enrolled at other NDUS institutions who are taking classes on the WSC campus are also covered under this code. Visitors attending an on-campus event also may be covered under this code.

Prospective students who are visiting campus are considered visitors and may be covered under this code. Students no longer enrolled in the College may be held accountable under this code for those violations committed after they were admitted and before they left the College. Student organizations are held to the same conduct standards that apply to individual students.

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1.8 Official College Communication

Upon enrollment at WSC, every student is issued an official WSC email address. This WSC email address is considered the official means of communication for all purposes, and will be used for all notices, general bulletins, and other communications, including mandated provisions of consumer information.

WSC exercises the right to send email communication to students and expects that email communication is received and read by students in a timely manner. It is required that students continue to monitor the College provided email account at all times. It is the student’s responsibility to maintain the accuracy of all personal data. Students who are considered collaborative students (those enrolled at another North Dakota WSC System campus simultaneously while enrolled at WSC) may receive official notifications from WSC via their ‘home campus’ email.

1.9 Accessibility Support Services

WSC affirms and recognizes its commitment to nondiscrimination on the basis of disability and its intention to comply with all laws prohibiting such discrimination including Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990.

WSC provides academic support services to eligible students with disabilities, promotes student development, and serves as a resource for disability awareness and accommodations.

WSC defines a disability as a professionally verified condition that substantially limits a major life activity ([Section 504, ADA](#)). This includes, but may not be limited to cognitive, motor, and psychiatric disabilities, as well as speech, hearing, and visual impairments.

To obtain disability services, a student must identify themselves to the Office of Accessibility Support Services

(Stevens Hall, Office 128, (701) 774-4224, wsc.accessibility@willistonstate.edu) and provide current professional documentation of his or her specific disability. The Accessibility & Retention Specialist determines the appropriate accommodations for each individual student and issues a notice to them with the specified accommodations. Students eligible for disability accommodations have the responsibility to meet with instructors and provide them with the notice. Students

utilizing support services must observe the same College policies and academic regulations required of all students.

Applies and specifically prohibits recording without the consent of all recorded parties and prohibits taking photographs where there is reasonable expectation of privacy. In remote teaching, advising, chatting, and other engagement in course activities remotely there is a reasonable expectation that photographing, screen capture, or other copying methods or recordings will not occur without express permission from all participants. A violation subjects a student to the disciplinary process. Regarding unauthorized use or sale of WSC materials also applies and prohibits the distribution or sale of academic materials and course presentations.

1.9.1 Animals/Service Animals

With the exception of animals authorized by WSC Accessibility Support Services or those defined as service animals under the Americans with Disability Act (ADA), privately owned animals are prohibited inside campus buildings, with the exception of fish in a tank no larger than 10 gallons. Animals in outdoor areas must be on a leash, must be under control of the owners or their designees at all times and should not be left unattended. Owners are responsible for any health or safety issues that may arise concerning the presence of these animals on College properties and at WSC outdoor sponsored or supervised events. Questions may be directed to The Director for Campus Services, the individual who oversees this policy and its enforcement, (701) 774-4578.

Animals used by instructors for academic purposes shall be exempt from this policy. Any exemption request to this policy shall be made in writing and approved by a committee consisting of the Director for Campus Services, the Accessibility & Retention Specialist, and Vice President for Student Affairs.

1.9.2 Service Animals for Visitors

An individual with a disability who utilizes a service animal and is a visitor at WSC is welcome to request any specific accommodations related to the needs of the visitor or the service animal. If accommodations or additional information are needed, a visitor may contact the Accessibility Support Services Office. No registration with the Accessibility Support Services Office is required.

1.9.3 Service Animals for Students

Students with a disability who regularly utilize a service animal shall register with either the Accessibility Support Services Office. The student shall provide the Accessibility Support Services Office with documentation of the disability and the need for a service animal within 30 days of beginning to use the service animal on campus. Documentation for students with a disability who use a service animal must include the following:

- Diagnostic statement identifying the disability or impairment.
- Description of the current functional limitations; and
- Specific tasks the service animal will perform to meet the accommodation needs of the individual and assist with the provided functional limitations.

1.9.4 Responsibilities of Persons Using Service Animals:

The care and supervision of a service animal is the responsibility of the individual who uses the animal's service. This person is considered the service animal's handler. It is important for the handler to maintain control of the animal at all times.

Requirements for animal waste clean-up are based on the City of Williston's [animal ordinance and pet license policy](#). The handler is responsible for following the City's policy.

If the handler is unable to physically remove the waste, an alternative arrangement should be coordinated through the Accessibility Support Services Office. When appropriate, spaces will be designated as animal toileting areas by the College's facilities management and residence life staff.

Service animals need to be immunized against diseases common to that animal. Dogs should wear a current rabies vaccination tag. Service animals to be housed in a college residence hall or apartment must have an annual clean bill of health from a licensed veterinarian. The College has authority to direct that a service animal receives veterinary attention at the student's or employee's expense.

Students and employees utilizing a service animal are required to follow the City of Williston licensing and animal tag policy. The City of Williston has an ordinance requiring pets, including service animals, to remain on a leash when not on the owner's property.

Members of the College community are expected to follow these guidelines regarding service animals:

- Allow a service animal to accompany the handler at all times and everywhere on campus except where animals are specifically prohibited due to safety or health restrictions, where the animal may be in danger or where the integrity of research may be compromised due to the presence of chemicals and/or organisms.
- Do not touch or feed a service animal unless invited to do so.
- Refrain from startling a service animal; and
- Do not separate or attempt to separate a service animal from its handler.

1.9.5 Expectations for Service Animal Behavior

A service animal whose behavior is disruptive or presents a direct threat to the safety of others may be removed from WSC. For purposes of public health and safety, service animal handlers are asked to keep service animals well-groomed and to not bring sick service animals onto the campus or other WSC locations.

1.9.6 Areas Off Limits to Service Animals

The College may prohibit the use of service animals in certain locations due to health or safety restrictions, where service animals may be in danger or where their use may compromise the integrity of research.

1.9.7 Service Animals in Residence Halls and Campus Apartments

Service animals may not reside in residence halls or campus apartments without approval from the Director for Residence Life. Such requests will be processed as follows:

Step 1: An individual must provide the Accessibility & Retention Specialist appropriate documentation at least 60 days before housing is needed for the service animal. Such advance notice helps to ensure that accommodations are appropriate and that the student will have a smooth transition into college housing.

Step 2: The Accessibility & Retention Specialist will review the documentation and arrange for a meeting of the Director for Residence Life and the person making the request to facilitate accommodations.

Step 3: Accommodations for the individual and/or service animal will be determined on a case-by-case basis.

Step 4: A person with a service animal on campus is financially responsible for property damage caused by his or her service animal.

1.9.8 Dispute Resolution Procedure

In the event of a dispute or disagreement about a disability determination, appropriateness of an accommodation, service quality and/or an animal restriction, a student should confer with the Accessibility & Retention Specialist. If the matter is not resolved, the student may follow the grievance procedure as outlined in Section VII of this document. A visitor with a dispute regarding the use of a service animal at WSC should contact the Accessibility & Retention Specialist.

1.10 Prohibited Conduct Not on College Property

The College may discipline a student for acts of prohibited conduct committed outside of college property which, at the College's discretion, may adversely affect the College community and/or the pursuit of its objectives. When WSC becomes aware of alleged code violations through law enforcement or other third-party reports, the College may pursue charges under this code against all WSC students identified in such reports.

1.11 Multiple Accountabilities

Because of the varying roles/relationships/responsibilities students may have within and outside of the College, a student may be held accountable for prohibited conduct under other College, local, state, or federal policies/laws, including those of relevant jurisdictions when touring and/or studying abroad. Examples of other sources of accountability may include:

- Student athletes under the Student Athletes' Code of Conduct
- Student leaders within student organizations
- Personnel actions with student employees
- Academic actions under academic programs' professional standards
- Criminal charges or civil suits

Actions under this code are educational (administrative) as are other actions taken under WSC policies. Because the College's procedures are educational and not criminal in nature, such separate proceedings do not constitute double/triple jeopardy. The College may proceed under this code before, during or after the other WSC administrative processes, or legal proceedings, and does not typically wait for a court finding. Findings under this code may differ from judgments in criminal courts.

1.12 Attempts

Individuals who attempt to commit acts prohibited by the Code of Student Conduct may be charged, responsible, and sanctioned to the same extent as if they had committed the prohibited acts.

1.13 Bias-Motivated Violations

Any code violation that is determined to have been motivated by hate based on age, color, disability, gender expression/identity, genetic information, marital status, national origin, public assistance status, race, religion, sex, sexual orientation, status as a

U.S. veteran, or status as law enforcement may result in enhanced sanctions above those typically assigned for the same violations when not motivated by hate. Williston State College does not discriminate on the basis of age, color, disability, gender expression/identity, genetic information, marital status, national origin, public assistance status, race, religion, sex, sexual orientation, status as a U.S. veteran, or status as law enforcement.

1.14 Repeated Code Violations

Repeated violations of this code are relevant in determining a student's continued membership in the College community. Over time, sanctions may become progressively more severe.

Suspension of any type from the College may be ordered depending on the nature of the violation(s).

1.15 Retaliation Prohibited

It is a discriminatory practice for a person to conceal unlawful discrimination, aid, abet, compel, coerce, incite, or induce another person or to unlawfully discriminate, or to engage in any form of threats, retaliation, or discrimination against a person who has opposed any unlawful discriminatory practice or who, in good faith, has filed a complaint, testified, assisted, or participated in an investigation, proceeding, hearing, or litigation ([see NDCC 14-02.4-18](#)).

1.16 Designees

Administrators identified in this document may designate one or more individuals to act on their behalf.

1.17 Financial Responsibility

All students must pay in full any and all financial obligations that are due to WSC. WSC bears no responsibility for financial obligations of individual students or student organizations. Any debts incurred, either on or off campus, by students or student groups will be the responsibility of the individual, organization, and/or its leadership. In the event a student organization dissolves and is no longer in existence, individuals holding

leadership positions at the time the debt was incurred will maintain responsibility for settling outstanding debts. WSC will normally take no action on behalf of creditors in the case of debts incurred by students, student organizations, or other student groups. WSC officials will not use the power of the State to act as a collection agency for private debts of students.

1.18 Security Policy

Williston State College strives to provide professional services and resources to help the campus be a safe and secure place to live, learn, work, and visit, while being prepared to respond to the emergency service needs of the campus community. To accomplish this, Campus Security serves as the lead institutional unit responsible for safety and security, law enforcement, risk management, emergency preparedness, and response.

In accordance with the Student Right-to-Know and Campus Security Act, Campus Security has determined the following:

- The campus law enforcement unit shall be the Williston Police Department.
- All criminal offenses shall be reported to the Williston Police Department.
- The College authority, as identified in the Emergency Preparedness Plan, will disclose information to students and employees deemed necessary for them to know if and when a threat exists.
- The final decision as to how and what information is to be released rests with the designated College authorities; and
- Options for notifying the campus community of the existence of the threat include: (1) AssuranceNM; (2) WSC website; (3) Campus email; (4) Campus radio; (5) Blackboard; (6) Bulletin boards/announcements; (7) All College assembly; (8) News media; and (9) Other.

1.18.1 Reporting a Crime to Campus Security

Step 1: Report all crimes immediately. Contact Campus Security at (701) 570-6699 and the Williston Police Department at (701) 577- 1212. Additionally, you can report a crime in the Student Affairs Office (Stevens Hall, 105) at (701) 774-4200 during campus business hours. **In the event of an emergency, always call 911.**

Step 2: It is the responsibility of the Williston Police Department or appropriate law enforcement agency to respond to all police emergencies.

Step 3: Additional responsibilities of the Williston Police Department include keeping and maintaining essential records of crimes committed. Williston State College uses the abovementioned information for its annual reporting purposes.

It is important to note that all situations cannot be anticipated, and it is the expectation that in these cases, common sense will prevail.

For a complete copy of the [WSC Emergency Operations Plan \(EOP\)](#) or contact the Director for Facilities.

1.18.2 Annual Security & Fire Safety Report Policy

Williston State College will report immediate, on-going, and annual security and crime requirements as per the Clery Act. [The Annual Security & Fire Safety Report will](#) be updated, published, and distributed annually and contain all Clery Act required safety and security related policy statements, procedures, and crime statistics.

1.19 Diversity Statement

Williston State College community members have a responsibility, individually and collectively, to create a positive climate for diversity that is respectful, supportive, and inclusive of the different cultures, heritages, perspectives, and ideas that each person brings to our campus community. All community members must share in the commitment to provide equal opportunity for all individuals regardless of age, race, national origin, mental or physical disability, physical appearance, marital status, veteran status, gender identity/expression, sexual orientation, religious affiliation, and real or perceived socio-economic status.

WSC is committed to the following:

1. Creating an environment where everyone feels welcome, respected, and safe.
2. Providing a respectful and supportive environment that allows students, faculty, and staff the opportunity to ask questions and express their concerns.
3. Respecting and accommodating the needs of people from various ethnic cultures and socio-economic backgrounds regardless of age, race, national origin, mental or physical disability, physical appearance, marital status, veteran status, gender identity/expression, sexual orientation, religious affiliation, and real or perceived socio-economic status; and
4. Developing a learning environment that guides students, faculty, and staff to think critically about multicultural values and perspectives in the classroom and workplace and provides everyone with the tools to think critically.

1.20 Criminal Background Check

Beginning in 2008, the North Dakota State Board of Higher Education Policy 511 and North Dakota WSC System Procedure 511 have required that all applications for admission, including common application, reapplication, and continuing application, will include the following questions:

- Have you ever pled guilty (or no contest) to or been convicted of any felony?
- Within the past 10 years, have you pled guilty (or no contest) to or otherwise been convicted of a misdemeanor crime involving violence or the threat of violence in any court?
- Are you currently required to register as a sex offender in any State?
- Have you been dismissed or suspended from a College or WSC for disciplinary reasons within the last 5 years ("Dismissed for disciplinary reasons" means a permanent separation from an institution due to conduct or behavior "Suspended for disciplinary reasons" means a sanction imposed for disciplinary reasons that results in a student leaving school for a fixed period but not permanently).

All applications for admission are received in the Williston State College Enrollment Services Office. Students who indicate 'yes' or answer that they have pled guilty to or been convicted of a crime will receive a letter stating that applicant must provide a background WSC check from Certified Background.

Williston State College uses Certified Background WSC to obtain records of all criminal history including any pending criminal charges, to obtain the nature of the sentence imposed and to confirm the completion of all terms and conditions of the required sentence. Any background WSC check not completed through Certified Background WSC will be considered incomplete.

Certified Background WSC checks must be received by the date specified in the aforementioned letter in order for an applicant to be considered for admission. If an applicant ultimately chooses not to attend WSC, any criminal records received will be shredded. If the applicant wishes to reapply for the following term, he or she must resubmit all required documentation.

The Director for Enrollment Services will redact personally identifiable information from the Certified Background WSC record before distributing the record to the Background WSC Check Committee for review. First, middle, and last names as well as date of birth and last four of the social security number will be redacted from the background WSC check. Once personally identifiable information is removed, the Background WSC Check Committee will use the Background WSC Check Guideline worksheet to review and determine applicant admission and/or any conditions to be imposed. The admission decision or condition(s) will be decided by majority consensus. The committee will be comprised of the Director for Enrollment Services, the Director for Residence Life, and a Campus Security Officer.

If the applicant is admitted, an addendum to the letter of admission will be sent to the student and placed in the student's admission file. The addendum will note conditions (if any) under which the student will be admitted. The student may be required to meet with the Background WSC Check Committee by a specified date.

Copies of the student's criminal history check, and letters or documentation cannot be shared with other non-WSC agencies, offices or departments, and all criminal history documentation will be maintained in a file separate from the official student file. WSC will retain this record throughout the student's time of enrollment at WSC. If at any time there is a break in a student's study, they will be required to submit a new

backgroWSCcheck.

Students should be advised that their criminal backgroWSCmay preclude them from admission to select programs of study. Students should consult with an academic advisor for program specific information and guidance as necessary.

1.21 Missing Student Notification Policy and Procedure

A missing student is defined as a person currently enrolled at WSC and living in campus housing whose whereabouts have been unaccounted for by law enforcement for over 24 hours.

1.21.1 Designating a contact person

Upon execution of a housing contract, all students living in campus housing will have the opportunity to identify a contact person to be notified if the student is determined to be missing by the Williston Police Department. This contact may be the same or different than the emergency contact information provided in the student's Campus Connection account. The Director for Residence Life maintains emergency contact information for all students residing in campus housing. This information is accessible by other Student Affairs administration and staff in the event a student is reported missing.

1.21.2 Procedures for notification of a missing person:

Step 1: Any individual on campus who has information suggesting a resident student may be missing must immediately notify the Director for Residence Life and Safety Officer by calling (701) 774-4528 or visiting the Residence Life Office in Frontier Hall.

Step 2: The Director for Residence Life will gather essential information about the student reported missing: description, clothes last worn, schedule of classes and other known plans and/or activities, suggestions of where the student might be, who the student might be with, student's physical and mental well-being, recent photograph, etc.

Step 3: If the student is not foWSCin a reasonable amount of time (as determined by the Director for Residence Life) or it is immediately apparent the student is a missing person (as in the case of a witnessed abduction), the Director for Residence Life will contact the Williston Police Department. Williston Police Department officers will take charge of further investigation or location efforts.

Step 4: No less than 24 hours after determining a resident student is missing, the Director for Residence Life will notify the student's designated contact that the student is believed to be missing.

