



Student Handbook

Table of Contents

Student/Faculty Rights and Responsibilities	1
Definition of a Credit Student.....	1
Statement of Non-Discrimination.....	2
Concealed Carry on Campus	2
Student Conduct Policies and Procedures.....	3
Due Process and Student Conduct Violations	7
Conduct Review Board.....	17
Academic Honesty.....	18
Plagiarism	19
Student Complaint and Grievance Policy Against a Staff Member	21
Academic Grade Appeal.....	23
NWACC 504/ADA Student Complaint and Grievance Policy.....	25
504/ADA Student Complaint and Grievance Procedures.....	26
Service Animals on Campus	33
Public Laws.....	37
Student Discipline Records.....	37
Non-Students, Children and Minors on Campus	37
Sex Discrimination, Sexual Harassment and Sexual Misconduct.....	39
Substance Abuse.....	61
Bulletin Board Postings.....	62
Canvassing and Solicitation.....	62
Prohibitions on Smoking.....	63
Prohibitions on Smokeless Tobacco Products	63
Inclement Weather or Emergency Closing and Cancelation Policy.....	63
Technology Acceptable Use	65

STUDENT/FACULTY RIGHTS AND RESPONSIBILITIES

Facilitation of Learning Environment – Mutual Respect & Responsibility

A primary factor in NorthWest Arkansas Community College preserving its reputation as a high-caliber community of learners is the maintenance of mutual respect between faculty and students and the inherent responsibilities of both. In order to foster this collegial learning environment both faculty and students have the rights and responsibilities as spelled out in the following tenets.

Tenets of Student, Faculty Rights and Responsibilities

- Students have the right to expect instructors to meet class regularly and to follow the college calendar.
- Faculty have the right to expect students to attend class regularly.
- Students have the right to expect instructors to be prepared and organized for class.
- Faculty have the right to expect students to be equally prepared and organized.
- Students have the right to expect faculty to hold scheduled office hours.
- Faculty have the right to expect students to keep appointments made with the instructor, and to use scheduled office hours as a time to discuss any concerns about the class with the instructor.
- Students have the right to an explanation of the evaluation procedures at the beginning of each course as outlined in the course syllabus.
- Faculty have the right to expect students to acknowledge receipt of the course syllabus and follow the policies and procedures stated therein.
- Students have the responsibility to refrain from using coercion in an effort to gain a higher grade than the grade earned.
- Faculty have the responsibility to use their expertise and professional training to assign grades based on their fairest and best judgment.
- Students have the right to expect faculty to return graded assignments and tests within a reasonable time period.
- Faculty have the right to expect students to turn in assignments and tests on time.
- Students have the responsibility of keeping an open mind so that they may learn the value of higher education.
- Faculty have the responsibility to model behavior, which illustrates the value of higher education.
- Students and faculty have the right to expect respect from one another, and the responsibility to show respect.
- Students and faculty have the right to academic freedom with a free exchange of ideas in the classroom.

DEFINITION OF A CREDIT STUDENT

Provisional Student

An individual who has completed an application and is in the process of registration. Provisional students may not

have access to fee- based student resources. Conduct issues will be referred to the Behavioral Review Team for admission decisions.

Student

An individual who is registered in a class as of the first day of the term. Students will have access to fee-based resources. Conduct issues will be referred to the Student Conduct department for resolution.

Inactive Student

A student becomes inactive when she/he is no longer registered in credit classes. Inactive students may not have access to fee-based student resources. Conduct issues that occur after a student becomes inactive will be referred to the Behavioral Review Team.

STATEMENT OF NON-DISCRIMINATION

Recognition of and respect for the dignity of each human being are central to our mission of learning for living. Discrimination, harassment, or any other conduct that diminishes the worth of a person is incompatible with our fundamental goal of serving and strengthening the community.

NorthWest Arkansas Community College (NWACC) adheres to all federal and state civil rights laws banning discrimination in publicly funded institutions. NWACC does not discriminate on the basis of gender, age, race, color, creed, religion, ancestry, national or ethnic origin, sexual orientation, gender identity, disability, genetic information, military status, veteran status, familial status, or any other protected category under applicable local, state, or federal law, ordinance or regulation, including protections for those opposing discrimination or participating in any complaint process. Sexual harassment, which includes acts of sexual violence, is a type of sex discrimination prohibited under Title IX of the Education Amendments of 1972.

CONCEALED CARRY ON CAMPUS

State law allows the possession of concealed handguns in buildings and on the grounds of NWACC, provided all of the following conditions be met:

- Licensee has a license to carry a concealed handgun, and
- Licensee has completed required endorsement training as approved by the Director of the Department of Arkansas State Police, and
- Licensee is 21 years of age or over (exceptions to minimum are noted below).
- Handgun must be concealed at all times

Notwithstanding the above, Licensees have the ability to store concealed handguns in their locked vehicles on publicly owned and maintained parking lots.

Concealed carry is **NOT ALLOWED** in the following:

- Public K-12 schools' premises including vehicles and parking lots, such as the Farmington High School Campus
- Jones Center for Families including vehicles and parking lots
- Documented grievance and disciplinary meetings

Private spaces utilized but not owned/leased by NorthWest Arkansas Community College such as gyms, bowling centers, golf courses, etc. may disallow concealed carry.

Age requirements for concealed carry:

- Twenty-one (21) years of age; or
- Eighteen (18) years of age and is:
 - Currently a federally recognized commissioned or noncommissioned officer or an enlisted member on active duty in the United States Armed Forces;
 - In the National Guard or a reserve component of the United States Armed Forces; or
 - A former member of the United States Armed Forces who has been honorably discharged.

STUDENT CONDUCT POLICIES AND PROCEDURES

Student Conduct Policy

Disciplinary measures will be applied to any student whose conduct adversely affects the NorthWest Arkansas Community College's pursuit of the following educational objectives:

1. The opportunity of all members of the learning community to pursue educational goals.
2. The maintenance of a learning environment conducive to intellectual and educational development.
3. The protection of college property and the safety, health, and welfare of all members of the learning community.

Violators of public law may be referred to civil authorities for appropriate action and may also be subject to disciplinary action through the NWACC conduct resolution process.

Student Conduct Violations

Students share the responsibility for maintaining an environment in which the rights of each member of the academic community are respected. All students and their guests shall be responsible for conducting themselves in a manner that helps to enhance an environment of learning in which the rights, dignity, worth, and freedom of each member of the academic community are respected. When asked to report to any College office in conjunction with a disciplinary matter, a student is expected to appear at the time specified or to arrange another appointment. Any student found responsible for a violation outlined in the Student Conduct Policies and Procedures is subject to disciplinary and/or educational sanctions, and may expect more significant sanctions relative to the severity of the offense and/or if found responsible on multiple occasions.

The college reserves the right to investigate and adjudicate off campus student conduct if it is perceived to present danger or disruption to the college community. This action may be taken for either college affiliated or non-affiliated activities. Should off campus student conduct come to the attention of the College, the Dean of Students (or designee) will determine the appropriate route of action.

The Student Conduct processes will be followed for students who are also employees of the College when the alleged incident occurred in connection with student status. Student Conduct violations may require the college to take measures applicable to both student and employee status.

The following student behaviors and acts, whether intentional or unintentional, are considered detrimental to the mission of a learning-centered postsecondary institution and are deemed to be "Student Conduct Violations". This

is a list of some typical behaviors, not an all-inclusive inventory of the types of actions that may rise to the level of a student conduct violation.

1. Violations of academic honesty, i.e., cheating and/or plagiarism. These violations can result in grading sanctions (see subsequent Academic Honesty section) as well as other disciplinary actions imposed by the college's conduct resolution procedures.
2. Obstruction or disruption of teaching, research activities, administration, disciplinary proceedings, or other scheduled college activities, including public service functions and other authorized activities of the college.
3. Disruption of learning environment for students, faculty, or administrative staff.
4. Demonstrations which interfere with the rights of other members of the learning community or with the normal functions of the college.
5. Physical contact against another individual(s) with the intent to cause harm or injury. Physical contact may include but is not limited to the following:
 - a. Hitting
 - b. Kicking
 - c. Spitting
 - d. Throwing objects
6. Theft, alteration, or forgery of college documents, records, or evidence of identification or use of same with intent to defraud.
7. Use by any student or student organization of the college name or a claim to speak or act on behalf of the college or a college-related organization without due authorization.
8. Misrepresenting or falsifying information provided to college officials.
9. Failure to identify oneself upon request of a college official.
10. Failure to comply with directions of college officials acting in proper performance of their duties. This includes requests to appear before a college official performing conduct resolution procedures and failure to comply with the terms of disciplinary sanctions.
11. Abuse of any person on or off college premises, or through college sponsored social media, or at any college-sponsored or supervised event, or conduct that threatens, harasses, intimidates, discriminates, or endangers the physical or emotional health or safety of any person and is sufficiently severe or pervasive that it has the effect of unreasonably interfering with, limiting or denying someone the ability to participate in or benefit from the college's educational programs.
12. Harassment. Defined as conduct that is so severe and/or pervasive, and objectively offensive that it substantially impairs a student's educational experience or creates a hostile environment that the student is essentially denied equal access to the college's resources and opportunities. Harassment includes, but is not limited to, conduct that is motivated on the basis of the person's race, color, national or ethnic origin, citizenship, sex, religion, age, sexual orientation, gender identity, pregnancy, marital status, ancestry, service in the uniformed services, physical or mental disability, medical condition, or perceived membership in any of these classifications
13. Sexual harassment of other students, faculty, or staff persons. This includes unwelcome comments or conduct based on gender that creates an intimidating or offensive working, learning, or living environment and that represents substantial interference with the rights or opportunities of the victim.