1.21.3 Additional conditions for minors

If the student is under the age of 18 and is not an emancipated adult, WSC is required to notify a custodial parent or guardian, in addition to any contact person specifically designated by the student. The Director for Residence Life will notify the parent or guardian no more than 24 hours after the student is determined to be missing by the Williston Police Department or other appropriate law enforcement agency.

1.21.4 Failure to designate a contact

In the event a student residing in a residence hall is determined to be missing by the Williston Police Department or other law enforcement agency, and has not previously identified a missing persons contact, the Director for Residence Life will notify the individual identified in the student's Campus Connection account as the emergency contact. If no emergency contact information is on record, the Director for Residence Life will use his or her discretion to notify the most appropriate individual while keeping the safety and well-being of the missing person in mind.

1.21.5 Communication with the media related to missing persons

All communications with the media regarding missing persons will be handled by outside law enforcement authorities, as they are best suited to provide information to the media that is designed to elicit public assistance in the search for the missing person. All inquiries to WSC regarding missing students or information provided to any

individual at WSC about a missing student shall be referred to the Director for Residence Life, who shall refer inquiries and information to law enforcement authorities as appropriate.

At no time shall information be shared with the media or other outside communication sources if doing so may hinder the investigation or other efforts to locate a missing person.

1.22 Residence Life

Students are expected to know and abide by the terms and conditions of the Housing and Dining Contract and rules and regulations specified in the WSC Student Code of Conduct. Please reference the current Housing and Dining Contract for regulations governing College residential facilities which are established by state and federal laws, College administration, and NDUS policies and procedures. All violations are dealt with in accordance with established procedures. The ultimate goal of all community standards and expectations is to promote responsible citizenship and self-discipline.

Due to the nature of on-campus living, environmental safety and security standards have been established. All students will be held accountable for their behaviors in all campus housing facilities. All students and their guests must cooperate with efforts to establish a secure campus by complying with policies and cooperating with residence hall staff. Any resident of WSC in violation of any of the policies listed in this document is subject to disciplinary sanctions.

Failure to comply with the instructions or directions of college officials, including residence hall staff, in the performance of their duties is prohibited. Such acts may include, but are not limited to, intentionally, knowingly, or recklessly obstructing or delaying any College proceedings, failing to cooperate with an investigation, fleeing a police officer or College personnel, and/or failing to comply with assigned College behavior sanctions. Verbal and/or physical abuse directed toward any College personnel will not be tolerated and shall constitute a violation of this code.

1.23 Dining Services (Teton Grill) Standard Regulations and Expectations

Students are expected to know and abide by the terms and conditions of the Housing and Dining License/Contract and rules and regulations specified in the Student Code of Conduct.

1.23.1 Expectations

All customers in the Teton Grill facilities are expected to conduct themselves in a manner according to set standards for students as defined in this code.

Failure to abide by college and dining services standards, policies, and procedures may result in college disciplinary action. Actions showing failure to abide by college and dining services standards will result in an incident report submitted to the Vice President for Student Affairs or designee by the dining services provider staff member and/or supervisor in the dining facility witnessing the actions of the student.

Upon review of the incident report, the Vice President for Student Affairs will investigate the incident and implement sanctions as outlined in Section VII of this Code.

Students may be held financially responsible to the College and other students for damage, loss, or injury sustained by the College, its employees, agents, and students as a result of the student's or their guest's acts or omissions. Students are responsible for damages and loss to dining services property resulting from negligence or misuse. Willful damage may also be cause for additional disciplinary action.

A student who chooses to appeal the sanctions set forth by the Vice President for Student Affairs may appeal to the Student Review Committee according to the steps outlined in Section VII of this Code.

1.23.2 Safety, Security, and Sanitation

It is a violation of this Code to gain entry to a dining area, facility, or room by tampering with locked doors, pulling open locked doors, gaining entrance, or attempting to gain entrance in a fashion that is against policies and procedures as set forth by signage or policies in dining services operations.

Students are required to comply with all safety, security, and sanitation procedures and may not tamper with locked and closed doors or admit unauthorized people into the dining areas.

1.23.3 Solicitation

Solicitation of any type is not allowed in the Teton Grill by any individuals or groups, except for WSC administrative functions or purposes that have been approved by the Vice President for Student Affairs or designee.

1.23.4 Contract Cancellation, Termination, RefWSCPolicies, and Contract Credits

All meal plans are “block” plans, meaning customers purchase a specified number of meals. No refunds are made for unused meals unless approved by the Director for situations they determine to be extenuating as described in the paragraph below. Payment for dining plans is made during regular WSC tuition and fee payment dates at the start of each semester.

Refunds for missed meals may be given only in the case of medical illness requiring hospitalization or in cases of a disability-related issue that prevents a student from accessing dining services.

Documentation of the hospitalization or disability must be submitted to the Vice President for Finance and Administration, along with a written request for refund. The Vice President for Finance and Administration will determine the level of documentation required, as well as the amount to be refunded, if any.

Refunds for the unused part of a meal contract in the event of withdrawal or suspension are governed by State Board Policy, and credit for the unused portion of the contract will be pro-rated by the week in accordance with the State Board of Higher Education’s Policy. Any resulting credit will be placed on the student’s College account and applied to unpaid account balances.

Early withdrawal, whether voluntary or involuntary, from a meal plan will terminate the dining dollars account, and any dining dollars spent will be deducted from any further may be received.

WSC reserves the right to terminate a meal plan contract based on violation of College policies and rules, dining services standards, failure to pay fees when due or student withdrawal, or suspension from the College.

1.23.5 Payments/Charges

All payments for dining plans are to be made to WSC. Payment is due, along with tuition and fees, during regular tuition and fee payment dates as scheduled at the start of each semester.

1.24 Required Consumer Information

The U.S. Department of Education has mandated that schools must provide currently enrolled students and/or prospective students a list of the information that must be disclosed with instructions for obtaining full disclosure. The list must be provided annually.

Schools are required to list all information that must be disclosed, briefly describe the disclosure information, and explain how students may obtain the disclosure information. Schools must promptly make the information available to any student upon request.

The following is a list and description of the required disclosures, along with information on how to obtain them at WSC. Much of the information is contained in this Code and can be referenced herein. WSC strives to understand and comply with all required rules and regulations from many governmental sources and is subject to periodic

reviews and audits to that end.

- Rights under the Family Educational Rights and Privacy Act (FERPA) - For additional detailed information, please refer to Section 10.1.1 of the *Code*, consult the Student Services Office (Stevens Hall, 105) or consult the College website.
- Available financial resources - For additional detailed information, please refer to the student financial aid section of the WSC Catalog, consult the WSC Student Services Office (Stevens Hall, 105) or consult the College website.
- Institutional information - This Code, along with the WSC catalog, provides considerable institutional information. For even more detailed information, please consult the respective offices.
- Completion/graduation rate and transfer out rate information - This information is published on the College website and is also available in the Student Affairs Office (Stevens Hall, 105, (701) 774-4200).
- Campus Security and Fire Report - This report is compiled by the Director for Facilities and contains detailed information on this topic. This office annually distributes this report. All required crime reporting information should be reported to the Director for Facilities. To review a complete copy of the annual Campus Security and Fire Report visit the Williston State College website.
- Athletic program participation rates and financial supporting data. This information is available in the Student Affairs Office (Stevens Hall, 105, (701) 774-4200).
- Right to, and procedures for, inspecting and reviewing student education records. This information is published in the WSC Catalog and is available in the Student Affairs Office (Stevens Hall, 105, (701) 774-4200).
- Right to, and procedures for, requesting amendment of student's education records if believed to be inaccurate, misleading, or in violation of student's privacy rights. This information is published in the WSC Catalog and is available in the Student Affairs Office (Stevens Hall, 105, (701) 774-4200).
- Right to consent to disclose personally identifiable information contained in the student's education records. This information is published in the WSC Catalog and is available in the Student Affairs Office (Stevens Hall, 105, (701) 774-4200).
- Right to file a complaint with the U.S. Department of Education for alleged school or educational agency failure to comply with FERPA requirements. This is published in the WSC Catalog and is also available in the Student Affairs Office (Stevens Hall, 105, (701) 774-4200).

1.25 Other Consumer Information

With regard to special facilities and services that may be available to disabled students, please contact the Accessibility & Retention Specialist Coordinator at (701) 774-4224.

With regard to the availability of a G.E.D. instruction and testing program, please contact the Williston Adult Learning Center at (701) 572-5886.

1.26 Equal Opportunity Statement

Williston State College (WSC) operates in accordance with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, and Section 504 of the Rehabilitation Act of 1973 which provide that "No person in the United States shall, on the basis of sex, race, color, or national origin, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance; and prohibits discrimination on the basis of handicap against existing employees, students and applicants for employment and admission." Williston State College does not discriminate on the basis of disability in admission or access to, or treatment or employment in, its programs or activities.

1.27 Non-Discrimination Statement

Williston State College (WSC) is committed to providing an educational and employment environment free from discrimination. WSC does not discriminate on the basis of race, color, national origin, religion, sex, age, disability,

sexual orientation, gender identity, genetic information, creed, marital status, veteran's status, political belief or affiliation or any other status protected by law. WSC complies with Title IX of the Education Amendments of 1972 which prohibits discrimination and harassment based on sex in an institution's education programs and activities, employment, and admission. WSC will take prompt and equitable action to investigate and resolve reports of sexual harassment or sexual violence and take disciplinary action as appropriate. WSC follows the Formal resolution of Non-Academic Complaint and Grievance process for all discrimination on the basis of race, color, and national origin.. (See 2.1.2)

WSC Policy 604.06 states as follows: Williston State College is an equal opportunity institution that does not discriminate on the basis of race, religion, age, color, sex, disability, sexual orientation, gender identity, genetics, national origin, veteran's status, marital status, political belief or affiliation, and economic or perceived social status in its admissions, student aid, employment practices, education programs or other related activities. Discrimination on the basis of race, color, and national origin is prohibited by [Title VI](#) of the Civil Rights Act of 1964; sex discrimination is prohibited by [Title IX](#) of the Education Amendments of 1972; discrimination on the basis of disability is prohibited by [Section 504](#) of the Rehabilitation Act of 1973; and age discrimination is prohibited by the [Age Discrimination Act](#) of 1975 ("Age Act").

Retaliation against any person who initiates an inquiry or complaint or participates in the investigation of a complaint is prohibited. Such conduct will be further cause for disciplinary action. The College's policies and procedures for complaints of discrimination and harassment are found. [Complaint form: click here](#)

Concerns regarding WSC's equal opportunity and non- discrimination policies may be addressed to the following:

Vice President of Student Affairs
1410 College Ave, Office 105 Williston ND 58801
Office: (701)774-4295
Email: megan.kasner@willistonstate.edu

Director for Human Resources
1410 College Ave, Office 202A Williston, ND 58801
Office: (701) 774-4204
Fax: (701) 774-4211
Email: Harrison.lucus@willistonstate.edu or to the:

Office for Civil Rights (OCR)
U.S. Department of Education 500 West Madison Suite 1475
Chicago, IL 60611-4544
Customer Service Hotline #: (800) 421-3481
Telephone: (312) 730-1560
Fax: (312) 730-1576
TDD#: (800) 877-8339
Email: OCR.Chicago@ed.gov

Definition:

Adverse Action	Any act or omission that results in an adverse impact on the terms, conditions and privileges of employment, academic pursuits and/or any other university-sponsored activity. An adverse action violates the discrimination and harassment policy when it is motivated by discrimination based on actual or perceived protected class membership, or in retaliation for protected activity. Adverse actions are not limited to hiring, firing, promotion, demotion, selection for admission, or assigned grades. Other actions can adversely affect terms, conditions and benefits of employment, academic pursuits or other university-sponsored activity. Adverse actions can have multiple motivating factors. WSC reserves the right to take action to address discrimination that is one of multiple motivating factors, even if it is determined that a policy violation did not occur.
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Complainant	An individual who is alleged to be the victim of conduct which could, after investigation, constitute discrimination or harassment.
Confidential Employee	<p>Any employee who is a licensed medical, clinical or mental-health professional (e.g., physicians, nurses, physicians' assistants, psychologists, psychiatrists, professional counselors and social workers, and those performing services under their supervision), when acting in that professional role in the provision of services; and (2) any employee providing administrative, operational and/or relational support for licensed employees in their performance of such services. A confidential employee will not disclose information about discrimination and/or harassment to the Vice President of Student Affairs and or HR Director or others, in a way that identifies the involved individuals without their permission (subject to the exceptions set forth in the Confidentiality section of this policy).</p> <p>WSC Policy 604.06 states as follows: Williston State College is an equal opportunity institution that does not discriminate on the basis of race, religion, age, color, sex, disability, sexual orientation, gender identity, genetics, national origin, veteran's status, marital status, political belief or affiliation, and economic or perceived social status in its admissions, student aid, employment practices, education programs or other related activities. Discrimination on the basis of race, color, and national origin is prohibited by Title VI of the Civil Rights Act of 1964; sex discrimination is prohibited by Title IX of the Education Amendments of 1972; discrimination on the basis of disability is prohibited by Section 504 of the Rehabilitation Act of 1973; and age discrimination is prohibited by the Age Discrimination Act of 1975 ("Age Act").</p> <p>(WSC has designated CVIC at WSC Prevention Peers as confidential employees. Please contact the Equal Opportunity & Title IX Office for a current list of designated confidential employees.</p>
Disability	<p>A physical or mental impairment that substantially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment. Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.</p> <p>An impairment substantially limits one or more major life activities when it prevents the performance of a major life activity that the average person in the general population can perform; or causes a significant restriction as to the condition, manner, or duration under which an individual can perform a particular major life activity, as compared to the average person in the general population.</p>
Discrimination	<p>The unfair or unequal treatment of an individual or a group based upon the individual or group's actual or perceived membership in a protected class and results in an adverse action. An adverse action that is motivated in full or in part by discrimination violates this policy.</p> <p>WSC may respond to conduct or speech that does not meet this definition by taking non-punitive action designed to promote a welcoming, inclusive environment.</p>

Disciplinary Sanctions	Consequences imposed on a respondent following a determination that the respondent violated the University's prohibition on discrimination or harassment.
Education Program or Activity	Includes locations, events, or circumstances over which the WSC exercises substantial control over both the respondent and the context in which the discrimination or harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the WSC.
Employee	Any person employed for wages or salary by the University, in either full-time or part-time capacity, in any location or job. Examples include officers, faculty, staff, medical residents, graduate assistants, and student employees. Employee includes temporary, probationary and regular employees.
Formal Complaint	A document filed by a complainant or signed by Vice President of Student Affairs and or HR Director alleging discrimination or harassment against a respondent and requesting that the WSC investigate the allegation of discrimination or harassment.
Gender Identity	One's concept of self as male, female, a blend of both or neither. A person's gender identity may be different from their sex as assigned at birth.
Harassment (other than student-on-student)	<p>Unwelcome verbal, written, or physical conduct by an employee, student, or third-party directed to an individual or a specified group because of the individual or group's actual or perceived membership in a protected class and creates a hostile environment, as defined by this policy.</p> <p>WSC may respond to conduct or speech that does not meet this definition by taking non-punitive action designed to promote a welcoming, inclusive environment.</p> <p>Student-on-student discriminatory harassment and student-on-student harassment are defined elsewhere in this policy. WSC's Title IX Sexual Misconduct Policy addresses sexual harassment as defined by Title IX.</p> <p>WSC's Sexual Misconduct Policy addresses sexual harassment occurring outside the scope of Title IX.</p>
Hostile Environment	<p>Unwelcome conduct determined by a reasonable person to be objectively offensive and sufficiently severe or pervasive to alter the conditions of participation in a WSC education program or activity, including employment and academic pursuits, and create an abusive environment. A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe. In evaluating whether a hostile environment exists, the WSC will consider the totality of known circumstances, including, but not limited to:</p> <ul style="list-style-type: none"> • The degree to which the conduct affected one or more individuals' education or employment; • The type, frequency and duration of the conduct; • Whether the conduct was physically threatening; • The identity of and relationship between the respondent and the complainant; • The number of individuals involved; • Whether the conduct arose in the context of other discriminatory conduct; and • Whether the conduct unreasonably interfered with the complainant's educational or work performance and/or WSC programs or activities