- a. Hostile Environment. Sanctions can and will be imposed for the creation of a hostile environment only when [unwelcome] harassment is sufficiently severe, pervasive (or persistent) and objectively offensive that it unreasonably interferes with, limits or denies the ability to participate in or benefit from the College's educational or employment program or activities.
 - b. Any unwelcome conduct should be reported to campus officials, who will act to remedy and resolve reported incidents on behalf of the victim and community.
- * Find more information on Northwest Arkansas Community College Policy and Procedures for [Sex Discrimination, Sexual Harassment, and Sexual Misconduct](#).
- 14. Retaliatory Discrimination or Harassment.** NWACC policy, in conjunction with state and federal law prohibit retaliation against an individual for reporting, or for participating in an investigation. The College will not tolerate retaliation in any form against any faculty, staff, or student, or volunteer who files a report, serves as a witness, or participates in an investigation of a report.
- * This pertains to both Code of Conduct and Title IX cases
- 15. Bias-related conduct (including sexual harassment) toward a person or group because of factors such as race, religion, ethnicity, disability, national origin, age, gender, sexual orientation, or gender identity that is sufficiently severe or pervasive that it has the effect of unreasonably interfering with, limiting or denying someone the ability to participate in or benefit from the college's educational programs.**
- 16. Theft of or damage to any college property, including game room equipment, or the property of any member of the college community on campus.**
- 17. Behavior that destroys, defaces, damages, or litters college-owned, and/or controlled property and/or personal property.**
- * College-owned and/or controlled property refers to Bentonville campus, Washington County Centers, the NWACC at The Jones Center for Families, Brightwater, and the Farmington Center. It also pertains to college-sponsored events or academic classes in any off campus location.
- 18. Unauthorized entry to or use of college facilities, including buildings and/or grounds. Includes unauthorized possession, duplication or use of means of access to any college building (i.e. keys, fobs, cards, etc.).**
- 19. Illegal manufacture, sale, possession, or use of alcoholic beverages, narcotics, marijuana, hypnotics, sedatives, tranquilizers, stimulants, hallucinogens, and other similarly known harmful or habit-forming drugs, prescription drugs and/or chemicals on college-owned or controlled property or at college-sponsored events.**
- 20. Drunkenness or being under the influence of drugs on college-owned or controlled property or college-sponsored events.**
- a. Parent/Guardian notification may occur if the student is under 21 and found responsible for an alcohol or drug related violation. Notification will make the parent/guardian aware of the responsibility and sanctions of the student.
- 21. Smoking or using tobacco or tobacco like products, including but not limited to electronic vaping devices, on college-owned or controlled property.**
- 22. Violation of [Possession of Weapons on Campus/Concealed Carry Policy](#)**
- 23. Illegal or unauthorized possession or use of guns (including air, BB, paintball, facsimile weapons and pellet guns), explosives (including fireworks and ammunition), dangerous chemicals, or weapons or**

dangerous objects such as arrows, axes, machetes, nun chucks, throwing stars, switchblades, or knives with blades longer than THREE inches as classified by the State of Arkansas on college-owned or controlled property or at college-sponsored events. This includes the storage of any item that falls within the category of a weapon in a vehicle parked on college property with the exception of concealed carry handguns where permitted. See the Possession of Weapons on Campus/Concealed Carry Policy for additional information and requirements.

24. Violation of [Parking Policy](#)
25. Violation of the NWACC [Information Technology Policy](#)
26. Use of roller blades, skateboards, roller skates, or bicycles in the parking garage, inside a building, on stairs, or railings.
27. Dangerous use of roller blades, skateboards, roller skates, or bicycles on college property.
28. Failure to respect pedestrian's right-of-way by persons on skateboards, bicycles, roller skates, or roller blades on college property.
29. Domestic Violence is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.
 - * Domestic violence victims by Arkansas Law are defined as "family or household members". Arkansas defines "family or household members" as a current or former spouses, parents and children, persons related by blood, a child living in the household, persons who currently or previously lived together, people who have a child together, and persons who currently or formerly were in a dating relationship.
30. Dating violence is a pattern of assaultive and controlling behaviors that one person uses against another in order to gain or maintain power and control in the relationship. Dating Violence is defined as the physical, sexual, or psychological/emotional violence within a dating relationship. It can occur in person or electronically and may occur between a current or former dating partner. Other terms used include relationship abuse, intimate partner violence, relationship violence, dating abuse, domestic abuse, domestic violence, and stalking.
31. Stalking. A pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear for his or her safety or the safety of others and/or suffer substantial emotional distress.
32. Sexual Misconduct. Includes, but is not limited to, sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, and/or sexual exploitation.
33. Public Exposure. Includes deliberately and publicly exposing one's intimate body parts, public urination, defecation, and public sex acts.
34. Fire Safety. Violation of local, state, federal or campus fire policies including, but not limited to:
 - a. Intentionally or recklessly causing a fire which damages College or personal property or which causes injury.
 - b. Failure to evacuate a College-controlled building during a fire alarm;
 - c. Improper use of College fire safety equipment;
 - d. Or tampering with or improperly engaging a fire alarm or fire detection/control equipment while on

College property. Such action may result in a local fine in addition to College sanctions;

35. **Bullying and Cyberbullying.** Bullying and cyberbullying are repeated and/or severe aggressive behaviors that intimidate or harm or control another person physically or emotionally, and are not protected by freedom of expression.
36. **Hazing.** Defined as an act that endangers the mental or physical health, or safety of a student, or that destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to intervene to prevent, and/or failing to discourage, and/or failing to report those acts may also violate this policy.
37. **Other Policies.** Violating other published College policies or rules, including violations of local, state, and/or federal laws when substantiated through the college conduct process.
38. **Health and Safety.** Creation of health and/or safety hazards (dangerous pranks, hanging out of or climbing from/on/in windows, balconies, roofs, etc.)
39. **Using electronic or other devices to make an audio or video record of any person, without the person's prior knowledge or consent, where there is a reasonable expectation of privacy (i.e., changing areas, bathrooms, etc.)**
40. **Tampering with the election of any College recognized student organization.**
41. **Accessing confidential student, faculty or staff information for personal use.**
42. **Complicity:** Any act taken with the purpose of aiding, facilitating, promoting or encouraging the commission of one of the above acts by another person.

* Any violation listed above which falls under the scope of Title IX violations; sexual misconduct, dating/domestic violence, stalking, etc. is subject to Title IX procedures under the NWACC Policy and Procedures for [Sex Discrimination, Sexual Harassment and Sexual Misconduct](#).

DUE PROCESS AND STUDENT CONDUCT VIOLATIONS

Enforcement and Reporting of Student Conduct Violations

College representatives (any administrator, officer, faculty, or staff member) of the College can direct students to cease any activities that disrupt the orderly operations of the college or are in direct violation of college policies and/or procedures. Any college employee or student should report disruptive actions to the Dean of Students or Director of Student Conduct for consideration of whether these actions rise to the level of a conduct violation. Conduct violation reports may be submitted for an individual student, group, or organization, which is disruptive to orderly operations.

1. Any college employee or student who witnesses or experiences a student conduct violation or an environmental disruption may file a report.
2. Any college employee or student may report an incident that was relayed to them by a visitor. A detailed description with contact information should be included.
3. Public Safety officials who are called to assist in a disruption must file a report about the incident no later than the end of the next business day.
4. Any staff or faculty who calls Public Safety to assist with a disruption must file a report no later than the end of the next business day.

It is recommended that all reports be filed immediately, or within 45 business days of the event or action-giving rise to the report. The Director of Student Conduct may extend the 45 business day period if good cause to do so is shown. The preferred method of reporting is in writing, but in situations that demand immediate attention, such as an individual who is perceived to be a danger to self or others, an initial verbal report will suffice. The written report should be submitted as soon as possible after the initial verbal report. Reports of conduct violations may be submitted through the Student Conduct Reporting link on the NWACC Student Conduct Website.