Pregnancy or Related Condition	<ol style="list-style-type: none"> 1. Current or past pregnancy, potential or intended pregnancy, labor, childbirth, termination of pregnancy, or lactation; 2. medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or 3. recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions. <p>References to pregnant individuals should be interpreted to include individuals with a pregnancy-related condition.</p>
Protected Activity	<p>Protected activity consists of, but is not limited to:</p> <ul style="list-style-type: none"> • Opposing in good faith and consistent with WSC policy an action reasonably believed to constitute a violation of this policy; or • Filing an internal or external complaint about such practice; or • Testifying, assisting, or participating in any manner in an investigation or other proceeding related to a complaint under this policy; or • Any other activity protected by federal or state civil rights laws.
Protected Class	<p>A group of people with a common characteristic who are legally protected from discrimination on the basis of that characteristic. Protected classes under this policy include race, color, national origin (including limited English proficiency), religion, sex, sex stereotypes, age, physical or mental disability, sexual orientation, gender identity, genetic information, pregnancy or pregnancy-related condition, marital or parental status, veteran's status, relationship or association with an individual with a disability, relationship or association with a veteran, political belief or affiliation, participation in lawful activity off the employer's premises during nonworking hours, and any other status protected by federal or state law or North Dakota WSC System/State Board of Higher Education policy.</p>
Religion	<p>Religion is defined broadly and includes all aspects of religious observance and practice as well as spiritual beliefs; traditional, organized religions such as Christianity, Judaism, Islam, Hinduism, and Buddhism; and religious beliefs that are new, uncommon, not part of a formal church or sect, or only held by a small number of people. Religious beliefs include theistic beliefs as well as non-theistic moral or ethical beliefs that are sincerely held with the strength of traditional religious views and typically concern ultimate ideas about life, purpose, and death. Social, political, or economic philosophies, as well as mere personal preferences, are not religious beliefs.</p>
Respondent	<p>An individual who has been reported to have engaged in conduct that could constitute discrimination or harassment.</p>
Retaliation	<p>Intimidation, threats, coercion, or discrimination against any person by the University, a student, or an employee or other person authorized by the WSC to provide aid, benefit, or service under the University's education program or activity, for the purpose of interfering with any right or privilege secured by law or this policy, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy, including in an informal resolution process, in grievance procedures, and if applicable, in any other actions taken by the WSC under this policy. Nothing in this definition precludes the WSC from requiring an employee or other person authorized by the WSC to provide aid, benefit, or service under the WSC's education program or activity to</p>

	participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing under this policy. Such conduct will be cause for disciplinary action, up to and including termination and/or suspension.
Sex	For purposes of this policy, the sex designated or recorded on an individual's birth certificate.
Sex Stereotypes	Fixed or generalized expectations regarding a person's aptitudes, behavior, self-presentation or other attributes based on sex.
Sexual Orientation	An emotional, romantic or sexual attraction to other people.
Student	<p>All persons taking courses at and/or receiving instruction through the WSC, whether credit hours are earned, full-time or part time, pursuing undergraduate, graduate, non-degree, or professional studies. The term student includes all persons who withdraw after allegedly violating the <i>Code</i>, who are not enrolled for a particular term but have a continuing relationship with the WSC, who have been notified of their acceptance for admission, or who are living in WSC residence facilities designated for students regardless of their current enrollment status.</p> <p>The term student includes both a student acting as an individual and to students acting in a group and/or a student organization, unless otherwise noted.</p>
Student Employee	A student whose employment status is dependent on being a student.
Student-on-Student Discriminatory Harassment	<p>Pursuant to N.D.C.C. §15-10.4-02 and SBHE Policy 503.1, speech or expression by a student directed to another student or specified group of students that is unwelcome, targets the victim on a basis protected under federal, state, or local law, and is so severe, pervasive, and objectively offensive that a student effectively is denied equal access to educational opportunities or benefits provided by WSC.</p> <p>WSC may respond to student-on-student speech or expression that does not meet this definition by taking non-punitive action designed to promote a welcoming, inclusive environment.</p> <p>WSC's Title IX Sexual Misconduct Policy addresses sexual harassment, as defined by Title IX.</p> <p>WSC's Sexual Misconduct Policy addresses sexual harassment outside the scope of Title IX.</p>
Student-on-Student Harassment	<p>Pursuant to SBHE Policy 503.1, unwelcome verbal, written, or physical conduct by a student directed to another student or a specified group of students because of the student or group's actual or perceived membership in a protected class and creates a hostile environment, as defined by this policy.</p> <p>WSC may respond to student-on-student speech or conduct that does not meet this definition by taking non-punitive action designed to promote a welcoming, inclusive environment.</p> <p>WSC's Title IX Sexual Misconduct Policy addresses sexual harassment, as defined by Title IX.</p> <p>WSC's Sexual Misconduct Policy addresses sexual harassment outside the scope of Title IX.</p>
Supportive Measures	Individualized measures offered as appropriate, and reasonably available, without burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

	<ol style="list-style-type: none"> 1. Restore or preserve that party's access to WSC's education program or activity, including measures that are designed to protect the safety of the parties or the recipient's educational environment; or 2. Provide support during WSC's grievance procedures or during the informal resolution process.
Third Party	An individual who is not a student or employee of the WSC but has contact with the WSC such as an affiliate, volunteer, vendor, participant in a WSC-sponsored event, or campus visitor.

Type of Discrimination and Harassment	Example
Age	<ul style="list-style-type: none"> • Losing a job because of one's age • Not employing certain individuals because they are "too young" or "too old" for a job • Advertising a position for someone aged "under 30" to join a "dynamic, young team" • Age-based jokes or comments • Offensive cartoons, drawings, symbols, or gestures
Disability	<ul style="list-style-type: none"> • Failing to make reasonable accommodations for employees with disabilities • Inaccessibility to buildings • Refusal to hire, promote, or pay equally workers based on disability • Inappropriate name calling of the employee with a disability • Asking employee to do work they are incapable of doing because of their disability
Sex	<ul style="list-style-type: none"> • Providing sporting equipment for only the men's team(s) • Paying a woman less than a man for the same work • Not providing equal opportunities for training, mentoring, or promotion based on sex • Requests for sexual favors • Making sexually explicit comments
Race	<ul style="list-style-type: none"> • Person is treated less favorably than others because of color, nationality or their ethnic or national origins • Name calling related to one's color, nationality, or their ethnic or national origins • Racial Slurs • Offensive or Derogatory remarks about one's color, nationality, or their ethnic or national origins • Racially offensive symbols
Sexual Orientation	<ul style="list-style-type: none"> • Restricting certain clubs from the LGBTQ+ <u>community</u> • Prohibiting a transgender person from dressing or presenting consistent with that person's gender identity

	<ul style="list-style-type: none"> • Use of homophobic slurs or name calling • Offensive jokes about the LGBTQ+ community
Genetics	<ul style="list-style-type: none"> • Treating someone differently on their perceived genetic predisposition towards specific traits • Offensive comments about a person's family medical history • Posting offensive images or cartoons related to genetic conditions
Veteran's status	<ul style="list-style-type: none"> • A Veteran treated differently or given harsher disciplinary actions • A Veteran is retaliated against for asserting their rights as a veteran • Mocking or verbally harassing a disabled veterans who requests accommodations • Displaying messages or pictures that demean veterans
Marital Status	<ul style="list-style-type: none"> • Denying certain benefits based on marital status • Giving special incentives or discounts to married couples that are not offered to others
Political Belief or Affiliation	<ul style="list-style-type: none"> • Person treated unfairly, or denied the same opportunity as others, because of their political beliefs, affiliations, or activity. • Refusal to work with someone on a project because <u>of</u> their political <u>affiliation</u> • Evicting a tenant because the <u>tenant</u> placed a place card for a political party in their front yard
Economic or Perceived Social Status	<ul style="list-style-type: none"> • Denial of service due to one's perceived status • Paying women lower wages for comparable work

II. Investigation Process

WSC may investigate, assist, advise, or designate one or more investigators to investigate any complaint of discrimination or harassment. Investigators may be WSC employees or external investigators. All investigators will receive annual training.

The investigation is a neutral fact-gathering process. The respondent is presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance procedure. The burden of proof and the burden of gathering evidence sufficient to make a determination regarding responsibility rests on WSC.

WSC will allow for reasonable extensions of investigative timeframes on a case-by-case basis for good cause. Vice President of Student Affairs and or HR Director will determine whether good cause exists and will provide written notice to the parties that includes the reason for the delay.

WSC will carry out the grievance procedures in a reasonable and timely manner. The length of time necessary to complete a fair and thorough process will vary depending upon the complexity of the facts, including the number of witnesses and volume of information provided by the parties; a request by law enforcement for temporary delay to gather evidence for a criminal investigation; to accommodate the availability of witnesses; to account for college's breaks or vacations; or for other legitimate reasons.

WSC aims to issue a determination regarding responsibility within 120 calendar days of receiving a formal complaint. If the parties choose an informal resolution process, WSC aims to complete the process within 30 days of the date the parties agreed to use informal resolution. However, temporary delays or extensions of the time frames will be offered

for good cause, such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for accommodations for language or disability. The investigator(s) will notify the parties in writing of any delays and provide an explanation for the delay.

WSC will take these steps to prevent recurrence and correct its discriminatory effects on the complainant and others.

III. Complaints

2.1 Complaint and Grievance Procedure

Williston State College has adopted its Student Complaint and Grievance Procedure to assist in the resolution of student concerns and complaints constructively, quickly, and fairly. When a concern is expressed to a staff or faculty member by a student, staff and faculty members are expected to handle the matter in an open and professional manner and to take reasonable and prompt action to try to resolve the concern informally. Formal complaints made under this procedure will be reviewed, monitored, and tracked to encourage process improvement and help students learn effective conflict resolution skills.

WSC will carry out the grievance procedures in a reasonable and timely manner. The length of time necessary to complete a fair and thorough process will vary depending upon the complexity of the facts, including the number of witnesses and volume of information provided by the parties; a request by law enforcement for temporary delay to gather evidence for a criminal investigation; to accommodate the availability of witnesses; to account for college's breaks or vacations; or for other legitimate reasons.

WSC aims to issue a determination regarding responsibility within 120 calendar days of receiving a formal complaint. If the parties choose an informal resolution process, WSC aims to complete the process within 30 days of the date the parties agreed to use informal resolution. However, temporary delays or extensions of the time frames will be offered for good cause, such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for accommodations for language or disability. The investigator(s) will notify the parties in writing of any delays and provide an explanation for the delay.

WSC will take these steps to prevent recurrence and correct its discriminatory effects on the complainant and others.

A complaint or grievance exists when an enrolled student is dissatisfied with a decision or an aspect of their college experience over which the student has no control and on which remedial action is desired.

Where the Respondent is a Student

The procedures for responding to reports of discrimination and harassment against students are provided in the [Code of Student: Click Here](#)

Where the Respondent is an Employee

The procedures for responding to reports of discrimination and harassment against employees are provided in Procedures for Discrimination and Harassment Response. [Click here](#)

- Director for Human Resources 1410 College Ave, Office 202A Williston, ND 58801
- Office: (701) 774-4204
- Fax: (701) 774-4211
- Email: Harrison.Lucus@willistonstate.edu

Where the Respondent is Both a Student and an Employee

If there is a question as to the predominant role of the respondent, the VP for Student Affairs, HR Director or designee, in consultation with others as appropriate, will determine which of the procedures applies based on the facts and circumstances, such as which role predominates in the context of the discrimination or harassment report. Where a respondent is both a student and an employee, the respondent may be subject to any of the sanctions applicable to students and employees. [Click here](#)

Where the Respondent is a Third Party

The WSC's ability to take appropriate corrective action against a third party will be determined by the nature of the relationship of the third party to the WSC. The VP for Student Affairs, HR Director or designee, in consultation with others as appropriate, will determine the appropriate manner of resolution consistent with the WSC's commitment to a prompt and equitable process consistent with state and federal law and WSC and other applicable policies.

[Click Here](#)

2.1.1 Informal Resolution of Non-Academic Complaints and Grievances

Before making formal written non-academic complaints and grievances, students are encouraged to take a common-sense approach and seek resolution to any concerns by discussing them informally with the staff member who is most directly associated with the matter. When a complaint or grievance is not resolved informally with the staff member most directly associated with the matter, the student should seek to resolve the concerns by raising and discussing them informally with the staff member's direct supervisor. If the complaint or grievance is resolved during informal resolution, the complaint will be considered closed with no further action necessary.

If uncertain about how to informally resolve a concern, students are encouraged to seek guidance from the Executive Assistant to the Vice President for Student Affairs. Please call (701) 774- 4200 or email wsc.studentaffairs@willistonstate.edu to make an appointment.

2.1.2 Formal Resolution of Non-Academic Complaints and Grievances

When a concern with the staff member or their direct supervisor is unresolved informally, a student may make a formal complaint. A formal complaint must be presented in writing, on the [Complaint Resolution Form](#), to the Executive Cabinet Member who oversees the staff member's department or division. If a complaint directly involves a Vice President or an Executive Cabinet member, it should be directed to the Director for Human Resources using the above-mentioned Complaint Resolution Form. Please reference the [WSC Organization Chart](#) for questions regarding Executive Cabinet membership.

The written complaint or grievance must be submitted within 10 calendar days following the action or matter that initiated the complaint unless the appropriate Executive Cabinet member or Director for Human Resources agrees to receive it beyond this time frame.

The Executive Cabinet member or Director for Human Resources who receives a student complaint or grievance will acknowledge it in writing via Williston State College E-mail, the College's official means of communication, within three working days. The resolution process may include meetings with staff, faculty, and/or the complainant. When meetings are held, the parties, if they wish, may be accompanied by a peer support person, including, but not limited to, the party's attorney.

For complaints or grievances involving the Director for Human Resources, the formal complaint or grievance must be presented in writing to the President of the College. The written complaint or grievance must be submitted within 10 calendar days following the action or matter that initiated the complaint or grievance unless the President agrees to receive it beyond this time frame. When the President receives a student complaint involving the Director for Human Resources, they will acknowledge it in writing via Williston State College E-mail, the College's official means of communication, within three working days. The resolution process may include meetings with staff, faculty, and/or the complainant. When meetings are held, the parties, if they wish, may be accompanied by a peer support person, including, but not limited to, the party's attorney. Students may arrange to meet with the Executive Assistant to the Vice President for Student Affairs for further information concerning this procedure. Please call (701) 774-4200 or email wsc.studentaffairs@willistonstate.edu to make an appointment.

2.1.3 Resolution of Non-Academic Complaint/Grievance

The Executive Cabinet member or Director for Human Resources will make every effort to make a decision regarding the complaint or grievance and will communicate to the parties their findings in writing via WSC email within 10 calendar days of receiving the complaint. If the complaint or grievance involves a College policy

and/or procedure, and if the complaint or grievance is found to have substance, the Executive Cabinet member or Director for Human Resources will arrange for the review of the relevant policy or procedure, with the intent of preventing recurrence and ensuring continued improvement. Any disciplinary action for an employee resulting from a complaint or grievance process will be guided by SBHE policy and NDUS procedures. If the complaint involves a member of Executive Cabinet, the Director for Human Resources will follow the same resolution procedure as stated above. If a complaint involved the Director for Human Resources, the College President will follow the same resolution procedure as stated above.

2.1.4 Appeals of Non-Academic Complaint/Grievance

Any party to a student complaint or grievance who believes the findings of the Executive Cabinet member or Director for Human Resources to be procedurally inconsistent with SBHE policy, NDUS, or WSC procedure may appeal to WSC's President. The appeal must be submitted in writing within 10 calendar days of the letter from the Executive Cabinet member or Director for Human Resources communicating the recommendation for resolution. The President will consider any documentation and may, at their discretion, consult the Executive Cabinet Member who made the decision. The President may also interview any parties referenced in the complaint or grievance.

If they determine that the complaint or grievance process was conducted in accordance with established procedure and the outcome is appropriate, the President may dismiss the appeal. Otherwise, they will decide the appeal outcome. The decision of the President under this section is final. The President will communicate their appeal decision, in writing via WSC email, to all of the involved parties. The President will also inform any staff members who are dissatisfied with a student complaint process of the steps available to them.

For a complaint or grievance involving the Director for Human Resources, any party to a student complaint who believes the findings of the College President to be procedurally inconsistent with WSC or NDUS policy may appeal to a designee assigned by the President. The appeal must be submitted in writing within 10 calendar days of the letter from the President's designee communicating the recommendation for resolution. The President's designee will consider any documentation and may, at their discretion, consult the College President regarding their decision. The President's designee may also interview any parties referenced in the complaint.

If the President's designee determines that the complaint process was conducted in accordance with this procedure and the outcome is appropriate, the President's designee may dismiss the appeal. Otherwise, they will decide the appeal outcome. The decision of the President's designee under this section is final. The President's designee will communicate their appeal decision, in writing via WSC email, to all of the involved parties. The President's designee will also inform any faculty or staff members who are dissatisfied with a student complaint process of the steps available to them.

2.2 Informal Resolution of Academic Complaint/Grievance The College's commitments to academic quality and integrity, as well as to academic freedom, rest upon honesty and fairness in all

aspects of scholarly endeavor. Faculty must test, grade, and review student work in a manner that is fair and reasonable, and students must maintain scholastic honesty beyond reproach.

Disputes that arise are best resolved through open and sincere communication among all parties including students, faculty, staff, committees, and administrators.

A student with a complaint/grievance about an academic circumstance (e.g. grading, testing, quality of instruction, etc.) that the student believes to be unfair or unwarranted may file an academic complaint/grievance according to the guidelines given herein.

Before making formal written academic complaints/grievances, students are encouraged to take a common-sense approach and seek resolution to any concerns by discussing them informally with the faculty member who is most directly associated with the matter. When a concern is not resolved informally with the faculty member most directly associated with the matter, the student should seek to resolve the concerns by raising and discussing them informally with the faculty member's Department Chair. If the complaint is resolved during informal resolution, the complaint will be considered closed and no further action necessary.

If uncertain about how to informally resolve a concern, a student is encouraged to seek guidance from the

Executive Assistant to the Vice President for Academic Affairs (Academic Affairs Office, Stevens Hall, 201A). Please call (701) 774-4526 or email wsc.academicaffairs@willistonstate.edu to make an appointment.

2.2.1 Formal Resolution of Academic Complaint/Grievance The college's commitments to academic quality and integrity, as well as to academic freedom, rest upon honesty and fairness in all aspects of scholarly endeavor. Faculty must test, grade, and review student work in a manner that is fair and reasonable, and students must maintain scholastic honesty beyond reproach. Disputes that arise about fairness and honesty are best resolved through open and sincere communication among all parties including students, faculty, staff, committees, and administrators. A student with a grievance about an academic circumstance (e.g., grading, testing, quality of instruction, etc.) the student believes to be unfair or unwarranted may file an academic grievance according to the following guidelines:

- **Step 1:** These procedures are to begin with discussion between the grieving student and the faculty member with whom the student has a grievance within 4 weeks from the end of the respective course. If the grievance is resolved during this first step, the grievance will be considered closed and no further action necessary. If the grievance is not resolved, the student may advance the grievance to Step 2.
- **Step 2:** Within 7 calendar days of the discussion described in Step 1, the student must prepare and submit a written statement to the Department Chair overseeing the faculty member named in the grievance. If a conflict of interest exists because the faculty member is the Department Chair, this statement must be submitted to the Vice President for Academic Affairs. This statement must describe the situation in detail, including the result of the discussion outlined in Step 1, as well as the remedy sought by the student. The Department Chair or VPAA shall review documentation and conduct interviews as deemed appropriate and necessary to make a determination regarding the status of the grievance. Written notification outlining the Department Chair's or VPAA's determination will be provided to the student within 7 calendar days of receipt of the written statement from the grieving student. If the grievance is resolved at this stage, the Department Chair or VPAA will document the resolution and direct any required action, the grievance will be considered closed, and no further action is necessary. If the grievance is not resolved at this stage, the student may advance the grievance to Step 3.
- **Step 3:** The student must prepare and submit a written statement (within 7 calendar days of the completion of Step 2) to the Vice President for Academic Affairs. This statement must describe the situation in detail, including the results of Steps 1 and 2, as well as the remedy sought by the student. The Vice President for Academic Affairs shall review documentation, solicit additional documentation, and conduct interviews and other investigative processes as deemed necessary and appropriate to make a determination regarding the status of the grievance. Written notification outlining the VPAA's determination will be provided to the student within 10 calendar days of receipt of the grieving student's written statement. If the grievance is resolved at this stage, the VPAA will document the resolution and the grievance will be considered closed and no further action is necessary. If the grievance is not resolved at this stage, the student may advance the grievance to Step 4.
- **Step 4:** The student must prepare and submit a written statement within 10 calendar days of the completion of Step 3 to the Chair of the Student Review Committee. This statement must describe the situation in detail, including the results of Steps 1, 2, and 3, as well as the remedy sought by the student. The Student Review Committee shall review existing documentation, solicit additional documentation, and conduct interviews and other investigative processes as deemed necessary and appropriate to make a determination regarding the status of the grievance. Written notification describing the Student Review Committee's determination will be provided to the student, to the faculty member against whom the grievance was filed and the College President within 14 calendar days of receipt of the grieving student's written statement. The Chair of the Student Review Committee will direct any required action if or as necessary.

Please call (701) 774-4595 or email wsc.academicaffairs@willistonstate.edu to make an appointment.

2.2.2 Resolution of Complaints

The Vice President for Academic Affairs or designee will make every effort to make a decision regarding the complaint and will communicate to the parties their findings in writing via WSC email within 10 calendar days of receiving the complaint. If the complaint involves a college policy and/or procedure, and if the complaint is

for WSC to have substance, the Vice President for Academic Affairs or designee will arrange for the review of the relevant policy or procedure, with the intent of preventing recurrence and ensuring continued improvement. Any disciplinary action resulting for an employee from a complaint process will be guided by SBHE policy and NDUS procedures.

2.2.3 Appeals

Any party to a student complaint who believes the findings of the Vice President for Academic Affairs or designee to be procedurally inconsistent with SBHE policy, NDUS or WSC procedure may appeal to WSC's Student Review Committee. The Student Review Committee consists of a group of staff and faculty members who are trained and called upon to hear instances of alleged violations of the Student Code of Conduct. The Student Review Committee has the authority to suspend a student or student organization in cases concerning violations of the Student Code of Conduct.

The appeal must be submitted in writing within 10 calendar days of the letter from the Vice President for Academic Affairs or designee communicating the decision for resolution. The Student Review Committee will consider any documentation and may, at their discretion, consult the Vice President for Academic Affairs or designee concerning their decision. The Student Review Committee may also interview any parties referenced in the complaint.

If the Student Review Committee determines that the complaint process was conducted in accordance with established procedure and the outcome is appropriate, the Student Review Committee may dismiss the appeal. Otherwise, the Student Review Committee will decide the appeal outcome. The Student Review Committee will communicate its appeal decision, in writing via WSC email, to all of the involved parties. The Student Review Committee will also inform any faculty or staff members who are dissatisfied with a student complaint process of the steps available to them.

Any party to a student complaint who believes the findings of the Student Review Committee to be procedurally inconsistent with SBHE policy, NDUS or WSC procedure may appeal to WSC's President or designee.

The appeal must be submitted in writing within 10 calendar days of the letter from the Student Review Committee communicating the decision for resolution. The President or designee will consider any documentation and may, at their discretion, consult the Student Review Committee concerning their decision. The President or designee may also interview any parties referenced in the complaint.

If the President or designee determines that the complaint process was conducted in accordance with established procedure and the outcome is appropriate, the President or designee may dismiss the appeal. Otherwise, the President or designee will decide the appeal outcome. The decision of the President or designee under this section is final. The President or designee will communicate its appeal decision, in writing via WSC email, to all of the involved parties.

2.3 Confidentiality

All student related information will be considered confidential and protected under FERPA (Family Educational Rights & Privacy Act). Records relating to employees and other records that do not include student information are not confidential.

2.4 Rights and Responsibilities of Parties to a Student Complaint

Parties to a student complaint have the right to:

- An explanation of the Student Complaint and Appeal process and the opportunity to ask for clarification regarding the process and deadlines.
- A fair and timely investigation.
- Information and updates during the complaint process.
- Communication of all decisions made regarding the complaint.

The accuser and the accused are entitled to the same opportunities to have others, including, but not limited to, an attorney present at any point during a complaint/grievance proceeding.

Parties to a student complaint have a responsibility to:

- Respect the rights of all parties to the complaint with respect to confidentiality.
- Ensure that the complaint is made in good faith and complies with the Student Complaint Procedure requirements, in the case of the complainant.
- Provide full and accurate information to the person investigating the complaint.

III Student Organizations/Activities

3.1 Responsibilities of Student Organizations and Affiliated College Groups

A student organization or a group affiliated with the College shall be deemed responsible for acts of prohibited conduct committed by individuals when such acts:

- Are mandated, sponsored, approved, or encouraged by the group or organization, whether explicitly or implicitly; or
- Take place in the context of a tradition, custom or past practice of the group or organization; or
- Are reasonably foreseeable as a result of an activity carried on by the student organization or affiliated College group.

Students residing in properties owned by organizations or groups affiliated with the College will be held responsible for their conduct, conduct of their guests and controlling access to their premises.

3.2 Student Organizations and Affiliated College Group Compliance with College Policy

Student organizations and affiliated College groups must be in compliance with college policies, procedures and regulations. Prohibited conduct includes, but is not limited to, misappropriation of funds, misuse of property, improper registration or misrepresentation of an organization or group, or abuse of student election regulations.

3.3 Conduct Resolution and Enforcement Procedures When a student organization or an affiliated College group is charged with prohibited conduct, the presiding officer or individuals affiliated with the group shall be required to participate as representatives of the group in proceedings conducted under this code.

In some cases, organizational officers or members also may be charged with individual violations related to the original incident involving the organization, in separate proceedings.

Because conduct records of student organizations are not protected by the Family Educational Rights and Privacy Act (FERPA), any individual is entitled to learn the results of conduct actions taken against student organizations as long as those disclosures do not compromise the privacy of any individual student's education record. In such situations, federally protected individual names will be removed.

3.4 Recognition

Recognition of student organizations is granted by the Student Government Executive Commission of the Congress of Student Organizations and registered in the Student Life Office. Although student organizations are independent organizations from WSC, they are expected to uphold and comply with college policies; the Code of Student Conduct; and local, state, and federal laws.

Student organization purposes must be compatible with the educational mission and purpose of the College.

Students and student organizations are free to examine and express opinions publicly and privately. They are free to

support causes by orderly means that do not disrupt regular and essential operations of the College. At the same time, it should be made clear to the academic and the larger community that in their public expressions or demonstrations, students or student organizations speak only for themselves.

3.5 Membership

Membership must be limited to current students, faculty, and staff of WSC. Students who transfer to another institution who want to retain membership in a WSC registered student organization may be eligible for on-going membership, contingent upon approval from the Vice President for Student Affairs and the Student Life Coordinator.

3.6 Registration Requirements

The following information must be electronically filed with the Coordinator for Student Life:

- Organization registration form
- Signed agreement by local student organization officers that there will be no illegal discrimination on the basis of age, color, disability, gender expression/identity, genetic information, marital status, national origin, public assistance status, race, religion, sex, sexual orientation or status as a U.S. veteran, or any form of discrimination in the selection of members or officers on a local level.
- Signed agreement by local student organization officer(s) that there will be no participation in any activities that could be considered hazing.
- Request to check Eligibility for Participation Form.
- Copy of the current constitution.

Students holding elected or appointed leadership positions must meet the following academic and good conduct eligibility standards:

- Students in leadership positions must have attained and must maintain during the term of participation a minimal cumulative grade average of 2.0.
- Students in leadership positions must be enrolled for and maintain a minimum of nine (9) semester credits during the term of participation.
- Students in leadership positions must be in good conduct standing with the Student Life coordinator.

Additional information regarding eligibility for participation in co-curricular activities can be found on the [Student Life webpage](#).

3.7 National/International Affiliated Organizations National/international affiliated organizations must uphold the policies and procedures of their national/international organizations in addition to college policies and procedures. College policies will supersede in the case of conflicting policies.

3.8 On and Off Campus Activities/Events

All on and off campus activities/events must follow all guidelines and procedures set by the Steven's Hall Student Affairs Office.

- **Chalking**
Individuals who want to chalk on sidewalks near Steven's Hall should seek permission from the director of the Student Affairs Office. Contact the Director for Campus Services to seek permission to chalk in any other area. Chalking on any other surfaces is prohibited. The content of messages is limited to the promotion of a specific event.
- **Posters, Signs, Leaflets**
Placing posters, signs, or leaflets, except on one's own personal property or in areas authorized and provided for that purpose by the College, is prohibited.
Individuals should seek permission from those persons who have administrative control of that location. For guidance when this person is unknown, contact the Vice President for Student Affairs.

IV. Conduct Regulations

All students are expected to maintain a high standard of conduct, both on and off campus.

Appropriate conduct in a community of scholars includes obeying the law, showing respect for properly constituted authority, meeting contractual obligations, communicating honestly with all members of the College community, and maintaining integrity and individual honor in scholastic work.

Nothing within the Code of Conduct is intended to unlawfully limit or restrict freedom of speech or peaceful assembly. General statements of philosophy and principles to which the College subscribes are foWSCin the [State Board of Higher Education \(SBHE\) statement of academic freedom \(SBHE 401.1\)](#).

A student is expected to be responsible for their actions, whether acting individually or in a group. Pursuant to Section 3.1 of the *Code of Conduct*, if a student is charged with an off-campus violation of federal, state, or local laws, disciplinary action can be taken.

WSC expects students, staff, and faculty to report incidents of prohibited conduct to the Vice President for Student Affairs or designee. Staff and faculty who witness such acts will take steps to intervene when it is deemed safe to do so. Complaints of prohibited conduct will be investigated. This policy applies to students and campus community members, whether the behavior occurs on-campus or off-campus.

The Vice President for Student Affairs may initiate disciplinary proceedings as outlined in Section V of the *Code of Conduct* who is alleged to have engaged in any of the ensuing violations.

4.1 Violations of Law

The College reserves the right to address any conduct occurring on or off campus that may be construed as potential or alleged violations of local, state, or federal laws.

4.2 Complicity in Prohibited Acts

Complicity is the association with and/or participation in an act prohibited by this code. To avoid being complicit to code violations, students are expected to do one or more of the following:

- Personally confront those involved and stop the violation, except in cases of violence.
- Bring the violation to the awareness of a staff or faculty member; or
- Leave the scene of the violation, if not responsible for the space in which the violation is occurring.

Complicit students may be sanctioned to the same extent as if they had committed the prohibited act. Students are accountable for their guests' conduct and may be sanctioned under this provision as if they had committed the violations themselves.

4.3 Alcohol on WSC Property

Regardless of a person's age, the manufacture, sale, transfer, purchase, transportation, possession, use or consumption of alcohol, and/or possession or display of empty alcohol beverage containers anywhere on WSC owned or controlled property and/or sponsored or supervised events is prohibited. Additional information on the Drug and Alcohol Policy can be foWSC[here](#).

4.3.1 Authorization of Alcohol on WSC Property

Permission to serve alcoholic beverages in or on College property may be granted through specific authorization of the President of the College or as authorized in [SBHE Policy 918](#).

4.3.2 Students Expectations at Events with Authorized Alcohol Expectations for a student working or volunteering at on-campus events in which alcohol is served are to be outlined in an agreement between the College and the student prior to the event. The agreement will coincide with all SBHE, NDUS, WSC, and Student Code of Conduct policies and procedures. The department most closely related to the event will be responsible for informing, gaining, and enforcing signed student agreements. Executive Cabinet will be informed of the event and subsequent student agreements by an individual from within the department most closely related to the event prior to the event.

4.4 Off Campus Alcohol

Students may face campus charges for alcohol related incidents occurring off campus. Such incidents include but are not limited to minor in possession/consumption/under the influence of alcohol, driving under the influence of alcohol, and public consumption of alcohol.

4.5 Drugs Other Than Alcohol

Possession, consumption, being under the influence, or transport of illegal drugs, any other controlled substances, and drugs for which a student does not possess a valid prescription for is prohibited except pursuant to a physician's, dentist's, or other authorized medical personnel's prescriptions. The manufacture, exchange, distribution, purchase, or sale of illegal drugs or controlled substances is prohibited. The possession of drug paraphernalia for illegal drug use is also prohibited. Marijuana and/or products containing marijuana are not allowed to be possessed, consumed, or transported on property owned or controlled by Williston State College, regardless of whether the student possessed a valid prescription.

4.6 Conduct While Under the Influence of Alcohol or Other Drugs

Being under the influence of alcohol or other drugs is a violation of this code when the person:

- Endangers, or may endanger, the safety of others, property, or themselves; or
- Causes a disturbance.

4.7 Alcohol at Student Organization Events

Recognized WSC student organizations planning off campus events at a venue where alcohol may be present must complete and submit an Event Risk Management Planning Notification Form and a guest list to the Student Affairs Office, Stevens Hall. Please contact the Student Affairs Office (Stevens Hall, Suite 105, (701) 774-4200) to obtain an Event Risk Management Planning Notification Form. Events involving alcohol must be closed events, intended only for organization membership, and invited guests, and alcohol must be sold and served by a licensed third-party vendor.

Student organization or public funds may not be used for the purchase of alcoholic beverages or gift cards to alcohol establishments.

Sale of alcoholic beverages by students and student organizations is prohibited. This includes any action that can be remotely construed as an alcohol sale, such as charging admission to parties, passing the hat, selling empty cups, and selling drink tickets.

Alcohol, if available, must be sold and served by licensed third party vendors.

Common sources or a bulk quantity of alcohol, such as cases or kegs, are not permitted at any student organization sponsored event.

No activities or promotions shall encourage excessive and/or rapid consumption of alcoholic beverages. This includes contests, drinking games and discounts or special pricing of alcoholic beverages. Use of alcohol at events is expected to be lawful and responsible.

Alcoholic beverages may not be used as awards or prizes in connection with events or activities. Prize coupons and/or gift cards donated by establishments with a liquor license must include the statement, "Not valid for purchase of alcohol."

4.8 Advertising Related to Alcohol

Alcohol promotional activities, including advertising, shall not be associated with otherwise existing campus events, programs, or campus organizational functions on or off campus. This includes novelty items, giveaways, and apparel associated with the event. Advertising of establishments that sell alcohol must adhere to the following guidelines.

- Advertising of establishments that sell alcohol shall not include brand names, logos, prices, visual images, or verbal phrases that refer to consumption of alcoholic beverages. Advertising of

establishments that sell alcohol shall not encourage any form of alcohol abuse or promote alcohol specials such as two for ones, happy hour drink specials or any ads that encourage rapid and extensive consumption of alcohol.

- Advertising of establishments that sell alcohol shall not portray drinking as a solution to personal or academic problems or as necessary to social, sexual, or academic success.
- Advertising of establishments that sell alcohol shall not associate consumption of alcoholic beverages with performance of tasks that require skilled reactions such as operation of motor vehicles or athletic performance.
- Advertising of establishments that sell alcohol shall include a statement of low risk such as “know when to say when” or “please use our products legally and in a responsible manner.”

4.9 Tobacco

Williston State College is a tobacco-free campus. The use of any and all tobacco products is prohibited within college buildings, parking structures, walkways, arenas, in college or state fleet vehicles, and on college owned property not otherwise leased to another organization. (Certain College-owned properties have been leased to other organizations and, as such, these properties are not covered under this WSC policy. Tenants of such properties are encouraged to establish tobacco-free worksite policies for their own employees.) Otherwise, this policy applies to all faculty, staff, students, contractors, vendors, and visitors at all WSC sites. In support, the Williston State College provides comprehensive tobacco cessation and prevention services. The term “tobacco products” includes e-cigarettes and other electronic smoking devices ([NDCC Chapter 23-12](#)).