The college reserves the right to investigate and adjudicate off campus student conduct if it is perceived to present danger or disruption to the college community. This action may be taken for either college affiliated or non-affiliated activities. Should off campus student conduct come to the attention of the College, the Dean of Students (or designee) will determine the appropriate route of action.

Office of Student Support and Conduct

The Office of Student Conduct will provide assistance with the conduct resolution process for the Reporting Party and Responding Party. The Director of Student Conduct will serve to ensure that due process is followed in student conduct violation proceedings. This office will send notification of a report to the Dean of Students and to the Dean of the department that might be involved with the incident. The Director of Student Conduct will serve as a Chair of the Conduct Review Board, but will be a non-voting member.

Sanctions

Types of actions/penalties include, but are not limited to the following:

The following sanctions may also apply to clubs and organizations.

Disciplinary

1. **Disciplinary Warning.** The Student has been given a verbal or written letter of warning by the College. Warning status will be documented in the students' record.
2. **Conduct Probation.** Imposed when a student's actions are found to be serious, but not serious enough to warrant Suspension or Expulsion. The disciplinary authority shall indicate the length of the probationary period, which may range from one (1) semester to completion. A further violation of the Code of Student Conduct while on Conduct Probation may result in a Suspension or Expulsion. Conduct Probation may prohibit the student from representing the college, participating in student activities, and/or participating in work-study employment.
3. **Restitution of college property.**
4. **Restriction of participation in student organizations, events, and college employment and limited access to designated areas.**
5. **Course or Program Dismissal.** In lieu of Suspension from the College, a student may be removed from a class or program entirely, but still be allowed to take other classes or enroll into a different program as specified by the sanction.
 - a. The decision for removal from an academic program will be decided either through the conduct process or by the academic program. This referral is based on the policies within that specific program, as well as the policies & procedures within the NWACC Student Handbook. An investigation will occur and decisions will be made after the investigation has concluded.

6. Dissolution of Student Organization
7. Suspension. Interruption of the student's educational activities at the college for a definite, stated period.
 - a. Suspension involves withdrawal of enrollment privileges for a specified period of time and ordinarily carries with it conditions that must be met for re-enrollment. During the period of Suspension, the student may not come onto campus, except when specifically authorized in writing by the Dean of Students or designee. Re-enrollment after a Suspension requires that the student apply to the Dean of Students or designee at the close of the imposed period. The Dean of Students or designee determines whether the student has met the conditions imposed and is otherwise eligible for reenrollment. These records are maintained indefinitely.
 - b. Disciplinary Suspensions will be notated on academic transcripts at the semester level and will include the notation of "Disciplinary Suspension for (term of suspension)" and the date of suspension.
8. Expulsion. Termination of enrollment at the college. Expulsion is an indefinite sanction and the student will not be allowed to enroll, attend, or visit the college campus(es) in the future. This sanction will remain on the students' file indefinitely and will be reported on the students' transcript.
 - a. Disciplinary Expulsions will be notated at the bottom of the transcript and will include the initial date of expulsion.
9. Revocation of Degree. A degree awarded from NWACC may be revoked for violations committed by a student prior to graduation.

Educational

1. Co-curricular education. An assignment to complete a specific educational requirement directly related to the violation committed, such as completion of an alcohol education workshop, a diversity awareness workshop, essays, reports, reflective papers, journals, etc.
2. Attendance at a mediation meeting.
3. Community Service. Completion of a specified number of hours of approved community or college service. The student is permitted to complete a portion of the hours through academic initiatives such as attending programs with the Career Development, tutoring sessions, etc., but must be verified by a College Faculty or Staff member.
4. A conduct review, which requires the student to meet with a college official for a specific period of time.
5. Mandatory professional counseling. The Student is required to seek professional counseling and is required to comply with the professional recommendation(s) of the mental health professional. It is expected that the student will actively engage in this process.
6. Educational Conversation with college official.
7. Alcohol and/or Drug Assessment. The Student is required to complete a mandatory Alcohol and/or Drug Assessment through a licensed professional mental health practitioner who is licensed or certified by the State of Arkansas. The student is required to comply with the prescribed course of treatment. The selection of the practitioner is the choice of the student and will be paid for by the student. The student must submit documentation of completion of both the assessment and the prescribed course of treatment.

Procedures

Upon receiving a report of a possible conduct violation, the Director of Student Conduct, or designee, will begin the resolution procedures. Family Education Rights and Privacy Act (FERPA) will be followed. Information will only be shared with those who have an educational need to know. Students may sign a Consent to Release form through the Office of Student Conduct or Student Records office if they wish to have case information shared with an outside party. Upon examination of the conduct report, the following actions may be pursued:

- If the Director of Student Conduct in consultation with the Dean of Students deems that the report does not rise to the level of a possible conduct violation, the director may close the case. Some reports that do not rise to the level of a conduct violation may be referred to the Behavioral Review Team.
- Minor infractions may be addressed and/or resolved informally through the Office of Student Conduct and/or Dean of Students Office and may include consultation, educational conversation, and/or Disciplinary Warning.
- Sex or disability discrimination cases will be referred to the appropriate grievance procedures for processing.
- The Dean of Students, or designee, will be notified if there is concern of immediate danger. If there is a perception that the student presents a danger, a minimum of two of the following will consult the Dean of Students, the Director of Student Conduct, and the Vice President of Student Services. If it is determined that there is a danger, the Dean of Students, or designee, is authorized to take immediate action including but not limited to an interim suspension of the student. When interim action is taken, the student will have the opportunity to respond to the action within two (2) business days. The response will be reviewed by the Dean of Students, or designee, and may result in the interim action being lifted or upheld. The interim suspension may last until conduct due process has been completed and a determination has been made.
- In cases where multiple reports have been made against a student for informational purposes in which the Reporting Party is not requesting further action, the Director of Student Conduct in consultation with the Dean of Students may determine that a possible disruption to the learning environment is occurring and may address the case informally, or remand the case to the Conduct Review Board for resolution.
- The Director of Student Conduct, or designee, will remand the case to the Conduct Review Board for a resolution. Conduct procedures will be determined in a timely manner. No resolution should exceed 30 days except in extenuating circumstances. The Director of Student Conduct, or designee, will oversee the conduct resolution procedures to ensure that due process is followed.

Pre-Investigation Meeting

In cases that will be sent to the Conduct Review Board for investigation, the process will begin with the Pre-Investigation Meeting. The Director of Student Conduct, or designee, as the Chair of the Pre-Investigation Meeting, may formally request the Responding Party(s) to appear for a Pre-Investigation Meeting in connection with an alleged violation. The purpose of the Pre-Investigation Meeting is to help the Responding Party(s) understand their rights, responsibilities, and the conduct procedures. It is also an opportunity for the Responding Party(s) to accept or deny responsibility for the reported violation. The Director of Student Conduct, or designee, will:

- Identify the correct policies allegedly violated.
- Prepare the notice of the charge(s) on the basis of the initial report.
- May confer with the Dean of Students on accommodations for the Reporting or Responding Party(s) or other necessary remedial short-term actions.

- Send the written notice of the charge(s) to the Responding Party(s). This notice will outline the specific charges, and shall instruct the student(s) to schedule a meeting with the Director of Student Conduct, or designee.
- Conduct the Pre-Investigation Meeting with the Responding Party(s).
 - The Responding Party(s) may accept responsibility, in which the case will be closed and sanctions will be determined. In this situation, the Responding Party(s) waives their right to appeal.
 - The Responding Party(s) may deny responsibility, in which the case will move to the Conduct Review Board Investigation.
- If the Responding Party(s) fails to schedule a meeting after two (2) business days from receipt of the written notice, a second written notice reminder will be sent. If the Responding Party(s) fails to schedule a meeting after two (2) business days from receipt of the second written notice, it will be assumed that the Responding Party(s) denies responsibility for all charges and the case will go to the Conduct Review Board Investigation.