4.10 Animals

With the exception of animals authorized by WSC Accessibility Services or those defined as service animals under the Americans with Disability Act (ADA), privately owned animals are prohibited inside campus buildings, with the exception of fish in a tank no larger than 10 gallons. Animals in outdoor areas must be on a leash, must be under control of the owners or their designees at all times and should not be left unattended. Owners are responsible for any health or safety issues that may arise concerning the presence of these animals on College properties and at WSC outdoor sponsored or supervised events. Questions may be directed to the Director for Campus Services, (701) 774-4578.

4.11 Intellectual Property Infringement

Infringement of any intellectual property without authorization is prohibited. When reproducing or distributing information, users are responsible for observation of copyrights and other intellectual property rights of others and all state and federal laws, institutional and North Dakota WSC System (NDUS) policies. Generally, materials owned by others cannot be used without the owner’s permission. WSC assumes no obligation to monitor users for infringing activities, but will, when such activities are called to the appropriate official’s attention, investigate to determine if there is likely infringement and take appropriate action.

Reference the Williston State College [HEOA Compliance Plan](#) for more information.

4.12 Use of WSC’s Name or Trademarks

Use of WSC’s name, academic logo/seal, and/or athletic logo without prior authorization is prohibited. For more information, contact the Director for Creative Services, (701) 774-4223.

4.13 Sale of Class Lecture Notes/Materials

Students are prohibited from transferring their class lecture notes or instructor provided materials for commercial purposes unless approved by the course instructor. In addition to copyright issues raised by such practices, commercial sales or transfers may interfere with the educational purposes of the instruction and potentially inhibit free discussion of ideas central to the academic purposes of instruction at WSC. Note: This policy does not prevent note taking provided as part of an accommodation provided through Accessibility Support Services.

4.14 Academic Dishonesty

Acts of cheating and plagiarism are prohibited. Cases of academic dishonesty may be treated as an academic matter or as a disciplinary matter at the discretion of the instructor.

Cheating is defined as fraud, deceit, or dishonesty in an academic assignment. It includes using or attempting to use materials or assisting others in using materials that are prohibited or inappropriate in the context of the academic assignment in question.

Plagiarism is presenting someone else's work or ideas as your own, with or without their consent, by incorporating it into your work without full acknowledgement. All published and unpublished material, whether in manuscript, printed or electronic form, is covered under this definition.

Self-plagiarism is the use of one's own previous work in another context without citing that it was used previously.

The instructor may reflect the incident of academic dishonesty through the assignment of the student's grade in the course. If the student has a grievance related to this action, that grievance would be directed to the Chair of the department in which the course is housed.

Alternatively, the instructor may refer the case as a disciplinary matter to the Vice President for Academic Affairs. The Vice President for Academic Affairs may refer the case to the Student Review Committee for action.

4.15 Misuse of Proprietary Information

Unauthorized use or misuse of proprietary information, in whatever form, is prohibited. "Proprietary" means property in which the College or its employees and/or students have a legal interest or responsibility to maintain confidentiality.

4.16 Computer Related Conduct

The following are violations of WSC's Computer Related Conduct Policy:

- Unauthorized use, sharing, lending, or borrowing of an account.
- Using computer services or facilities for purposes other than those for which the account was issued.
- Using College network resources and services to play or store game programs.
- Using the College's computer system for commercial purposes without written authorization of the Information Technology Security Officer.
- Copying, altering, or destroying the files or output of another individual without the express permission of that individual.
- Altering system software or hardware configurations or disrupting or interfering with the delivery or administration of computer resources.
- Misrepresenting oneself as another individual or entity in electronic communication.
- Using the College's network system to download copyright protected media including, but not limited to, books, music, movies, television programs, games, and software without proof of purchase or permission.
- Exceeding College bandwidth limits.
- Sharing or distributing copyright protected media.
- Abusing or misusing the computer facilities so as to cause damage, program disturbances or harassment to other persons.
- Using the College's network system to enter obscene material into college-owned computers or send obscene material through the Internet or any other electronic system; and/or
- Any other violation of College or WSC policies governing electronic communications, as referenced above.

Users who violate this policy are subject to the full range of sanctions, including the loss of computer or network access privileges, disciplinary action, dismissal from the institution, and legal action. Any offense which violates local, state, or federal laws may result in the immediate loss of all computing and networking resource privileges and will be referred to appropriate College or College offices and/or law enforcement authorities.

Please see the State Board of Higher Education (SBHE) Policy Manual Section [1901.2](#) for complete information regarding Computer and Network Usage.

4.17 Deception/Falsification/Misrepresentation

Withholding or providing false information to WSC personnel or members of law enforcement while conducting an investigation regarding WSC students or activities is prohibited. This includes but is not limited to:

- Falsely representing an entity and/or committing or using the resources of an entity without proper authorization.
- Knowingly, intentionally, or recklessly making false accusations against another individual that are intentionally false or made with reckless disregard for the truth.
- Providing false information or falsified evidence with the intent of harming another person.
- Furnishing false or misleading information on admission, registration, student identification, or any other forms.
- Altering College records; and/or
- Attempting to intimidate witnesses and/or altering or destroying evidence necessary to conflict resolution.

4.18 Fraud

Willfully destroying, damaging, tampering with, altering, stealing, misappropriating, or using without permission any College document, program, or file is prohibited.

4.19 Financial Aid Misuse

Misuse of financial aid through fraud or abuse is prohibited. Any intentional distortion of the truth in an attempt to obtain something of value will be reported to the U.S. Department of Education, Office of the Inspector General.

Examples of prohibited behavior include and are not limited to:

- False claims of independent student status
- False claims of citizenship.
- Use of false identities.
- Forgery of signatures or certifications; and
- False statements of income.

4.20 Disruption of College Business

Disruption or obstruction of college business, facilities, grounds, and operations, such that the function or service is materially or substantially disrupted or obstructed, is prohibited. College business includes (but is not limited to): teaching, research, administration, public service functions, meetings of college committees or boards, or any other authorized College activity or organization on or off college premises.

4.21 Failure to Comply

Failure to comply with the instructions or directions of all College and/or emergency personnel in the performance of their duties is prohibited. Such acts may include, but are not limited to, recklessly obstructing, or delaying any College proceedings, providing misleading or false information during an investigation, resisting, or fleeing a police officer, failing to comply with assigned College conduct sanctions, or engaging in verbal and/or physical abuse directed toward any College personnel.

Failure to comply with any applicable North Dakota State Board of Higher Education or institutional policies or directives, or any conduct that interferes with the efficient administration of the College is prohibited.

4.22 Identification

Students are expected to carry College identification at all times. Failure to produce a College identification card upon request by any College personnel in the performance of their duties is prohibited. Guests are expected to carry valid identification, which includes the individual's name, address, and date of birth.

4.23 Bribery

Offering, giving, receiving, or soliciting anything of value to influence the official decision or action of college personnel or a person in a position of trust or influence, is prohibited.

Bribing others to fulfill or otherwise attempt to evade academic responsibilities, such as homework, papers, and exams, is prohibited.

4.24 Arson

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another is prohibited.

4.25 Burglary

The unauthorized entry into a building or another structure with the intent to commit an act that violates this Code is prohibited.

4.26 Robbery

The taking of, or attempting to take, anything of value under confrontational circumstances from the control, custody or care of a person or persons by force or threat of force or violence or by putting the victim in fear is prohibited.

4.27 Motor Vehicle Theft

The theft or attempted theft of a motor vehicle is prohibited. This includes, but is not limited to, persons having unlawful access even though the vehicle is later abandoned, such as joyriding.

4.28 Theft of Property

Theft or removal of property belonging to the College, or another individual is prohibited. This includes, but is not limited to, furniture, artwork, plants, electronics, books, window screens and signs.

4.29 Theft of Services

Using College services to which one is not entitled is prohibited. This includes, but is not limited to, using campus laundry services intended only for campus residents, using parking services not purchased, using parking lots other than those assigned by campus personnel, and unauthorized use of college printing services.

4.30 Possession of Stolen Property

Possession of goods that one knows or should know were stolen is prohibited; also, to receive, retain, conceal, or dispose of property knowing that it was stolen is prohibited. If it can reasonably be demonstrated that the receiver was unknowing, the property should be returned to its owner with no disciplinary action taken against the receiver.

4.31 Vandalism

The willful destruction or defacement of property belonging to the College, or another individual is prohibited. This includes, but is not limited to, writing on, or tearing down bulletin boards, spray painting or unauthorized chalking of buildings or sidewalks, and intentionally breaking or damaging property.

4.32 Trespassing

Entering and/or remaining in or on property to which a person does not have a legitimate right or purpose to enter or remain is prohibited. Such property may include but is not limited to vehicles, apartments, houses, fenced yards, and/or other buildings or portions of buildings, such as roofs. Properties need not be specifically posted with No Trespass signs.

4.33 Unauthorized Sales or Solicitations

Unauthorized sales or solicitations in residence halls, College apartments, or in any other campus buildings are prohibited at any time. For questions regarding sales on campus (excluding Residence Life facilities), see the Vice

President for Student Affairs, Stevens Hall, 105E, (701) 774-4585. For questions regarding sales in Residence Life facilities, see the associate Director for Residence Life, Frontier Hall, Main office, (701) 774-4528. For questions concerning sales in any other areas, begin the inquiry at the Vice President for Student Affairs Office, Stevens Hall, 105E (701) 774-4585.

4.34 Unauthorized Entry/Use of Facilities

Unauthorized entry onto the property of the College or into a college facility or any portion thereof that has been reserved, restricted in use or placed off limits; unauthorized presence in any College facility after closing hours; and unauthorized possession or use of a key/access card to any College facility are prohibited.

Unauthorized activities shall include, but are not limited to, entry, use or occupancy to which students are not permitted by virtue of enrollment, employment, class schedule, and/or gender in facilities restricted by gender. College areas that are restricted include, but are not limited to, all building roofs, fire escapes, steam tunnels, elevator shafts, equipment and mechanical storage rooms and construction sites. The use of fire escapes is strictly limited to emergency purposes.

Duplication, manufacture, possession, or loaning of any key/access card or unlocking device for use on college facilities, locks, or other property on college premises without proper authorization are prohibited.

Entrance doors for on-campus housing facilities are locked 24- hours a day. Guests must meet their resident-host at the entrance door to gain entry into the building. A resident must always escort non-residents.

4.35 Violence

The term "violence" means:

- An act that has an element of use, attempted use, or threatened use of physical force with the intention of hurting, damaging, or killing another person or property of another, or
- Any act that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

Examples include, but are not limited to, arson, auto theft, assault, aggravated assault, burglary, kidnapping/abduction, manslaughter, murder, resisting arrest through the use or threat of physical force, robbery, vandalism, and sexual offenses.

In cases involving violence, the Vice President for Student Affairs may expedite timelines stated in the code and may determine by whom the case is heard.

4.36 Intimidation

Conduct in any form that involves an expressed or implied threat to interfere or that has the purpose or reasonably foreseeable effect of interfering with an individual's personal safety, safety of property, academic efforts, employment, or participation in college sponsored activities, and causes the person to have a reasonable apprehension that such harm is about to occur, is prohibited.

4.37 Simple Assault

Simple assault, which is strictly prohibited, is an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

4.38 Aggravated Assault

Aggravated assault, which is strictly prohibited, is defined as an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Examples of aggravated assault include but are not limited to assaults or attempts to kill or murder, poisoning (including the use to date rape drugs), assault with a dangerous or deadly weapon, maiming, mayhem, and assault with a disease (as in cases when the offender is aware that they are infected with a deadly disease and deliberately attempts to inflict the disease by biting, spitting, etc.).

In instances of aggravated disputes or disturbances involving a number of persons in which the aggressors cannot be distinguished from the victims, Williston State College will count the number of persons assaulted as the number of offenses.

4.39 Endangerment of Safety of Individuals

Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct which threatens or endangers the health or safety of any persons is prohibited.

4.40 Harassment

Harassment is unwelcome and offensive conduct that is based upon an individual or group's membership in a protected class. Harassment may be oral, written, graphic, or physical and may include, but is not limited to, offensive jokes, slurs, epithets, name calling, physical assaults, threats of harm, intimidation, ridicule, mockery, insults, put-downs, offensive objects, or pictures.

Harassment is a violation of the Code when it is objectively offensive and sufficiently severe, persistent, or pervasive so as to interfere with or limit the ability of an individual or group to participate in or benefit from college-sponsored programs or activities, including employment and academic pursuits.

4.41 Hazing

Hazing by individuals or College groups is prohibited. Hazing is defined as:

- a. An act that, as an explicit or implicit condition for initiation to, admission into, affiliation with, or continued membership in a group or organization, could be seen by a reasonable person as endangering the physical health of an individual or as causing mental distress to an individual through, for example, humiliating, intimidating, or demeaning treatment; destroys or removes public or private property; or involves the consumption of alcohol, other drugs, or other substances. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule ([North Dakota Century Code \(NDCC\), Chapter 12.1-17-10](#));
- b. Any action taken or situation created intentionally to produce psychological or physical discomfort, embarrassment, or ridicule; or
- c. Any action which may endanger the health of the individual, demand undignified conduct, or in any way jeopardize their scholastic standing or general well-being.

4.42 Interference

Conducting oneself in a manner that significantly interferes with the operations of the College or endangers the health or safety of members of the College community and/or campus visitors, including actions that (a) substantially interfere with, or (b) are taken with a general intent to engage in actions to substantially interfere with, another's educational opportunities, peaceful enjoyment of residence, physical security, or terms/conditions of employment.

4.43 Menacing

Menacing is defined as knowingly placing another person in fear through threats of imminent and serious harm. Menacing of any kind is prohibited.

4.44 Stalking

Stalking is a pattern of repeated and unwanted attention, harassment, contact or any other course of conduct that would cause a reasonable person to feel fear for safety to self or the safety of others; or suffer substantial emotional distress. Stalking of any kind is prohibited.

4.45 Surreptitious Intrusion

Intruding upon or interfering with the privacy of another by secretly or without authorization gazing, staring, peeping upon, photographing, recording, amplifying, or broadcasting images, sounds, or events of another is prohibited.

4.46 Terrorizing

Threatening to commit an act of violence and/or an act that would endanger another person's safety is prohibited.

4.47 Murder and Non-Negligent Manslaughter

Murder and Non-Negligent Manslaughter, which is strictly prohibited, is defined as the willful killing of one human being by another. Any death caused by injuries received in a fight, argument, quarrel, assault, and/or the commission of a crime fall into this category.

4.48 Bullying

WSC believes that all students have a right to a safe and healthy learning environment that is free of any hostility. The institution and the community have an obligation to promote mutual respect, tolerance, and acceptance.

Bullying is any unwanted, aggressive behavior that involves a real or perceived imbalance of power. WSC will not tolerate this type of behavior, as it has the capability to infringe on the safety and well-being of members of the community and can create a hostile environment in and around the campus community.

Members of the campus community shall not bully another individual through words or actions. Such behavior includes, but is not limited to making threats, spreading rumors, physically or verbally attacking another individual, purposefully excluding another person from a group, making threatening statements, inappropriate portrayal of any individuals belonging to a particular category of persons, social isolation, and/or any type of manipulation.

4.49 Cyberbullying

Cyberbullying is bullying that takes place with the use of different kinds of technology and social media. It can be done using various devices such as computers, cell phones, iPads, and tablets. It often occurs through the use of social media sites such as Facebook, Snapchat, Instagram, etc. However, it can also occur through text messaging, direct messaging, and other various forms of communication. Cyberbullying is typically done with the purpose of inflicting emotional pain and degradation of another person or persons. Any act of cyberbullying, whether on-campus or off-campus, is prohibited.

4.50 Instigation/Provocation

The face-to-face use of personally abusive epithets that, when addressed to any person, are inherently likely to provoke immediate violent reaction whether or not the reaction occurs is prohibited.

4.51 Disorderly Conduct

Disorderly conduct is behavior that intentionally or recklessly creates a risk of public inconvenience, annoyance, or alarm without proper authority. These behaviors are prohibited and include, but are not limited to, fighting, engaging in violent behavior, making unreasonable noise, obstructing vehicular or pedestrian traffic, disturbing a lawful assembly, and streaking.

Students may also be charged with Disorderly Conduct for participating in or hosting noisy or loud gatherings or other public disturbances on or off campus.

4.52 Sexual Harassment/Title IX Violations

Individuals concerned about equal opportunity violations should request assistance from the Title IX Coordinator at (701) 774- 4295, Deputy Title IX Coordinator at (701) 774-4503. In addition, the College's equal opportunity grievance procedure is available for any person(s) wanting to file a complaint alleging sexual or gender-based discrimination, harassment, assault, or retaliation. Reference WSC's complete [Title IX policy](#) for additional information.

4.53 Other Acts of Harassment

Any action or any series of actions that interferes with individuals' academic efforts, employment, personal safety,

or participation in college sponsored co-curricular activities is prohibited.

4.54 Lewd Conduct

Lewd behavior that flagrantly flaunts community standards with respect to sexuality is prohibited. Lewd behavior includes, but is not limited to, sexual acts in public places and indecent exposure.

4.55 Obscene Language

The use of obscene or abusive language in a classroom or public area of the College where such usage is beyond the bounds of generally accepted good taste, and if occurring in class, is not significantly related to the subject matter is prohibited.