Conduct Review Board Investigation

1. The decision to move to this investigation will be determined by the following:
 - a. The Responding Party(s) may deny responsibility in the Pre-Investigation Meeting.
 - b. The Responding Party(s) does not reply to Pre-Investigation Meeting written notices.
 - c. The Director of Student Conduct and the Dean of Students may choose for the case to move straight to the Conduct Review Board Investigation instead of going through the Pre-Investigation Meeting, based on the identified policies allegedly violated.
2. The Director of Student Conduct, or designee, as Chair of the Conduct Review Board will:
 - a. Assign 1-3 members of the Board to serve as the Investigative Team to conduct the investigation.
 - b. May confer with the Dean of Students on accommodations for the Reporting or Responding Party(s) or other necessary remedial short-term actions.
 - c. Oversee the conduct resolution procedures to ensure that due process is followed.
3. The Investigative Team will:
 - a. Be staffed with unbiased and trained faculty, staff, or administrators.
 - b. Develop a strategic investigation plan, which may include a witness list, an evidence list, an intended timeframe, and an order of interviews for all witnesses, including the Responding Party(s).
 - c. Conduct a thorough, reliable, unbiased, and impartial investigation. Witnesses may or may not be given notice prior to the interview.
 - d. Complete the investigation promptly, and without unreasonable deviation from the intended timeline.
 - e. Make a finding on the case, based on a preponderance of the evidence, which indicates that a policy violation has or has not occurred.
 - f. If the findings indicate that the alleged conduct violation has occurred, the Investigation Team will recommend appropriate sanctions for the violation. The sanction(s) will be determined by the Dean of Students in consultation with the investigative team and/or the Behavioral Review Team.
4. The Chair of the Conduct Review Board will present the findings to the Reporting Party(s) and Responding

Party(s). If the Responding Party(s) is found responsible, the sanctions will be imposed.

5. Following the investigation, the Chair of the Conduct Review Board will distribute a written Letter of Determination to the affected parties, simultaneously.

Appeal Process

The Reporting Party(s) or Responding Party(s) may request an appeal of the findings or of the process. All sanctions imposed by the initial determination will be in effect during the appeal period. A request may be made to the Dean of Students for special consideration in extenuating circumstances, but the presumptive stance of the institution is that the sanctions will stand. A request for an appeal must be submitted in writing to the Director of Student Conduct, or designee, within five (5) business days following receipt of the written Letter of Determination. There must be explanation given in the request as to the reason for the appeal. The Director of Student Conduct, or designee, will determine if the appeal is timely, and will send a notification of the appeal to the Responding Party(s) and Reporting Party(s).

1. In the event that an appeal is requested, the Chair of the Conduct Review Board will assign a minimum of two new Conduct Review Board members to review the case (known as the Appeal Board). During the appeal, the Appeal Board members will determine if policies and procedures were followed. The appeal will determine if a reasonable outcome was reached. If new evidence has been submitted, the Appeal Board members will determine if that information might have affected the outcome. The Appeal Board members will provide a rationale of their findings to the Director of Student Conduct, or designee.
2. If the Appeal Board determines that the initial finding was appropriate, a policy or procedural error was not made, there is no evidence of bias, and/or there is no new evidence that might have affected the outcome, then the initial finding(s) and sanction(s) stand.
3. If the Appeal Board finds information that might affect the outcome, The Director of Student Conduct, or designee, will determine the appropriate action using the following guidelines:
 - a. If there is clear and convincing evidence showing that an accurate finding was not made then the case will be assigned to a new Investigation team.
 - b. If a policy or procedural error was made then the case will either be returned to the original Investigation team for correction or be assigned to a new Investigation team. The Director of Student Conduct, or designee, will determine the appropriate action.
 - c. If new evidence became available that might have affected the outcome then the case will be returned to the original Investigation team.
4. A written decision of the appeal will be given to all parties as soon as possible or within seven (7) business days of the determination. The decision made through the appeal process is final.

Prior Conduct History

Where there is evidence of pattern of conduct similar in nature by the Responding Party(s), either prior to or during the conduct in question, regardless of whether there has been a finding of responsibility, this information may be deemed relevant during the Investigative Team's determination of responsibility, and/or during the determination of sanctions. The Director of Student Conduct, Dean of Students, or designee will make a determination of relevance based on an assessment of whether the previous incident(s) was substantially similar to the conduct cited in the report and indicates a pattern of behavior by the Responding Party(s). Where there is a prior finding of responsibility for a similar act of violating the Student Code of Conduct, there is a presumption of relevance and the finding may be considered in making a determination as to responsibility and/or assigning of a sanction.

Time Periods

All effort will be made to make a determination within 30 calendar days of filing a formal report/grievance.

Timelines may be modified in cases where information is not clear, judged to be incomplete, relevant parties are not available for interview, and/or other related circumstances as may arise.

Business Day

A business day is defined to mean normal operating hours, Monday through Friday, excluding recognized national and state holidays and NWACC closings.

No Retaliation

Retaliation against any person who files a report, participates in an investigation, or opposes an educational practice or policy is prohibited by NWACC policy and federal and state law. Retaliation includes intimidating, threatening, coercing, inciting others to retaliate, or in any way discriminating against any person or group for exercising rights under this procedure. Retaliation may be present even where there is a finding of "Not Responsible" on the alleged violation of policy. The Office of Student Conduct and/or Dean of Students Office may address reports of retaliation informally through consultation or educational conversation, or remand the case to the Conduct Review Board for resolution. A person who believes retaliation has occurred should notify the Office of Student Conduct or Dean of Students Office.

False Reports

NWACC will not tolerate intentional false reporting of incidents. It is a violation of the *Codes of Conduct* governing NWACC to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

Concealed Carry

NorthWest Arkansas Community College may choose to prohibit the concealed carry of handguns during certain disciplinary meetings or proceedings, including those regarding students, faculty, and/or staff. This includes, but is not limited to, meetings or proceedings relating to Title IX, student conduct, employee discipline, dispute resolution, grievances, appeals, and any other meeting or proceeding where documented grievance and/or disciplinary procedures are followed. For any such meeting where the concealed carry of handguns will be prohibited, the College will provide meeting participants with at least 24 hours' notice of the official meeting, and a sign indicating that handguns are not permitted will be posted on the door of the meeting location. The College is not responsible for storage of handguns during any such meetings. Only officially required meeting participants will receive the above-described notice. Should required meeting participants bring other parties or representatives to the meeting or proceeding with them, it is the required meeting participants' responsibility to inform such additional parties that the concealed carry of handguns is prohibited. Possession of a handgun at the time of a conduct meeting may result in additional conduct charges.

Personal Belongings during Proceedings

Book bags, backpacks, handbags, and any other bags are not permitted in the room of the conduct meeting. Individuals participating in conduct meetings will be notified prior to attending the meeting that bags are not allowed. Individuals who bring a bag to the meeting will be directed to place it outside for the duration of the meeting.

Investigation in Absence

The purpose of this process is to determine whether a student(s) is “responsible” or “not responsible” for violating the Code of Student Conduct. “Responsible” means that the Responding Party(s) has been found to have violated the Student Code of Conduct. “Not Responsible” means that the Responding Party(s) has been found to have NOT violated the Student Code of Conduct.

If a student chooses not to participate in the investigation process, a decision can be issued by the Investigation Team, in conjunction with the Director of Student Conduct and/or Dean of Students. The student will be notified of the outcome of the case and any applicable sanctions. The student(s) will be held responsible for the sanction(s) and any deadlines issued and a hold will be placed on the students’ ability to register for classes. The student will be required to contact the Dean of Students and/or the Director of Student Conduct to remove this hold.

Official Communication

The Office of Student Conduct will contact students through their official NWACC email account regarding conduct charges, process, and determinations. Students are responsible for checking their NWACC email account regularly, as well as responding to email requests regarding any conduct matter. Refusing or failing to comply with this directive may result in the conduct case proceeding without the student’s participation.

Cross Examination

The conduct process at Northwest Arkansas Community College does not have cross examination involving both the Reporting Party(s) and Responding Party(s) in the same room. The cross examination process consists of the Conduct Review Board requesting specific questions that each Party(s) would like to ask the other Party(s). Those questions would then be filtered on basis of relevance by the Chair and then asked to the opposing Party(s) for comment.

Student Support Person/Advisor

Individuals partaking in the Conduct process may choose to have a person with them during the process. This individual may be a family member, friend, lawyer, advocate, etc. This person may not be a participant in the process. The support person is allowed to be present during the process but may not answer questions on the behalf of the individual or interrupt the Conduct proceedings. If the Advisor fails to comply with the procedures that have been put in place, the College reserves the right to exclude the advisor from further participation in the process. The college should be notified in advance of the investigation if an advisor will accompany a student.