4.56 Sporting Activity Restrictions

Riding skateboards or scooters and using in-line skates, roller skates, hover boards, and bicycles are prohibited inside all College facilities. Use of water guns, water balloons and throwing of flying discs, balls or other objects also are prohibited indoors, except when authorized. Use of projectile launchers is prohibited on campus without documented permission by an appropriate College official. Launchers may include those intended for water balloons, potatoes, pumpkins, and other items. For guidance, contact the Director for Campus Services, (701) 774-4578.

4.57 Weapons/Firearms/Explosives

Unauthorized and/or illegal possession, storage, display or use of firearms, explosives, or other weapons on college owned and/or leased property, including personal vehicles and at WSC sponsored events, is prohibited.

- Firearms and weapons include, but are not limited to, air-soft guns, BB guns, billy clubs, dart guns, handguns, paintball guns, pellet guns, rifles, shotguns, stun gun or similar devices designed to deliver an electric shock, daggers, knives (blade length of five (5) inches or more), martial arts implement, sabers, swords, bows and arrows, and dangerous fuels and/or chemicals.
- Explosives include, but are not limited to, bombs, firecrackers, fireworks, and other incendiary devices. Incendiary devices are defined as any flammable liquid enclosed in a readily breakable container that can be equipped with an igniter of any type.
- Any object may be considered a weapon when used to inflict or threaten infliction of bodily injury or property damage.
- Throwing or casting any object into, upon or against any building, structure, motor vehicle or at any person is prohibited.
- Ammunition of any type is prohibited.

Concealed weapons permits are not valid on WSC property or at college sanctioned events and activities.

Dependent upon the nature of the violation as determined by the Vice President for Student Affairs, sanctions for violations of this policy range from, but are not limited to, a \$100 fine, eviction from campus housing, and/or suspension of any kind from the institution.

Possession of a knife (blade length of five (5) inches or more), firearm, explosive, or other weapon in or on college owned buildings, grounds, or controlled property, including personal vehicles while on college grounds, may result in immediate suspension of any kind from the institution.

This policy shall not prohibit persons or student organizations from possessing, storing, or using weapons at approved locations for the purpose of meeting requirements of educational programs and/or a student group recognized by the College. This policy does not apply to law enforcement officers. For authorization, contact the Director for Campus Services, (701) 774-4578.

4.59 Willful Incitation

The willful incitement of persons to commit any of the aforementioned prohibitive acts is prohibited.

V. Conduct Sanctions and Conditions

A sanction is a consequence placed upon any student or student organizations for violations of specified College policies.

Sanctions help define the student's relationship with the College in the context of current and potential future

conduct.

Allegations that a student has violated WSC policy must be submitted in writing to designated WSC personnel, the Vice President for Student Affairs, or designee. The allegation must be reported using a [WSC Incident Report Form](#), unless the Vice President for Student Affairs or designee agrees to accept another form of written complaint. Any person, regardless of student status, can submit a WSC Incident Report. The allegation must contain detailed information about the alleged violation and surrounding circumstances, be signed, and dated. Designated WSC personnel or the Vice President for Student Affairs should commence an investigation into the allegations within ten calendar days of report of the allegation. Designated WSC personnel or the Vice President for Student Affairs may require a conference with the student as part of the investigation.

In cases in which the student is foWSCresponsible for violating one or more policies, a sanction may be imposed.

Upon completion of the investigation, designated WSC personnel or the Vice President for Student Affairs will render a written decision regarding the appropriate sanctions and/or conditions. The written decision will be sent electronically to the student's campus email account. If it is deemed necessary, the Vice President for Student Affairs may utilize USPS to mail a written copy of the decision to the student.

With each sanction, terms, and conditions and/or restorative actions may be assigned. In addition, notification may be given to other College officials as necessary. Terms and conditions include, but are not limited to:

- Participation in a specific activity or project,
- Restricted access,
- Loss of privileges,
- No contact orders, and/or
- Confiscation.

In assigning a sanction and/or terms and conditions for inappropriate student conduct, designated WSC personnel or the Vice President for Student Affairs will consider:

- Facts of the case as presented from all relevant sources, including the accused student,
- Existence of any physical evidence or written or oral information provided by the accused student and/or witnesses,
- Type and severity of the offense,
- Impact on the victim(s), the educational community, and its members,
- College precedent for similar violations,
- Previous incidents of prohibited conduct committed by the accused student,
- The ability and/or willingness of the student to accept responsibility, and
- The student's developmental needs.

If a student is WSC not responsible for the alleged code violation(s), no action will be taken against the accused student; however, having been through the Code process, the student is considered knowledgeable regarding the Code's provisions and expectations, and that knowledge may be taken into consideration in the event of future Code actions.

5.1 Sanctions

The sanctions listed below are assigned based on the severity of the incident and/or past conduct history:

Written Warning - A warning is a written notification that subsequent code violations may result in more severe sanctions.

Consultation - A student may be required to attend a formal meeting with designated WSC personnel or the Vice President for Student Affairs in which the actions that warranted the complaint are examined. A typical goal of the consultation is to discuss the competencies of a successful College experience, career, and life and to maximize the student's opportunities for growth.

Referral to Special Classes or Counseling Sessions - A student may be required to participate in alcohol, drug, and/or other programming as a result of participating in any incident involving the use or abuse of alcohol and/or other drugs. The College reserves the right to require alcohol/drug evaluation as a condition of

enrollment or continued enrollment when:

- A student's conduct endangers or may endanger the safety of themselves, others, or property, and/or
- A pattern of conduct has been demonstrated by a student.

Community Service - WSC seeks to actively engage and involve students in the student conduct process by using community service. Community Service sanctions allow students to positively impact and give back to the Williston State College community. Students may also develop and foster positive relationships with other individuals throughout the campus community.

Parental Notification - The Family Educational Rights and Privacy Act (FERPA) permits an institution of higher education to make disclosures to parents or legal guardians regarding determined sanctions with respect to the illegal use of alcohol and/or other drugs if the student is less than 21 years of age and has been responsible for violating the Code of Conduct. The institution's primary relationship is with the student, and our goal is to encourage individual personal growth and development.

When such growth and development seem unlikely to occur without parental involvement, the College reserves the right to engage parents or guardians in that process.

WSC may choose not to notify parents or guardians of violations of the Student Code of Conduct in an effort to support and encourage students to engage in voluntary conversations about such incidents with their parents or guardians as well as to encourage personal development.

Parents or guardians of students under 21 may be contacted by WSC personnel following alcohol and/or other drug related incidents:

- If a student is WSC responsible for violating the College's alcohol/drug policy that results in a college referral for assessments or evaluations for chemical dependency, and/or when College sanctions of Conduct Probation or greater are assigned.
- Based on situations that appear to endanger the health, safety, or life of other persons or the student.
- If an individual is involved in incidents that resulted in significant property damage.
- If a decision is made that it is in the best interest of a particular student to involve a parent or guardian to help address other significant life concerns related to illegal use of alcohol and/or other drugs.

Restitution - A student may be required to pay the cost for the repair of any College or state property damaged by the student. The goal will be to return the damaged property to its existing condition at the time of damage. The determination of the method used to calculate restitution shall be the responsibility of designated WSC personnel or the Vice President for Student Affairs who will consider the fair market value or cost to repair the damaged item(s) when making such a determination.

When the responsible party is a student organization, additional sanctions or terms and conditions also may be assigned for failure to make timely arrangements for restitution.

Fines - Monetary fines are used to deter conduct violations and may be imposed as a conduct sanction. Fines are decided based on the investigative results of the incident.

Mediation: a way of resolving disputes between two or more parties wherein the parties meet with a mutually selected impartial and neutral person who assists them in the negotiation of their differences.

Letter of Apology/or Reflection: A reflective letter describing the misconduct and acknowledging wrongdoing. This letter may be addressed to a specific person reflecting on the incident and how your actions impacted your community as well as the individual(s) you are apologizing to. It is not meant to justify your actions; defensiveness or inappropriate language will not be accepted.

Conduct Probation - Conduct probation is a written notification of a specified period of review and observation

during which the student must demonstrate the ability to comply with college policies; local, state, and federal laws; and any other terms or conditions that have been imposed in writing. Specific terms of the probation will be determined on a case-by-case basis.

Further prohibited conduct may result in additional sanctions to be assigned.

Supervised Conduct Probation - Supervised conduct probation generally requires meetings with designated WSC personnel or the Vice President for Student Affairs at regularly established intervals to monitor progress in behavioral, academic, social, vocational, and other areas of the student's life necessary to strive for overall success at WSC. The supervisor may assign educational tasks and/or projects as deemed necessary and appropriate to assist the student in developmental growth.

Trespass from All, or Portions of, Campus - Trespass is defined as the restriction, withholding, or removal of access to college property from persons who violate College policies, regulations, or rules or who pose a risk to campus safety or security.

Eviction from College-owned Housing - Eviction is the permanent separation of a student from the residence halls. When a student is evicted, they are typically required to move out of college-owned housing within 72 hours after notification of eviction. Should the student be involved in any other policy violations or be disruptive in any way prior to leaving College-owned housing, the student can be asked to leave immediately.

Additionally, release of a housing contract due to conduct reasons during the contract period will result in breach of contract and forfeiture of room rent for the remainder of the agreement period. Board charges will be refunded in accordance with the [North Dakota College System Procedure: Section 830.2- Refunds](#).

Suspension - Suspension is a temporary withdrawal of enrollment privileges and ban from campus property and activities (student) or recognition (student organization) for a specific period. Suspension notification may include conditions of the suspension and terms for reinstatement. In some cases, short term suspension may be imposed depending on the nature and severity of the offense.

Suspension may be recommended for serious offenses, or knowingly violating the terms of any disciplinary sanctions imposed in accordance with the Student Code of Conduct. Suspension will normally result in the cancellation of registration of the student.

Temporary Emergency Suspension - A student may be temporarily suspended by the Vice President for Student Affairs when the student's actions or threats of action indicate a serious threat to the welfare and/or safety of persons or property. After the Temporary Emergency Suspension is imposed, the investigative process into the student's conduct should begin within five calendar days.

Conditions under which Temporary Emergency Suspension may be imposed:

- To ensure the health, safety, or well-being of members of the College community,
- To preserve College property.
- To ensure the suspended student's own physical and emotional safety and well-being, or
- To ensure against disruption of, or interference with, normal operations of the College.

If the suspension is upheld following the investigative process, the suspension remains subject to the rules outlined in above-mentioned Suspension section and remains a matter of permanent record.

Indefinite Suspension - Indefinite suspension is a suspension which involves no definite time limit and may carry conditions which must be met before the student/student organization may request reinstatement.

Recommendation to the VPAA to Withhold or Rescind Degree

- If a person has been awarded a WSC degree and/or certificate, and it is subsequently discovered that the person committed a serious breach of this code while attending the College, the College may, upon separate proceedings, elect to rescind the degree. See Section 8.1 regarding graduation holds for similar reasons.

5.2 Conditions Participation in a Specific Activity or Project

A student may be required to participate in a specific activity or project, such as public service; an educational class;

and/or meeting with a designated College official or other assignment.

Restricted Access

Students may have access to college facilities and grounds restricted for a specified period of time. Restricted access may include, but is not limited to, entry into college or athletic facilities, access to specific College offices, and visiting and/or living in any College housing facility. Students who violate restricted access directives may be issued a trespass citation and may be subject to further conduct action.

Loss of Privileges

A student may be denied various privileges associated with being a WSC student. Such privileges may include, but are not limited to, one or more of the following:

- Participating in or attending College or student-sponsored events.
- Holding office in any Student Organizations.
- Having a guest or being a guest in residence life facilities.
- Access to parts of or all College property, including eligibility to reside in college facilities.
- Receiving financial aid.
- Being employed by the College.
- Representing the College, including travel on behalf of the College.
- Sponsoring or hosting organization or campus wide functions.
- Using IT services; and/or
- Maintaining recognized student organization status with Student Senate.

No Contact Order

Students may be prohibited from direct or indirect physical and/or verbal contact with another individual or group.

Reasonable restrictions to protect the safety and welfare of others may also be imposed. These include, but are not limited to, any and all forms of communication, access to college owned or controlled locations, and specified minimum distances.

Confiscation

In addition to items seized as evidence, goods used or possessed in violation of college policies and/or local, state, or federal laws, may be confiscated and not be returned to the student. This includes, but not limited to, falsified information or identification.

Registration/Graduation Hold

If a student (new, current, or returning) fails to respond to a request to meet to discuss an alleged violation of this code or fails to comply with sanctions or terms and conditions assigned as a result of being responsible for a violation of this code, a hold may be placed on the student's eligibility to register or the student's current registration may be canceled. If registration is canceled, eligibility for any refund of tuition/fees will be subject to the College's withdrawal policy.

Students may not be permitted to graduate or officially withdraw from WSC while disciplinary action is pending. If the student withdraws before WSC becomes aware of the potential violation of this code, the student's academic records may be placed on hold and the allegations must be resolved prior to the student's readmission.

Returning and/or New Students

If a student violates this code during a period of nonenrollment, a registration hold may be placed to prevent the student's registration until an investigation can be completed on the matter. The student may be notified about these holds at the time the College is first notified about the incident or when the student subsequently requests enrollment. In addition, the Vice President for Student Affairs or designee, may place a registration hold to deny a student the eligibility to register. Reasons may include, but are not limited to, the student's arrest, discovery of pending criminal charges against the student, and/or serious concerns arise about the health and safety of the student or others in the College community.

5.3 Interim Actions

In the interest of safety and security, interim actions may be implemented by the Vice President for Student Affairs prior to a completed investigation or conduct hearing. Specific actions will be based on the circumstances of the allegations and may include, but not limited to no contact orders, housing/workplace changes, loss of privileges, or temporary emergency suspension.

5.4 Notification of Hearing Outcomes for Crimes of Violence Individuals who are victims of violence have a right to be notified of the outcome of complaint resolution procedures, upon written request to the Vice President for Student Affairs. If the victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim.

Notification shall be limited to the responsible student(s), part(s) of the code violated, and assigned sanction(s). Individuals in receipt of this information may assume personal civil liability for releasing this information to others.

5.5 Good Samaritan Responsibilities

All students are expected to protect the well-being of fellow students and others wherever events occur. If a person needs emergency medical attention, particularly resulting from the use of alcohol or other drugs, students are expected to call an ambulance or other appropriate emergency response personnel (ambulance, police, fire, etc.) to gain that assistance. Students/student organizations who fail to respond appropriately may be subject to college sanctions and may potentially be subject to additional civil and/or criminal liability. When notifying emergency response personnel, it should be noted that the State of North Dakota also recognizes Good Samaritan responsibilities ([NDCC 32-03.1](#)).

Students who appropriately report may not be subject to the Student Conduct process for charges related to alcohol or drug use, nor would the incident become part of the student's conduct record. However, all students (including the student(s) needing assistance and reporter(s)) may be required to have an educational meeting with college personnel. This protection may not apply if other conduct violations occurred within the same incident. This protection will only apply once in a two-year period. Subsequent incidents will not be eligible for protection under this policy.

VI. Procedures

A detailed description of the procedures used by WSC to resolve student disciplinary issues is provided below. Procedures for incidents related to Title IX can be viewed [here](#).

Definitions

- Advisor – An attorney or non-attorney advocate who advises a student or student organization during the conduct proceedings.
- Appeals Officer – The individual or individuals appointed by the institution to consider appeals.
- Fully participate – The opportunity to make opening and closing statements, examine and cross-examine witnesses, and to provide the student or student organization with support, guidance, and advice.
- Hearing Officer – The neutral individual designated by the College to conduct the disciplinary proceedings, whether alone or as a member of a panel.
- Registration/Graduation hold – An indication that the student's academic record will not be released until the allegations (including sanctions if applicable) are resolved.

6.1 Resolution of Alleged Code Violations

The *Code of Conduct* resolution process generally includes the following steps:

- Receipt of an incident report,
- Creation of a conduct file,
- Implementation of interim actions, if necessary
- Investigation of incident, if necessary
- Notice of alleged violations,
- Hearing (only in cases of suspension, [see](#) Section VI)
- Notification of findings, including sanctions, and terms and conditions, as assigned,
- Appeal information (if student chooses),

- Notification of appeal decision (if applicable)
- Final Appeal information (if student chooses),
- Notification of final appeal decision (if applicable).

A detailed description of these steps is provided below. All references to business days are defined as Monday through Friday (holidays and other school closings are excluded).

6.2 Reporting and Investigating Violations

When provided information by law enforcement agencies, the College reserves the right to initiate action under this code when alleged violations of the code are believed to have occurred.

Reports and investigations are used to determine whether a student is responsible for alleged violations of the *Code of Conduct*, and include the following purposes:

- To provide for the education of students.
- To promote the health, safety, and well-being of college community members.
- To provide for fair inquiries concerning alleged violations of college policies.
- To determine whether or not any individual student has violated a college policy.
- To allow for consideration of extenuating or mitigating factors when a violation has been found to exist.
- To determine a resolution that will be appropriate; and
- To help the student make a constructive response toward self-discipline.

6.3 Reporting Alleged Violations

Alleged violations should be reported as soon as possible following the discovery of alleged prohibited conduct and may be initiated by law enforcement, any member of the WSC community, or other interested parties.

An alleged violation should be reported to the:

- Vice President for Student Affairs, Stevens Hall, (701) 774-4585 and/or
- Director for Residence Life, Frontier Hall, (701) 774- 4528
- Campus Security Officer, Art Wood Building, (701) 570-6699

6.4 Investigations

Investigation means to gather the facts, details and circumstances associated with a complaint. Designated WSC personnel are authorized to investigate alleged violations of the Student Code of Conduct. The investigation may include interviewing witnesses, review of documents, review of video footage, or other steps that will assist designated staff to determine whether sanctions are warranted. Dismissal of the complaint, an alternative resolution, or sanctions may result following an investigation. Investigative outcomes are made at the discretion of designated WSC staff members or the Vice President for Student Affairs.