Statement of the Rights of Reporting Party

- The right to be treated with respect by college officials;
- The right to investigation and appropriate resolution of all credible reports made to college administrators;
- The right to have an advisor to accompany and assist in the campus conduct process. This advisor can be anyone, including an attorney (provided at the Reporting Party’s own cost), but the advisor may not take part directly in the investigation itself, though they may communicate with the Reporting Party as necessary. The college should be notified in advance of the investigation if an advisor or advocate will accompany the Reporting Party.
- The right not to be discouraged by college officials from reporting a policy violation to both on-campus and/or off-campus authorities;

- The right to be informed in a timely manner of the outcome and sanctions of any disciplinary investigation, usually within five (5) business days of the end of the conduct decision;
- The right to be informed by college officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the Reporting Party so chooses. This also includes the right not to report, if this is the victim's desire;
- The right to be notified of available counseling, mental health, and/or student services for both on campus and in the community;
- The right to notification of options and assistance for changing academic or employment situations after an alleged incident is reported. These changes will be made if they are reasonably available and desired by the Reporting Party(s), after it is assessed by the Director of Student Conduct and Dean of Students. Accommodations may include:
 - Exam (paper, assignment) rescheduling;
 - Taking an incomplete in a class;
 - Transferring class sections;
 - Temporary withdrawal;
 - Alternative course completion options;
 - Alternative work assignments and/or supervisory changes.
- The right to make an impact statement at the campus conduct proceeding and to have that statement considered by the board in determining its sanction;
- The right to a campus no contact order against another person who has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the complaining person or others;
- The right to have any report of a Student Code of Conduct violation responded to quickly and with sensitivity by campus disciplinary officials;
- The right to appeal the finding and sanction of the Conduct Review Board, in accordance with the standards for appeal established by the institution;
- The right to review all documentary evidence available regarding the report, subject to the privacy limitations imposed by state and federal law;
- The right to be informed of the names of all witnesses who will be called to give testimony, within 48 hours of the conduct investigative meeting, except in cases where a witness' identity will not be revealed to the Responding Party(s) for compelling safety reasons (this does not include the name of the Reporting Party, which will always be revealed);
- The right to preservation of privacy, to the extent possible and allowed by law;
- The right to a conduct process that is closed to the public;
- The right to petition that any member of the Conduct Review Board be removed on the basis of demonstrated bias;
- The right to give testimony in a campus investigative meeting by means other than being in the same room with the Responding Party;

- The right to ask the investigators to identify and question relevant witnesses, including expert witnesses;
- The right to be fully informed of campus conduct policies and procedures, as well as the nature and extent of all alleged violations contained within the report;
- The right to be present for all information given and evidence presented before the Conduct Review Board;
- The right to have reports investigated by conduct and appeals officers who have received misconduct adjudication training;
- The right to have college policies and procedures followed without material deviation;
- The right to be informed in advance, when possible, of any public release of information regarding the report;
- The right to a fundamentally fair process, as defined by these procedures;
- The right not to have released to the public any personally identifiable information about the Reporting Party(s), without his or her consent;
- The right to a campus conduct outcome based solely on evidence presented during the conduct process. Such evidence shall be credible, relevant, based in fact, and without prejudice.

Statement of the Rights of Responding Party

- The right to be treated with respect by college officials;
- The right to investigation and appropriate resolution of all credible reports made to college administrators against the Responding Party;
- The right to have an advisor to accompany and assist in the campus conduct process. This advisor can be anyone, including an attorney (provided at the Reporting Party's own cost), but the advisor may not take part directly in the investigation itself, though they may communicate with the Reporting Party(s) as necessary. The college should be notified five (5) business days in advance of the investigation if an advisor or advocate will accompany the Reporting Party(s).
- The right to be informed in a timely manner of the outcome and sanctions of any disciplinary investigation, usually within five (5) business days of the end of the conduct decision;
- The right to be informed of available counseling, mental health, and/or student services, both on campus and in the community;
- The right to make an impact statement at the campus conduct proceeding and to have that statement considered by the board in determining its sanction;
- The right to have any report of a Student Code of Conduct violation responded to quickly and with sensitivity by campus disciplinary officials;
- The right to appeal the finding and sanction of the Conduct Review Board, in accordance with the standards for appeal established by the institution;
- The right to review the Reporting Party's testimony and all documentary evidence available regarding the report, subject to the privacy limitations imposed by state and federal law;
- The right to be informed of the names of all witnesses who will be called to give testimony, within 48 hours of the conduct investigative meeting, except in cases where a witness' identity will not be revealed to the Responding Party for compelling safety reasons (this does not include the name of the alleged victim/Reporting Party, which will always be revealed);

- The right to preservation of privacy, to the extent possible and allowed by law;
- The right to a conduct process that is closed to the public;
- The right to petition that any member of the Conduct Review Board be removed on the basis of demonstrated bias;
- The right to ask the investigators to identify and question relevant witnesses, including expert witnesses;
- The right to be fully informed of campus conduct policies and procedures, as well as the nature and extent of all alleged violations contained within the report;
- The right to have reports investigated by conduct and appeals officers who have received misconduct adjudication training;
- The right to conduct officials comprised of representatives of both genders;
- The right to have college policies and procedures followed without material deviation;
- The right to be informed in advance, when possible, of any public release of information regarding the report.
- The right to an investigation on the report, including timely notice of the investigative meeting date, and adequate time for preparation;
- The right to a fundamentally fair investigation, as defined in these procedures;
- The right to a campus conduct outcome based solely on evidence presented during the conduct process. Such evidence shall be credible, relevant, based in fact, and without prejudice.

CONDUCT REVIEW BOARD

Policy

The conduct Review Board (CRB) is charged with investigating and serving as the review board for student conduct complaints and student and employee Title IX infractions. For students, the jurisdiction of the CRB includes group and individual cases involving alleged violations of the NorthWest Arkansas Community College Student Code of Conduct, including Title IX. For employees, the jurisdiction includes group and individual cases involving sex discrimination and sexual harassment.

Justification

The Conduct Review Board provides a structured educational environment for problem resolution and disciplinary actions involving the college community. The board protects each individual's right to due process.

Composition and Selection of Board Members

1. Membership on the Conduct Review Board consists of Co-chairs, the Director of Student Support and Conduct, Dean of Students, and the Employee Relations Manager, and a minimum of sixteen (16) other faculty/staff members.
2. The chairpersons will serve as non-voting members.
3. If the complaint is against a student or student group for a possible conduct violation the Director of Student Support and Conduct (or designee) will serve as the Chair for a case.
4. If the complaint is against a student or student group for a possible Title IX violation the Dean of Students

(or designee) will serve as the Chair for a case.

5. If the complaint is against an employee the Employee Relations Manager (or designee) will serve as the Chair.
6. The Chairs will designate appropriate personnel from the pool of Conduct Review Board members for each investigation and review.
7. The investigation will be conducted by one (1) to three (3) members.
8. A minimum of two (2) members will complete a review.

ACADEMIC HONESTY

Definition

Ensuring students understand the core value of academic honesty is an overarching goal of all faculty and staff at NWACC. Academic honesty means students do their own work and do not represent other's work as their own. To help clarify, the following principles defining academic honesty from Charles Lipson's book, *Doing Honest Work in College* (University Chicago Press, 2004, pg. 3) are provided:

- "When you say you did the work yourself, you actually did it."
- "When you rely on someone else's work, you cite it. When you use their words, you quote them openly and accurately, and you cite them, too."

Violations of Academic Dishonesty

These are actions, which subvert or compromise the integrity of the educational process. Included is any act by which students gain or attempt to gain an academic advantage for themselves or another by misrepresenting their or another's work or by interfering with the completion, submission, or evaluation of another's work. These include but are not limited to accomplishing or attempting any of the following acts:

1. Any alteration of grades or official records.
2. Using any materials that are not authorized by the instructor for use during an exam.
3. Copying from another student's paper during an examination.
4. Collaborating during an examination with any other person by giving or receiving information without specific permission of the instructor.
5. Stealing, buying or otherwise obtaining information about an examination not yet administered.
6. Any collaboration on laboratory work, take-home examinations, homework or other assigned work when instructed to work separately.
7. Substituting for another person or permitting any other person to substitute for oneself to take an examination.
8. Submitting as one's own any theme, report, term paper, essay, computer program, other written work, speech, painting, sculpture, or other art work prepared totally or in part by another.
9. Submitting, without specific permission of the instructor, work that has been previously offered for credit in another course.
10. Sabotage of another student's work.

11. Falsification of or forgery on any College form or document.
12. Submission of altered or falsified data as experimental data from laboratory projects, survey research, or other field research.
13. Any willful act of dishonesty that interferes with the operation of the academic process.
14. Facilitating or assisting in any act of academic dishonesty.
15. Plagiarism (subsequently defined).

PLAGIARISM

Plagiarism results when a student presents the words or ideas of someone else as if they were his/her own. If the words of someone other than the writer are reproduced without acknowledgment of the source or if someone else's ideas are paraphrased in such a way that leads the reader to believe they originated with the writer, then plagiarism has occurred.

Plagiarism can be either intentional or unintentional. Intentional plagiarism is the knowing, deliberate copying or downloading or buying of information with the intent of passing it off as original with the writer. Intentional plagiarism is a very serious form of academic dishonesty that can lead to suspension from the College. Unintentional plagiarism is the misrepresentation of information through ignorance or carelessness.

It is the responsibility of all Northwest Arkansas Community College students to understand what plagiarism is, and to learn the proper methods of documentation so as to avoid this form of academic dishonesty.

Academic Grading Sanctions Due Process

When an instructor believes that a student has committed an act of academic dishonesty:

1. The instructor will document clear and convincing evidence that the student has committed an act of academic dishonesty documentation may include:
 - a. Written detailed (date and activity) description of the behavior witnessed by the instructor or other parties.
 - b. Written account of verbal warnings issued in class.
 - c. Copy of the student's work and the plagiarized information or other relevant materials.
2. The instructor will contact his/her immediate supervisor about findings to discuss possible grading sanctions.
3. The instructor will contact the student and request a meeting. The instructor can request that his/her immediate supervisor sit-in on the meeting, providing the instructor informs the student that the supervisor will be present.
4. At the meeting, the faculty member identifies the act and shows the student the evidence accumulated indicating a violation of academic honesty. Also at this meeting, students have the opportunity to offer explanation and their perspectives.
5. Keeping in mind that the goal is to teach the student, the instructor determines at this point the grading sanction most appropriate to the situation. If the instructor decides that the infraction of academic honesty can be handled at the department level, then he or she may choose from the following sanctions:
 - a. Warning and/or admonishment to student

- b.** Revision of assignment, quiz or exam
- c.** Rewrite and/or retest
- d.** Alternative assignment.

If the infraction is significant, the instructor may choose from the following sanctions:

- a.** "F" on the assignment, quiz or exam
 - b.** "Zero" on the assignment, quiz or exam
 - c.** "F" semester grade for the class
- 6.** If agreement between the student and the instructor is reached on the grading sanction, the instructor will fill out the Violation of Academic Honesty form.
 - a.** If one or more of sanctions 1-4 have been chosen, the instructor and student will both sign the form which the instructor will keep with his or her grade book to be submitted to the dean when grades are due, and the situation is considered resolved.
 - b.** If one or more of sanctions 5-7 have been chosen, the instructor and the student will both sign the form, and the instructor will continue with step seven.
 - 7.** The instructor notifies his/her immediate supervisor that the matter has been resolved by giving him/her the original signed Violation of Academic Honesty form which will be submitted to the Executive Vice-President for Learning or that the student has refused to sign the form.
 - 8.** If the matter cannot be resolved at the meeting between the instructor and student, the student must within 10 working days contact the department chair and/or division dean for a mediation meeting. At said mediation meeting, the department chair and/ or division dean weighs carefully both faculty and student perspectives and renders a decision (a) whether a violation of academic honesty occurred and (b) type of grading sanction. The instructor agrees to abide by the department chair and/or division dean's decision.
 - 9.** If the student wishes to appeal the mediation meeting decision, this must be done in writing to the Executive Vice President for Learning. Included in this written appeal should be a synopsis of details/events leading to the appeal and outcome deemed acceptable to the student.
 - 10.** At the discretion of the Executive Vice President for Learning, an ad hoc committee to hear the appeal is convened.
 - 11.** This ad hoc committee consists of three faculty members. These three members are chosen by the Executive Vice President. The Executive Vice President of Learning will consult with the appealing student to name one faculty member to the committee of the student's choosing.
 - 12.** The ad hoc committee reviews the claims of student and instructor along with any evidence presented to determine whether the act constitutes a violation of academic honesty and appropriateness of grading sanction imposed. Findings and recommendations are reported to the Vice President of Student Learning.
 - 13.** After consideration of this information, the Vice President of Student Learning makes a decision and delivers the decision to all parties in writing.
 - 14.** If the student disagrees with the decision of the Vice President of Student Learning, he or she may appeal to the Executive Vice President of Learning. The Executive Vice President's decision is final, subject to the approval of the President of the College.
 - 15.** If at any step in the process a violation of academic honesty is found, then either, a copy of the violation of academic honesty form or a memorandum for record is filed in the office of Executive Vice President of

Learning detailing the violation and sanction(s) applied.

16. Since violations of academic honesty are also conduct violations, referrals may be made to the Chief Learner Services Officer after grading sanctions are imposed to assess if additional disciplinary actions are warranted.

STUDENT COMPLAINT AND GRIEVANCE POLICY AGAINST A STAFF MEMBER

The purpose of the Student Complaint and Grievance Policy is to provide equitable and orderly processes to resolve complaints and grievances by students at NorthWest Arkansas Community College. A complaint is defined as a difference or dispute between a student and a staff related to services rendered (sex or disability discrimination complaints are covered by a separate procedure). An unresolved complaint is raised to the level of a grievance when the student completes and submits a Student Grievance form. The Student Grievance process must be initiated during the semester the alleged incident or issue occurred or the regular academic semester (Fall or Spring) that follows.

Student Complaint/Grievance Procedures

Complaint Resolution

NWACC encourages students to resolve concerns that affect their college experience as informally as possible. In some cases, students may discuss a concern with the staff member, supervisor, or department head. Often, such concerns can be resolved informally; however, if resolution is not obtained, he or she should proceed with the Student Complaint and Grievance Procedure outlined below.

Recognizing that students and staff all have rights when differences arise, NorthWest Arkansas Community College sets forth the following complaint and grievance procedure. In some instances, the findings may result in a conclusion that the complaint is not against an employee, but rather an NWACC procedure or process. In this case, an ad hoc committee will be appointed by the department's leadership to determine if those procedures or processes may be improved in order to provide better services for students.

First Step: Complaint Resolution

First, the student should directly contact the staff member with whom the student has a difference or dispute. Most differences can be resolved at this first step, and students benefit when they learn to advocate for themselves. If the complaint is so serious or controversial that it cannot reasonably be discussed or resolved with the staff member alone, students should seek resolution by contacting the Department Head's office and requesting the name of the appropriate supervisor, or, in exceptional circumstances at the Department Head's discretion, another appropriate administrator to hear the complaint.

Second Step: Department Level Resolution

The student should contact the appropriate supervisor or administrator within five (5) working days following the discussion with the staff member or contact with the Department Head.

Within ten (10) working days of being contacted by the student, the supervisor or administrator will discuss the issue with the student and the staff member involved, either individually or collectively, in an effort to resolve the issue. Every reasonable effort should be made by all parties to resolve the matter at this level. The administrator serving as the mediator will complete a written notification of the complaint and subsequent actions to the Department Head.

Third Step: Grievance

If the complaint is still unresolved, the student may complete a written grievance form within five (5) working days. You may find the [Student Grievance Form](#) on the NWACC website.

The student may receive assistance in completing the form at the Department Head's office. The Department Head's office will notify the Human Resources Office of the grievance procedures and follow up with subsequent actions taken in response to the grievance. The Student Grievance form must be completed within five (5) working days after the informal resolution session is completed. The Department Head will provide the staff member with the student's grievance and the "Staff Response to Grievance" form by the end of the working day following the receipt of the written grievance. The staff member will then have five (5) working days in which to submit to the Department Head office the "Staff Response to Grievance" form. Within ten (10) working days of receipt of the staff response to the student grievance, the Department Head will make an inquiry into the merits of the complaint. Reasonable attempts will be made to contact the parties concerned, either individually or collectively, in order to resolve the grievance. The Department Head will apprise the Vice President for their division of the grievance and all relevant information. The Department Head will then make a determination on the case and contact the parties concerned to announce the decision. The Department Head will return a written decision to the student who filed the grievance, indicating the resolution with any recommended action. Copies of this decision will be given to the staff member against whom the grievance has been lodged, the appropriate supervisor, and Human Resources. If it is deemed that a code of conduct violation or gross misconduct has occurred further action may be taken by the Human Resources Department.

Fourth Step: Appeal

Either the student or staff member may appeal the Department Head's decision by making a written request for an appeal to the appropriate Vice President within five (5) working days of receipt of the Department Head's written disposition of the grievance. The Vice President will determine if the appeal process is warranted by determining if new information is provided or if there is a question of due process. If an appeal is granted, the Vice President may make a determination on the appeal or they may remand the appeal to a three to five-member ad hoc committee. The Vice President or the Ad Hoc Appeal Committee will meet with the student and staff member within ten (10) working days of receipt of the written request for an appeal and will render a written decision to the student, the staff against whom the grievance was lodged, the Department Head, and Human Resources within ten (10) working days of the conclusion of those meetings.

Burden of Proof

In all cases, the burden of proof rests with the complaining party. The appropriate Department Head will be available to assist in fact finding but in no way will be responsible for proving the complainant's charge.

Extension of Time

It is important for good relationships that grievances be initiated and processed as rapidly as possible. Every effort will be made by all parties to expedite the process. The time limitations specified herein may be extended by written mutual agreement initiated by either party. If either party is unavailable during the intervening months between semesters, the process can be delayed by the Department Head until the beginning of the new semester.

Effect of Students, or Staff Member's Failure to Appeal within Time Limits

If there is no written mutual agreement to extend the time limit set herein, and if a decision at the first step is not appealed to the next step of the procedure within the specified time limit, the complaint will be deemed settled on the basis of the last decision rendered.