WSC may investigate student conduct allegations at the request of external stakeholders.

Any person believed to have information relevant to an investigation may also be contacted and requested to make an appointment to discuss the matter. Failure to comply with a request to make and keep an appointment relevant to an investigation may result in sanctioning. Consideration will be given to a student's reasonable request to not participate in an investigation.

6.5 Interim Measures

In the interest of safety and security, interim actions may be implemented by designated WSC personnel or the Vice President for Student Affairs prior to a completed investigation or sanction. Specific actions will be based on the circumstances of the allegations and may include, but are not limited to, no contact orders, parking/housing/workplace changes, changes to academic schedule and/or agreements with instructors to assist in offsetting potential academic problems, no trespass orders, security assistance, loss of privileges, or temporary emergency suspension.

6.6 Searches and Inspection

Within campus housing, the right to inspect student rooms without notice is reserved by the College for purposes of maintenance, cleaning, fire, personal safety, and for purposes of administering provisions of the residence life contract. Such entry by the College shall not be regarded as a search but is separately agreed to

and authorized by the student party as per residence life contract.

Residence Life personnel have the authority and responsibility to enter a resident's room or apartment when there is sufficient reason to suspect a probable violation of college policy and/or local, state, and/or federal laws. Suites are deemed common areas and do not require permission for entry.

6.7 Notice of Sanction

Generally, a written notice will be sent via WSC email within 10 business days of the conclusion of the investigation. The notice of sanction will include when known:

- Nature of the alleged code violation.
- Date, time, and place of the alleged code violation.
- Source of the information.
- Summary of the known facts.
- Applicable sanction for Code of Conduct violation.
- Notice that a decision may be made in the student's absence based on the information currently available.
- Appeal procedures.

6.8 Student Organizations in Default

In the event a student organization chooses not to comply with an investigation, WSC may withdraw recognition of the organization. In addition, officers of the organization at the time of the incident may face conduct proceedings individually for failure to comply (see Section 3.2) and, if applicable, also may face sanctions arising from the same set of facts from which the sanctions against the organization arose.

6.9 Witnesses/Witness Statements

The accused student will be given reasonable opportunity to present witnesses and/or witness statements during the investigation of the alleged incident. Witnesses will be given reasonable latitude to respond fully to any questions asked by designated WSC personnel or the Vice President for Student Affairs. All written statements given for consideration are to be provided to designated WSC personnel or the Vice President for Student Affairs before the investigation of the alleged incident has concluded. Written statements must contain the witness's printed name, signature, and date or sent via WSC email directly by the witness.

6.10 Evidence

The accused student will be given reasonable opportunity to present any written information, oral information, or evidence that is relevant in determining responsibility in the alleged incident.

6.11 Self-Incrimination

Accused students and witnesses shall not be compelled to incriminate themselves by being obligated to attest that they engaged in conduct constituting a violation of this code and/or local, state, or federal law.

6.12 Appeals

Students who are sanctioned for violations of any part of this Student Code of Conduct or relevant College policies may appeal. Students are limited to one appeal process and that decision is final (see Section VIII. Appeal Procedures).

VII. Hearing Procedures for Potential Suspension Cases

In instances of alleged violations of the Student Code of Conduct in which suspension of any kind from the institution is recommended, a hearing will be held. After a recommendation for suspension has been made, a Hearing Committee consisting of trained staff and faculty members will be called upon to hear the case. The Hearing Committee has the authority to suspend a student or student organization from the institution.

Prior to the hearing, the Vice President for Student Affairs will inform the student of their rights related to the Hearing. If the student or student organization is found to have violated Student Code of Conduct, the Hearing Committee may uphold, amend, or remove the recommendation for suspension. Additionally, the Student Review Committee has the authority to impose additional or alternative sanctions upon the student. All procedural rules for the conduct of hearings are outlined herein, and all procedures will apply to students and student organizations.

7.1 Types of Hearings

Full Hearing for an accused student – A Hearing Committee is convened to consider cases of a very serious nature which could lead to a sanction of suspension from the College. After hearing information from all parties, including the accused student; witnesses; student Complainant, if any; and the Vice President for Student Affairs, the Hearing Committee decides whether the student is responsible for the violation(s) of the Student Code of Conduct. If the student is foWSCresponsible for violation(s) of the Student Code of Conduct, the committee will also determine the appropriate sanction(s) for the student.

Emergency Suspension Review Hearing for an accused student – In extraordinary circumstances and/or emergency situations, the Vice President for Student Affairs or designee may suspend a student for a violation of the Student Code of Conduct, pending sanctioning for violations, the right of the student to be present on the campus and/or to attend classes (including on-campus or on-site instruction or practicum or on-line environments). The purpose of an Emergency Suspension Review Hearing is to determine if an Emergency Suspension should remain in effect until the matter is resolved.

Full Hearing for a student organization – A Hearing Committee is convened to consider cases of a very serious nature which could lead to a sanction of suspension of a student organization from the College or dissolution of the student organization. After hearing information from all parties, including the accused student organization; witnesses; student Complainant, if any; and the Vice President for Student Affairs, the Committee decides whether the student organization is responsible for a violation of the Student Code of Conduct. If the student organization is foWSCresponsible for violation(s) of the Student Code of Conduct, the committee will also determine the appropriate sanction for the student organization.

Emergency Suspension Review hearing for a student organization – In extraordinary circumstances and/or emergency situations, the Vice President for Student Affairs or designee may suspend a student or student organization, pending sanctioning for violations, and/or the right of the student organization to be present on the campus. The purpose of an Emergency Suspension Review Hearing is to determine if an Emergency Suspension should remain in effect until the matter is resolved.

7.2 Hearing Committee Membership

The Hearing Committee for a Full Hearing shall normally consist of three WSC employees, one of whom will act at the Hearing Committee Chair. All panelists will be trained in conducting hearings as it relates to possible violations of the Student Code of Conduct. When that composition of members is not available (e.g., summer session, College breaks, or other exceptional circumstances), the Committee size shall be determined by the VPSA or designee. The Committee size for an Emergency Suspension Review Hearing shall be determined by the Vice President for Student Affairs or designee.

7.3 Personal Advisors (Advocates)

Both the Complainant and the Respondent are entitled to have a Personal Advisor/Advocate present during the hearing. The rights/restrictions placed on a Personal Advisor and/or Personal Advocate will be applied equally to both parties. By definition, a Personal Advisor may act on behalf of the student, make opening and closing statements, and call and question witnesses during the hearing. However, a Personal Advisor does not have speaking privileges during a hearing (unless previously mentioned), must not disrupt the hearing, and cannot be called as a witness during any phase of the process. Conversely a Personal Advocate acts only as a support system to the student during the hearing process.

Additionally, a Personal Advocate may provide support, guidance, and advice to the student but may not act on their behalf.

The accused, and if applicable, Complainant student may each have one Personal Advisor/Advocate present during all portions of the proceedings in which the student participates. A Personal Advisor/Advocate may, but does not need to, be an attorney. An attorney who is serving as a Personal Advisor/Advocate is expected to follow the [North Dakota Rules of Professional Conduct](#).

Personal Advisors and Personal Advocates are selected by the student. The student is responsible for sharing and communicating all information with their Personal Advisor/Advocate unless other arrangements are made. If applicable, the student is responsible for any and all expenses associated with the Personal Advisor/Advocate.

The schedule of a chosen Personal Advisor/Advocate should allow for attendance at a previously scheduled date

and time for the hearing. If a student has selected a Personal Advisor/Advocate prior to a hearing being scheduled, the student can provide their Personal Advisor's/Advocate's contact information and availability to the Vice President for Student Affairs for consideration in scheduling. If the Personal Advisor/Advocate is unable to attend a previously scheduled hearing, the student is encouraged to inform the Vice President for Student Affairs that their Personal Advisor/Advocate is unable to attend. Upon request the Hearing may be rescheduled.

The College requests that a student notify the Vice President for Student Affairs at least five business days prior to the scheduled hearing date of their intent to bring a Personal Advisor/Advocate. The College requests that the notification also indicate if the Personal Advisor/Advocate is a licensed attorney. This request is made to ensure that the parties involved in the Hearing may be notified of the name of the Personal Advisor/Advocate and that any reasonable accommodations may be made prior to the hearing. If the student

brings a licensed attorney to a Hearing as a Personal Advisor/Advocate without prior notice to the Vice President for Student Affairs, the attorney shall identify him/herself to the panel as such, and the hearing may be rescheduled to allow for the College's legal representative to attend and/or allow the other student party the opportunity to retain an attorney.

If the student is not in attendance, the Personal Advisor/Advocate may not be in attendance.

7.4 Hearing Procedures

7.4.1 Prior to the Hearing – The Vice President for Student Affairs will confer with the Hearing Committee, the accused student, and the Complainant, if applicable, to establish a time, date, and place for the hearing. The accused student and the Complainant, if applicable, shall receive the Hearing Notification Letter at least seven business days prior to the hearing date. A student may request in writing that an earlier date be set. The Vice President for Student Affairs will send each member of The Hearing Committee the final investigative report at least four business days before the hearing. Prior to the hearing, the Hearing Committee may convene with the VPSA, if necessary, to ask questions related to the investigative report.

The Hearing Committee, for good cause, may postpone the hearing. In the event that this occurs, the Vice President for Student Affairs will notify all interested persons of the new hearing date, time, and place. The Hearing Committee Chair, in consultation with the Hearing Committee, may refuse to conduct a hearing when in their determination there is insufficient information for a committee to consider the alleged violation or if the alleged violation would not merit suspension as a sanction. The Hearing Committee will then review the existing documentation in order to make a determination as to whether the student is in violation of the policy and the appropriate sanction(s) for the student, if applicable. They may uphold, amend, or remove the recommendation for suspension. Additionally, the Student Review Committee has the authority to impose additional or alternative sanctions upon the student.

7.4.2 The Hearing Notification Letter to the accused student shall:

- Direct the accused student to appear at the date, time, and location specified.
- Include alleged violations of the Student Code of Conduct.
- Advise the student that information provided to the Hearing Committee will be included in the deliberations.
- Advise the student of their rights.
- Include a request to the student to provide the following information to the Vice President for Student Affairs at least five (5) business days before the hearing: the identity of the student's Personal Advisor/Advocate if any, whether the Personal Advisor/Advocate is a licensed attorney, whether the Personal Advisor/Advocate will act as a Personal Advocate or act as the student's Personal Advisor, and whether the student requests the hearing be an open hearing.
- Include a notice to the student to provide the following to the Vice President for Student Affairs at least two (2) business days before the hearing: a list of witnesses to be called on behalf of the student and copies of any documents or other materials to be presented by the student at the hearing.
- Contain the name of the person appointed to act as chairperson of the Hearing Committee.

- Contain the name of the person appointed to act as Process Advisor for the student. A WSC employee will be named to act as the Process Advisor for the Student. This individual will act as resource for the student concerning procedural questions in the hearing process.
- Contain the names of witnesses being called by the Hearing Committee Chair, and a description of information, materials, and charges that will be offered against them.
- Contain a redacted copy of the complaint.
- Provide a copy of the Retaliation Prohibited Statement.
- Notify the student that if they choose to serve as a witness, the student may be questioned by the Hearing Officer, the student Complainant, and the Hearing Committee.

7.4.3 Rights of the Accused Student

- To a closed hearing, which is held in private, unless the accused student, the student Complainant, if applicable, and the Hearing Officer agree to an open hearing, which is open to the campus community.
- The opportunity to appear alone or with a Process Advisor, a Personal Advocate, and/or Personal Advisor.
- To challenge one (1) member of the Hearing Committee for bias at least (2) business days before the hearing. The accused student shall present the challenge to the Hearing Officer in writing via WSC email. The Hearing Officer will review the challenge and inform both parties of any Hearing Committee member changes, if applicable. The Hearing Officer has the authority to name a replacement.
- To know the identity of each witness who will speak to the alleged events.
- To serve as a witness, or not; to call witness(es); submit documentary and other information; offer information; and speak on their own behalf.
- To question each witness, either directly or by submitting questions to the chairperson of the Hearing Committee.
- To have access to the record of the hearing after all proceedings are complete.
- To appeal the decision of the Hearing Committee per the appeals process in Section VIII of this Code.

7.4.4 When applicable, the Hearing Notification Letter to the student Complainant shall:

- Inform the student of the date, time, and location specified for the hearing.
- Advise the student that information provided to the Hearing Committee will be included in the deliberations.
- Advise the student of their rights.
- Include a notice to student to provide to the VPSA at least five (5) business days before the hearing, whether an attorney will be the student's Personal Advisor.
- Contain the name of the person appointed to act as chairperson of the Hearing Committee.
- Provide a copy of the Retaliation Prohibited statement.
- Notify the student that if they choose to serve as a witness, the student may be questioned by the Hearing Officer, the accused student, and the Hearing Committee.

7.4.5 Rights of the Student Complainant

- In such cases when an act of violence or harassment is alleged, the student Complainant has the following rights:
- To receive a notice of the hearing.
- The opportunity to appear, alone or with a Process Advisor, Personal Advocate, and/or Personal Advisor.
- To request accommodations during the hearing to increase their comfort or sense of safety in providing information.
- To speak on their own behalf.
- To know the outcome of the hearing.
- To appeal the decision of the Hearing Committee per the appeals process in Section VIII of this Code.

7.4.6 Honesty Statement

The College expects that all information presented in this hearing will be true and correct to the best of each person's knowledge. If students willfully provide false information, they will be in violation of WSC's Student Code of Conduct. As a result, they also may be subject to additional disciplinary action. Dishonest behavior of any faculty or staff members will be reported to supervisors for any necessary disciplinary action.

7.5 Full Hearing Process:

Introduction – With all parties present, the Hearing Officer will call the meeting to order and will ask all parties participating in the hearing to introduce themselves and identify their role in the proceedings.

The Hearing Officer will describe the general outline of the hearing and will read the honesty statement. If a student is represented by an attorney or non-attorney advisor, that individual has the ability to fully participate in the hearing. Hearing advisors (attorney or non-attorney) will be required to sign a confidentiality statement pertaining to information about all parties involved in the hearing.

The Hearing Officer will dismiss witnesses until they are called to speak.

Complaint and Response – The Hearing Officer will introduce the case.

The accused student (and/or attorney or non-attorney advisor) will be permitted to respond to the charges and present information that is relevant in determining whether the student violated one or more sections of the code.

Presentation of Witnesses – The Complainant, if applicable, and the Respondent will be allowed to present witnesses who may be asked questions by the Hearing Officer, Complainant (and/or attorney or non-attorney advisor), Respondent (and/or attorney or non-attorney advisor) and Vice President for Student Affairs or designee. All questions will be directed to the Hearing Officer who will determine relevancy to the proceeding, request clarification, if necessary, ask if the Respondent understands the question, and request a response.

Final Questions – The Hearing Officer and the Respondent (and/or attorney or non-attorney advisor) will be permitted to ask questions of each other.

The Hearing Officer and the Complainant (and/or attorney or non- attorney advisor), if applicable, will be permitted to ask questions of each other.

Questions will be permitted by the Hearing Committee, who may question either party. During this time, all questions will be directed to the Hearing Officer who will determine relevancy to the proceeding, request clarification if necessary, and request a response from the appropriate party. The Hearing Officer and Complainant (and/or attorney or non- attorney advisor) may be permitted to ask additional questions of each other.

The Hearing Officer and Respondent (and/or attorney or non- attorney advisor) may be permitted to ask additional questions of each other.

In no event will the parties be allowed to personally cross-examine each other. The same applies to appeal proceedings.

Closing Statements - The Complainant (and/or attorney or non- attorney advisor), if applicable, will have an opportunity to make a closing statement.

The Respondent (and/or attorney or non-attorney advisor) will have an opportunity to make a closing statement.

Deliberation and Decision – The Hearing Committee will decide appropriate sanctioning and provide the Vice President for Student Affairs with their decision within five business days of the completion of the hearing. The Vice President for Student Affairs will communicate the Hearing Committee's written decision to the involved students via WSC email.

The Vice President for Student Affairs will provide written notice of findings to all parties stating whether or not the Student Code of Conduct was violated. The written notice will include sanctions and terms and conditions for continued enrollment or re- enrollment, if any, as well as appeal information. The written notice, which will be provided via WSC email, will generally be provided within five business days following the hearing.

7.6 Record of the Hearing

An individual student's hearing record is confidential and consists of:

- A copy of the Hearing Notification Letter sent to the accused student.
- All documents, information, and materials admitted in the hearing.
- The audio recording of the hearing, which is the sole official verbatim record of the Hearing, is the property of Williston State College.
- A copy of the Hearing Decision Letter.

The result of a hearing involving a student organization is not subject to FERPA. The records of student members of student organizations are subject to FERPA. The charges, findings, and sanctions for the student organization will be considered public information. Personally identifiable information will be redacted or omitted from any disclosure document. The Office of Record for Hearings is the Office of Student Affairs. Records will be kept for a minimum of six (6) years following final resolution. Even if the report was unsubstantiated, files must be kept in order to monitor progress in creating a safer campus by conducting assessments of the campus climate. In addition, files must be kept in order to identify and resolve harassment-related issues, patterns, and problems. Students who wish to review their disciplinary or hearing records may contact the Student Affairs Office to schedule an appointment to conduct the review of these records.

7.7 Reinstatement Following a Suspension

Reinstatement for students following a Suspension involves the following procedure:

- The suspended student applies in writing to the Vice President for Student Affairs for reinstatement.
- The Vice President for Student Affairs reviews the record and ensures that the conditions (if any) for reinstatement have been satisfied.
- The Vice President for Student Affairs shall either grant or deny the application. The student status of the Complainant student, if applicable, may be a factor among others in determining the reinstatement of the suspended student. If the application is granted and the Complainant is enrolled at WSC, the Complainant will be notified by the Vice President for Student Affairs.
- If the Vice President for Student Affairs reinstates the suspended student, the student must still complete the readmission process through the Enrollment Services Office.

Reinstatement for Student Organizations following a Suspension involves the following procedure:

- The suspended student organization applies to Student Senate for reinstatement.
- The Student Senate President, who may be assisted by other Student Senate members, reviews the record, and ensures the conditions for reinstatement have been satisfied. The Student Senate President may consult with the Hearing Committee about the completion of the conditions.
- Student Senate shall either grant the reinstatement or deny the application.

7.8 Emergency Suspension Review Hearing Procedures An emergency suspension is considered extraordinary and temporary in nature and subject to an Emergency Suspension Review Hearing (hereinafter "Review Hearing") by the Hearing Committee. In most circumstances a Hearing Committee will be convened within ten (10) business days. However, in extenuating circumstances, the Hearing Committee Chair, with the approval of the Vice President for Student Affairs, may grant an extension of that timeframe. All Review Hearings will be scheduled as expediently as possible.

The purpose of a Review Hearing is to hear information from both the student who has been placed under temporary suspension and the Office of Student Affairs for consideration in determining if the temporary suspension should remain in effect until the matter is resolved. Final resolution of the matter will include an investigation by the Student Affairs Office and any necessary actions to follow, possibly to include a Full Hearing before the Hearing Committee. Under the Student Code of Conduct, a student may be suspended on an emergency basis for behavior that was determined to have met at least one of the Criteria for Suspension.

7.8.1 Criteria for Emergency Suspension

Student's behavior poses a significant threat of danger and/or injury to self or others,
OR

Student's behavior poses a threat of disruption of the educational process for others,
OR

Student's behavior poses a threat of destruction of property.

7.8.2 Prior to the Emergency Suspension Review Hearing The Vice President for Student Affairs or designee shall confer with the Hearing Committee to establish a time, date, and place for the hearing. Notice is provided to the accused student by the Student Affairs office. The date, time, and place for the Review Hearing will be specified in the Review Hearing Notification Letter.

7.8.3 The Emergency Suspension Review Hearing Notification Letter:

The Emergency Suspension Review Hearing Notification Letter shall:

- Direct the accused student to appear at the date, time, and location specified.
- Include alleged violations of the Student Code of Conduct.
- Provide the name and contact information of the Process Advisor.
- Advise the student that information provided to the Hearing Committee will be included in the deliberations.
- Advise the student of their rights.
- Include a request to the student to provide the following information to the Vice President for Student Affairs at least five (5) business days before the hearing: the identity of the student's Personal Advisor/Advocate if any, whether the Personal Advisor/Advocate is a licensed attorney, whether the Personal Advisor/Advocate will act as a Personal Advocate or act as the student's Personal Advisor, and whether the student requests the hearing be an open hearing.

7.8.4 Rights of the student during the Emergency Suspension Review Hearing Process

- To a closed hearing, which is held in private, unless the accused student and the Hearing Officer agree to an open hearing, which is open to the public.
- The opportunity to appear, alone or with a Process Advisor, Personal Advocate, and/or Personal Advisor.
- To challenge one (1) member of the Hearing Committee for bias at least (2) business days before the hearing. The accused student shall present the challenge to the Hearing Officer in writing via WSC email. The Hearing Officer will review the challenge and inform both parties of any Hearing Committee member changes, if applicable. The Hearing Officer has the authority to name a replacement.
- To know the identity of each witness who will speak to the alleged events.
- To serve as a witness, or not; to call witness(es); to submit documentary and other information; to offer information; and to speak on their own behalf.
- To question each witness, for the purpose of clarification.
- To have access to the record of the hearing after all proceedings are complete.

7.8.5 Emergency Suspension Review Hearing Process

The accused student, the Hearing Officer, and each witness will sign an honesty statement, confidentiality statement, and Retaliation Prohibited statement prior to the hearing.

The Hearing Officer will convene the hearing at the designated time and location.

The Hearing Committee may proceed with a hearing in the absence of the accused student. Such an absence is not to be interpreted as an admission of responsibility nor as a basis for additional disciplinary action. The College will be required to document that a reasonable attempt has been made to provide notification of the hearing to the student.

The accused student and the Hearing Officer are given the opportunity to challenge one member of the Hearing Committee for bias. The challenge must be made at least (2) business days before the hearing. The accused student shall present the challenge to the Hearing Officer in writing via WSC email. The Hearing Officer will review the challenge and inform both parties of any Hearing Committee member changes, if applicable. The Hearing Officer has the authority to name a replacement.

A confidentiality statement is read. The hearing shall be closed to the public unless the Hearing Officer and the accused student agree to an open hearing.

The Hearing Committee Chair will read the complaint as included in the Review Hearing Notification letter sent to the accused student by the Vice President for Student Affairs.

The Vice President for Student Affairs presents the reason for emergency suspension.

Witnesses may be called to offer testimony for consideration in determining if the emergency suspension should remain in effect until the matter is resolved. Any one of Criteria for Suspension is sufficient for continuing the suspension pending further investigation. The Hearing Officer, the accused student or their Personal Advocate, and the Hearing Committee members will have an opportunity to question the witnesses.

The accused student or their Personal Advocate may make a statement or call witnesses to offer testimony. The accused student or Personal Advocate, Hearing Officer, and the Hearing Committee will have an opportunity to question the witnesses.

During this time, all questions will be directed to the Hearing Officer who will determine relevancy to the proceeding, request clarification if necessary, and request a response from the appropriate party.

Members of the Hearing Committee deliberate and determine if the Emergency Suspension should remain in effect until the matter is resolved. After the Panel makes their determination, the Hearing Committee Chair and the Vice President for Student Affairs will meet with the accused student to announce the decision.

7.8.6 Emergency Suspension Review Hearing Decision Letter A written notification of the outcome of the Emergency Suspension Review Hearing will be sent to the accused student within one week following the preliminary hearing, with copies provided to the Vice President for Student Affairs and to the Student Services Office to be placed in the student's personal file.

7.8.7 Appeals Process

The appeals process for suspension cases can be found in Section VIII.

7.9 Compliance with Sanctions Other than Suspension The student in violation is responsible for completing the sanctions imposed by the Hearing Committee within the timeframe stated in the Hearing Decision Letter. If a student does not complete the sanctions or violates the sanctions as prescribed, the student will be prohibited from registering. If a student has already pre-registered and the sanction has not been completed, the student's classes will be canceled. Student organizations that do not complete the sanctions or violate the sanctions as prescribed will no longer be considered in good standing and will not be entitled to the rights or privileges of student organizations.

VIII. Appeal Procedures

Students may appeal decisions and sanctions administered by this Code.

8.1 Appeal Procedures and Deadlines

An appeal of any conduct process decision must be made in writing within ten business days following the date the sanction notice is sent to the student via their WSC email account. If it is necessary to utilize USPS Certified Mail to mail the sanction notice, students will be afforded 10 business days from receipt of the letter to submit an appeal. If the sanction notice is hand-delivered, a notation of that date will be made in the student's conduct file. In extraordinary circumstances, the Vice President for Student Affairs may grant time extensions. The College reserves the right, however, to reduce the time allowed for a student appeal in cases that may have the potential to result in harm to persons and/or property. The reduced time for appeal will be specified in the decision letter along with the rationale for allowing reduced time for an appeal. The appeal must be written by the student, addressed to the Chair of the Student Review Committee, and contain the student's name, date of the decision made by the Vice President for Student Affairs, decision of the Vice President for Student Affairs, any sanctions applied, any remedy sought by the student, and reason(s) for the appeal.

8.2 Appeal Letters

Appeals must be submitted to the Chair of the Student Review Committee and must specify in detail one or more of the following reasons for appeal:

- The severity of the sanction was not consistent with the severity of the offense,
- The decision was made in an arbitrary or capricious manner,
- The alleged violation(s) was not substantiated by the evidence,
- The student's rights were violated; the rights believed to be violated must be specified, and/or
- The student was not offered due process.

The letter must also contain the remedy that is being sought by the student.

8.3 Emergency Provisions

Normally a properly filed notice of appeal suspends the imposition of sanctions until the appeal is decided; however, some emergency provisions may be sustained throughout the appeal to protect persons and/or property. Such provisions will be explained in the original letter to the student outlining the decision, along with the rationale for maintaining those emergency provisions throughout the appeal.

8.4 Student Review Committee's Decision Process Within five days of receipt of the written appeal, the Student Review Committee will review existing documentation as presented at the hearing.

The Student Review Committee will rule on the following:

- If the student is in violation of the policy as stated in the initial notice of sanction, and
- If the sanction that was imposed by the Vice President for Student Affairs is reasonable.

The Student Review Committee will then take the following action(s):

- If it is determined that the student is not in violation of policy, the sanction imposed will be overturned, and no penalty will be imposed.
- If it is determined that the student is in violation of policy and the sanction imposed is not reasonable, the Student Review Committee will decide alternative sanction(s).
- If it is determined that the student is in violation of policy and the sanction imposed is reasonable, the original decision and sanction will be upheld.

The Student Review Committee will notify the student and the Vice President for Student Affairs of its determination within 10 calendar days of receipt of the written appeal. The determination will be sent to the student via their WSC email.

8.5 Final Appeal Process

A student may appeal the decision and sanctions imposed by the Student Review Committee.

8.5.1 Deadline for Final Appeal

An appeal of the decision and sanctions imposed by the Student Review Committee must be made in writing within ten business days following the date the sanction notice is sent to the student via their WSC email. If it is necessary to utilize USPS Certified Mail to mail the sanction notice, students will be afforded 10 business days from receipt of the letter to submit an appeal. If the sanction notice is hand-delivered, a notation of that date will be made in the student's conduct file. In extraordinary circumstances, the President may grant time extensions. The College reserves the right, however, to reduce the time allowed for a student appeal in cases that may have the potential to result in harm to persons and/or property. The reduced time for appeal will be specified in the Student Review Committee's decision letter along with the rationale for allowing reduced time for an appeal. The appeal must be written by the student, addressed to the College President, and contain the student's name, date of the decision made by the Vice President for Student Affairs, decision of the Vice President for Student Affairs, date of the decision made by the Student Review Committee, decision of the Student Review Committee, any sanctions applied, any remedy sought by the student, and reason(s) for the appeal.

8.5.2 Final Appeal Letter

Appeals must be submitted to the College President and must specify in detail one or more of the following

reasons for appeal:

- The severity of the sanction was not consistent with the severity of the offense,
- The decision(s) was made in an arbitrary or capricious manner,
- The noted violation(s) was not substantiated by the evidence,
- The student's rights were violated; the rights believed to be violated must be specified, and/or
- The student was not afforded due process.

The letter must also contain the remedy that is being sought by the student.

8.5.3 Emergency Provisions

Normally a properly filed notice of appeal suspends the imposition of sanctions until the appeal is decided; however, some emergency provisions may be sustained throughout the appeal to protect persons and/or property. Such provisions will be explained in the original letter to the student outlining the decision, along with the rationale for maintaining those emergency provisions throughout the appeal.

8.5.4 President's Decision Process

Within five days of receipt of the written appeal, the President will review existing documentation as presented at the hearing.

The President will rule on the following:

- If the student is in violation of the policy as stated in the Student Review Committee's decision letter, and
- If the sanction that was imposed by the Vice President for Student Affairs and/or the Student Review Committee is reasonable.

The President will then take the following action(s):

- If it is determined that the student is not in violation of policy, the sanction imposed will be overturned, and no penalty will be imposed.
- If it is determined that the student is in violation of policy and the sanction imposed is not reasonable, the President will decide alternative sanction(s).
- If it is determined that the student is in violation of policy and the sanction imposed is reasonable, the original decision and sanction will be upheld.

The President will notify the student, the Vice President for Student Affairs, and the Student Review Committee of their determination within 10 business days of receipt of the written appeal. The determination will be sent to the student via their WSC email.
The President's decision is final.

8.6 Communication of Outcomes

Decisions regarding sanctions and/or appeal outcomes will be promptly communicated by the Vice President for Student Affairs or designee to all appropriate College administrators, faculty, and staff via WSC email to allow for general communication, suitable arrangements, or updates to prior arrangements.

8.7 Transcript Conduct Notation

WSC places transcript notations on unofficial and official transcripts for any student who receives any type of Student Code of Conduct disciplinary suspension and for any student who withdraws from the institution while a conduct proceeding is pending final decision.

Questions regarding Transcript Conduct Notation Policy and/or Procedures can be directed to the Student Affairs office (Stevens Hall, 105) at (701) 774-4200

IX. Conduct Records

9.1 Disclosure

All conduct records are confidential and may not be disclosed in whole or in part except as provided under law, including but not limited to, the Family Educational Rights and Privacy Act (FERPA), the USA Patriot Act, and lawful court orders.

The conduct record shall be separate from the student's academic record but shall be considered a part of the student's educational record. All conduct records shall be retained in the Student Affairs Office or other authorized offices.

As provided under FERPA for students under age 21, information concerning code violations for alcohol and/or drugs may be shared with parents in accordance with the Parental Notification Policy. In addition, code violations may also be shared with some academic departments upon request and as necessary to fulfill their professional obligations. The Student Affairs office may exchange information concerning code violations by student athletes with the pertinent coaches and the athletic director.

9.1.1 Family Educational Rights and Privacy Act of 1974 (FERPA)

Educational records are those records that are directly related to a student and maintained by WSC or by a party acting for WSC. These records include any information from which students can be individually identified and have not been previously defined as public directory information.

Under FERPA, WSC will not disclose information about current or former students nor permit inspection of their educational records without the expressed, written consent of the student. Current and former students will be permitted to inspect and review their own educational records, to the exclusion of their parents and/or guardians. This applies to all students enrolled at WSC, regardless of age.

Specific exemptions do apply to the release of educational records. These exemptions include the following situations:

- Parents of students who are dependents, as defined under tax code, must be permitted to inspect, and review the educational records of the student.
- Educational records must be disclosed pursuant to lawfully issued subpoenas or court orders. Educational records may be disclosed if knowledge of personal information contained in these educational records is deemed necessary by institutional personnel to protect the health or safety of the student or other person(s).
- Upon request, WSC discloses educational records without student consent to officials of another NDUS institution in which a student seeks or intends to enroll.

FERPA allows WSC to release certain student information about students. WSC follows the North Dakota WSCSystem Board policy regarding FERPA directory information. The following categories have been designated by WSC as information that may be released upon request: (a) name (all names on record); (b) address (all addresses on record); (c) email address (WSC email address only); (d) phone number (all phone numbers on record);

(e) height, weight, and photos of athletic team members; (f) place of birth; (g) major field of study (all declared majors); (h) minor field of study (all declared minors); (i) class level; (j) dates of attendance; (k) enrollment status; (l) names of previous institutions attended; (m) participation in officially recognized activities and sports; (n) honors/awards received; (o) Degree(s) earned (all degrees earned); (p) Date degree(s) earned (dates of all degrees earned); (q) photographic, video, or electronic images of students taken and maintained by the institution.

Under FERPA, students have the right to request directory information not be made public by notifying the Student Affairs Office, located in Stevens Hall, Suite 105, (701) 774-4200.

However, students should be aware that information might be collected for use in publications in advance of printing or the completion of the restricted directory information form, or prior to the student restricting information through Campus Connection. In order to effectively suppress the release of directory information, **students must restrict their directory information by the 10th day of the term and not reverse that restriction during the term.** If the request is made after the 10th day of the term, a student's directory information may have already been released publicly in printed, electronic, or other forms.

WSC may receive many inquiries for "directory information" from a variety of sources including, but not limited to, prospective employers, other Colleges and Universities, graduate schools, licensing agencies, government

agencies, media, parents, friends and relatives.

Students are encouraged to ask questions and consider possible consequences of their decision to withhold the release of any or all directory information.

WSC has no responsibility to contact students for subsequent permission to release directory information after it is restricted. WSC will honor student requests to withhold directory information until the student specifically and officially requests the lift of these restrictions.

9.2 Retention and Destruction

WSC follows the [North Dakota Colleges/WSCGeneral Records Retention Schedule](#) student's enrollment.

Student conduct records may be retained indefinitely at the discretion of the Vice President for Student Affairs.

9.2.1 Sanctions Less than Suspension

In cases in which students are foWSCin violation and receive a sanction less than Suspension, with or without additional terms and conditions, all records related to that students' cumulative conduct history will be retained for six years beyond the last date of a

9.2.2 Suspension

In cases in which students are foWSCin violation and receive any sanction of suspension, conduct records will be retained on a permanent basis.

9.2.2 Student Organization Records

Records of conduct violations involving student organizations will be retained for six years following the last active date of the student organization. Student organization conduct records may be retained indefinitely at the discretion of the Vice President for Student Affairs.

FINAL NOTE Occasionally there may be a need to update certain details such as changes to staff titles, office locations, etc. that are mentioned in this document. The Vice President for Student Affairs may make editorial changes relating to this document as long as the substance of the document is not affected.

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