Effect of Administrative Failure to Respond within the Time Limits

Failure at any level of the grievance procedure to initiate communication of a decision to the student within the specified time will permit the lodging of an appeal at the next step of the procedure within the time which would have been allotted had the decision been communicated by the final day.

False/Malicious Complaint

It shall be considered a violation of college policy for any student to knowingly file a false or malicious complaint under this procedure.

Non-Retaliation

No employee or student shall retaliate or discriminate against a student because of the student's filing of or participation in the review of a complaint. The student is assured that retaliation due to filing or participation in the review of a complaint under this procedure is strictly prohibited by this college policy.

ACADEMIC GRADE APPEAL

The purpose of the Academic Grade Appeal Procedure is to provide equitable and orderly processes to resolve appeals by students at Northwest Arkansas Community College while protecting faculty rights to freedom of instruction. A student is defined as one who is or has been duly and legally registered as either a full-time or part-time student at Northwest Arkansas Community College.

Academic Grade Appeal is defined as a difference or dispute a student has related to academic matters such as grades, assignments, or attendance as they affect the student.

Academic Grade Appeal Procedures

Step One: Informal Appeal Resolution

NWACC expects students to resolve concerns that affect their academic experience as informally as possible by first discussing the concern with the faculty member. Often, as a result, such concerns can be resolved informally. Most differences can be resolved at this first step, and students benefit when they learn to advocate for themselves.

Student must contact faculty member during the semester the alleged incident occurred or by the Administrative Drop day for the sixteen (16) week term (Fall or Spring) following the alleged incident.

Step Two: Department Level Appeal Mediation

If unresolved by Step One, the student should contact the appropriate coordinator or chairperson following the discussion with the faculty member. After meeting with the student, the Chair/Coordinator contacts the faculty member to discuss the appeal.

Student initiates within five (5) working days of meeting with faculty member. Chair/Coordinator responds to student and faculty member within five (5) working days after student initiates contact with chair or coordinator.

Step Three: Formal Appeal

If the appeal is still unresolved, the student may obtain and complete an Academic Grade Appeal Form from the Coordinator/Chair. The Division Dean will make an inquiry into the merits of the appeal via the following steps: 1. Meet individually with the faculty member, 2. Meet individually with the student, 3. Meet with the faculty member and student if needed or appropriate. The dean's decision will be given simultaneously in writing to the

student, the faculty member against whom the appeal has been lodged, and the appropriate coordinator or chairperson.

Student must obtain, complete, and return the Academic Grade Appeal Form to the Division Dean within five (5) working days of the Mediator's Response from Step Two. The Division Dean provides faculty member with a copy of the student's appeal by the end of the working day following its receipt. The faculty member then has five (5) working days to submit to the dean's office the "Faculty Response to Academic Grade Appeal" section of the form. Within five (5) working days of receipt of the Faculty Response of the Academic Grade Appeal Form, the Division Dean will deliver a written decision to all parties.

Step Four: Appeal Hearing

Either the student or the faculty member may appeal the Division Dean's decision by submitting a letter of justification to the Academic Standards Committee (ASC). The Division Dean will accept and forward this letter and all supporting documents to the chair of Academic Standards. ASC will establish an ad hoc Appeal Committee consisting of three impartial faculty members plus one faculty from the area of discipline in which the appeal originated to serve as a non-voting participant. The decision rendered from the hearing will be final.

Record Retention

A copy of the student appeal and completed Academic Grade Appeal Form will be placed in the student's official file. If the faculty member is exonerated, no appeal or record will go into that faculty member's personnel files at either the division office or the Human Resources office.

Burden of Proof

In all cases, the burden of proof rests with the appealing party. The appropriate coordinator/chairperson/division dean will be available to assist in fact finding but in no way will be responsible for proving the complainant's charge.

False/Malicious Appeal

It shall be considered a violation of college policy for any participant to knowingly file a false or malicious appeal under this procedure. See Student Affairs Policy 4012.4—Student Conduct Violations.

Non-Retaliation

Retaliation against any participant in an appeal process is strictly prohibited.

Extension of Time

It is important for good relationships that appeals be initiated and processed as rapidly as possible. Every effort will be made by all parties to expedite the process. The time limitations specified herein may be extended by written mutual agreement initiated by either party. If either party is unavailable during the intervening months or waives the right to be available for such a process, the process can be delayed by the Dean until the beginning of the following semester.

- *Effect of student's or faculty member's failure to appeal within time limits*

If there is no written mutual agreement to extend the time limit set herein, and if a decision at the first step is not appealed to the next step of the procedure within the specified time limit, the appeal will be deemed settled on the basis of the last decision rendered.

- *Effect of administrative failure to respond within the time limits*

Failure at any level of the appeal procedure to initiate communication of a decision to the student within the specified time will permit the lodging of an appeal at the next step of the procedure within the time which would have been allotted had the decision been communicated by the final day.

For more information on the NWACC Policy and Procedures for [Academic Grade Appeal](#).

NWACC 504/ADA STUDENT COMPLAINT AND GRIEVANCE POLICY

NorthWest Arkansas Community College (NWACC) is committed to a policy of ensuring that no otherwise qualified individual with a disability is excluded from participation in, denied the benefits of, or subjected to discrimination in NWACC programs or activities due to his or her disability. NWACC is fully committed to complying with all requirements of the Americans with Disabilities Amendment Act of 2008 (ADA) and the Rehabilitation Act of 1973 (Section 504) and to providing equal educational opportunities to otherwise qualified students with disabilities.

The purpose of the NWACC 504/ADA Student Complaint and Grievance Policy is to provide prompt, equitable and orderly processes to resolve disability discrimination and harassment complaints and grievances by students at NorthWest Arkansas Community College. Any NWACC student who believes that he or she has been subjected to discrimination and harassment on the basis of disability or has been denied access or accommodations required by law will have the right to invoke this Complaint and Grievance Procedure. In general, this 504/ADA Student Complaint and Grievance Policy is designed to address the following types of concerns:

1. Disagreements or denials regarding requested services, accommodations, or modifications to NWACC practices or requirements
2. Alleged inaccessibility of an NWACC program or activity
3. Alleged harassment or discrimination on the basis of a disability
4. Any other alleged violations of the ADA and/or Section 504.

This Complaint and Grievance Procedure, however, is not intended to and will not supersede other NWACC policies and procedures which may exist for addressing alleged violations of the ADA and/or Section 504 or other issues of concern for which separate NWACC policies and procedures exist, e.g., grade appeals. Students are encouraged to consult with the Disability Resource Center (DRC) Director, the Title IX and ADA Compliance Officer, the Dean of Students or their respective designees regarding the most appropriate NWACC policy or procedure to address a particular concern.

Whenever discrimination or harassment based on a disability has been found to occur, NWACC will act to end the discrimination or harassment, prevent its recurrence, and remedy its effects on the victim and the college community.

Disability Resource Center Director

Amy Robertson-Gann
Director of the Disability Resource Center
Student Center 114
(479) 986-4076
arobertsongann@nwacc.edu

ADA Compliance Officer

Justin White
Executive Director of Enrollment Management
Student Center 204 F
(479) 619-4123
jwhite35@nwacc.edu

Definitions

Discrimination (general definition): Actions that deprive members of the community of educational or employment

access, benefits or opportunities. Any distinction, preference, advantage for or detriment to an individual compared to others that is based upon an individual's actual or perceived gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion or sexual orientation that is so severe, persistent or pervasive that it unreasonably interferes with or limits a person's ability to participate in or benefit from the college's educational programs or activities. There can be no discrimination related to pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery.

Discriminatory Harassment: Detrimental action based on an individual's actual or perceived gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, sexual orientation or other protected status that is so severe, persistent or pervasive that it unreasonably interferes with or limits a person's ability to participate in or benefit from the college's educational programs or activities.

Disability: A person with a disability is generally defined as someone who (1) has a physical or mental impairment that substantially limits one or more "major life activities," (2) has a record of such an impairment, or (3) is regarded as having such an impairment.

Reasonable Accommodation: In the context of higher education, it is easier to define what is not reasonable and assume that if the accommodation needed does not clearly fall under those guidelines, it is probably reasonable. There are three kinds of accommodations that are not considered reasonable:

1. It is not a reasonable accommodation if making the accommodation or allowing participation poses a direct threat to the health or safety of others;
2. It is not a reasonable accommodation if making the accommodation means making a substantial change in an essential element of the curriculum (educational viewpoint) or a substantial alteration in the manner in which you provide your services; and
3. It is not a reasonable accommodation if it poses an undue financial or administrative burden. In the academic context, an accommodation is not reasonable if it means making a substantial change in an essential element of a course or a given student's curriculum. It is the institution's responsibility to demonstrate both that the change requested is substantial and that the element targeted for change is essential to the conduct of the course or curriculum. Whether or not the change requested is substantial/essential may be a judgment call on behalf of the administrators and service providers charged with making those decisions but it is not unusual for the decision to be a fairly logical one.

Hostile Environment: Any situation in which there is harassing conduct that is sufficiently severe, pervasive and objectively offensive that it alters the conditions of employment or limits, interferes with or denies educational benefits or opportunities, from both a subjective (the alleged victim's) and an objective (reasonable person's) viewpoint.

504/ADA STUDENT COMPLAINT AND GRIEVANCE PROCEDURES

Regardless of the specific complaint or grievance procedure invoked by a student, all complaints and grievances must be filed within 45 business days of the event or action giving rise to the student's concern(s). As an initial matter, all complaints and grievances will be reviewed to determine whether they are submitted within a timely manner and/or whether they contain all required information. NWACC will not review a grievance, which is untimely or fails to contain all required information, including a clear statement of all grounds for the grievance. However, the Title IX and ADA Compliance Officer may extend the 45 business day period if good cause to do so is shown. To facilitate a clear and prompt resolution, once initiated, a grievance will not be expanded beyond the issues presented in the student's initial complaint. NWACC reserves the right to redirect a grievance to the proper grievance procedure or to any other appropriate review procedure.

Informal Resolution

I. Self-Advocate

NWACC encourages students to resolve concerns that affect their college experience as informally as possible because students benefit when they learn to advocate for themselves. In some cases, students may discuss a concern directly with the staff member, instructor, program coordinator, department chairperson, or division dean involved to reach an informal resolution. However, if a resolution is not obtained, the student should proceed with the 504/ADA Student Complaint and Grievance Procedure outlined in the Formal Grievance Procedure below.

II. Disability Resource Center Assisted

In addition to self-advocating, to resolve a complaint without filing a formal grievance, a student may also contact the Disability Resource Center (DRC) Director or his or her designee. That contact should be made as soon as possible after the event or action giving rise to the student's concern(s) and within 45 business days of its occurrence. Within ten (10) business days of being contacted by the student, the DRC Director or his or her designee will discuss the issue with the student and other parties involved, either individually or collectively, in an effort to resolve the issue. Other parties could consist of faculty, staff, administrators, and other students. The DRC Director or his or her designee will notify the student, either verbally or in writing, of the determination of the informal complaint outcome.

If the complaint is not resolved at this first step, or if the complaint is so serious or controversial that it requires further investigation, the student may proceed in completing a formal grievance.

Formal Grievance Procedure

To complete a formal grievance, students should pursue the appropriate procedure detailed below as determined by the nature of their concern. There is one process for grievances related to academic accommodations and services, and there is another for grievances related to discrimination or harassment based on a disability.

If a student is unsure as to which formal grievance procedure to follow, he or she may contact the DRC Director, the Title IX and ADA Compliance Officer, or the Dean of Students or their respective designees for guidance.

Essential Formal Grievance Information

Regardless of which procedure is followed, the formal grievance should clearly and concisely describe the alleged incident(s), when and where it occurred, and the desired remedy sought. The formal grievance should be signed by the student or sent as an email using the student's NWACC e-mail account. The grievance should contain the name and all contact information for the student. Any supporting documentation and evidence should be referenced within the body of the formal grievance.

The student's supporting documentation should clearly demonstrate any informal efforts the student has taken to resolve the issue(s) with the person involved. This includes names, dates and times of attempted or actual contact along with a description of the discussion and the manner of communication made in the course of each effort. If contacting the person involved is impracticable, the student should state the reasons why.

Students should be aware that the person reviewing the formal grievance may consider issues such as but not limited to whether:

- Adequate documentation was provided;
- The student's documentation supports a determination of eligibility;
- Requested accommodations were reasonable;

- The impact of the requested accommodations constituted a fundamental modification of curriculum;
- The student, faculty, and/or DRC staff followed appropriate procedures, including timeliness for requests and responses.

Although NWACC strongly encourages submission of grievances in writing, formal grievances can be communicated in person or orally to the Director of the Disability Resource Center or the Title IX and ADA Compliance Officer. A written report will then be prepared for investigative purposes and for record keeping.

For ease of communication, there is a 504/ADA Student Grievance form, which may be used for guidance when submitting a formal grievance. This form can be accessed online through our [Disability Resource Center](#) and may be submitted directly to the appropriate NWACC official or his or her designee as mentioned above.

The student may receive assistance and/or an accommodation in completing the form at the DRC, or by contacting the Title IX and ADA Compliance Officer, or the Dean of Students or his or her designee. However, the student is responsible to supply all essential information in the formal grievance in a timely way.

Formal Grievance Procedure for the Denial of Academic Accommodations and Services

This grievance process will apply to situations where a student has followed the established procedures, as identified at the [Disability Resource Center](#) or by DRC staff, to request accommodations on the basis of a disability, through either an individual faculty member, administrator, or DRC staff, and the request has been denied or otherwise not provided.

Please note that grievances related to the denial of a request for a course substitution on the basis of disability are addressed separately. Procedures may be found on the [Disability Resource Center](#) webpage.

1. The student initiates a formal grievance by contacting the DRC Director or his or her designee stating this intent and providing grievance information as to the nature and specific details of his/her grievance, i.e. "Essential Formal Grievance Information." The DRC Director or his or her designee will send the student a notice to acknowledge receipt of formal grievance.
2. The DRC Director or his or her designee will review the supplied information and/or other relevant information and will conduct an investigation into the matter.
3. The DRC Director or his or her designee will make a decision within 30 business days after receiving the student's grievance, or as soon as possible thereafter. Further, the DRC Director or his or her designee will provide the student with a copy of the Letter of Determination and take any steps necessary to implement the decision, including, but not limited to, providing a copy of the Letter of Determination to appropriate NWACC officials.

Appeal

If the student who has filed the grievance does not agree with the finding, he or she may appeal the decision if it can be found that the finding was based on an error. Because the original finding is presumed to have been decided reasonably and appropriately, the party requesting an appeal must show error. The ONLY grounds for appeal are as follows:

- a. A procedural or substantive error occurred that significantly impacted the decision (e.g. substantiated bias, material deviation from established procedures, etc.).
 - b. New evidence has been found which was unavailable during the original decision-making process that could substantially impact the original finding. A summary of this new evidence and its potential impact must be included.
1. The student must submit the appeal to the Title IX and ADA Compliance Officer in written form,

such as by email, facsimile, hand delivered notification, or postal delivery. The written appeal must include specific facts and grounds, which form the foundation for the appeal, the specific basis of the student's disagreement with the DRC Director's Letter of Determination, and all other relevant information. Upon receiving a timely appeal, the Title IX and ADA Compliance Officer or his or her designee will send the student a notice to acknowledge receipt of written appeal.

2. The Title IX and ADA Compliance Officer or designee will review the supplied written and/or other relevant materials. The Title IX and ADA Compliance Officer and the Vice President for Learner Support Services or their respective designees will consult with each other prior to making a decision regarding the appeal.
3. The Title IX and ADA Compliance Officer or his or her designee will make a decision regarding the appeal within five (5) business days of receiving the appeal or as soon as possible thereafter, and will distribute a written decision to the affected parties. The decision of the Title IX and ADA Compliance Officer or his or her designee will be the final decision of the College.

Formal Grievance Procedure for Other Student Grievances Pertaining to Disabilities

This grievance process will apply to all other grievances arising from or relating to alleged discrimination or harassment on the basis of a disability. All effort will be made to make a determination in no more than 60 calendar days of filing a formal grievance.

The student initiates a formal grievance by contacting the Title IX and ADA Compliance Officer or deputy, who is designated to formally oversee student grievances, address inquiries and coordinate NWACC's compliance efforts regarding student grievances related to discrimination and harassment. Additionally, the Title IX and ADA Compliance Officer or deputy will send the student a notice to acknowledge receipt of the formal grievance.

Investigation

1. Upon receipt of a grievance, the Title IX and ADA Compliance Officer or his or her designee will open a formal case file and notify the Chair of the Investigation and Hearing Board. The Chair of the Investigation and Hearing Board will assign 2–3 members of the Board to serve as the Investigative Team, who will conduct the investigation.
2. The Chair of the Investigation and Hearing Board will confer with the Title IX and ADA Compliance Officer on interim action, accommodations for the grievant, or other necessary remedial short-term actions. The Title IX and ADA Compliance Officer will apprise the Vice President for the appropriate division of the grievance, or if the grievance is against a student, the Vice President for Learner Support Services.
3. The Investigative Team will:
 - a. Be staffed with 504/ADA trained faculty/staff and administrators;
 - b. In coordination with the campus Title IX and ADA Compliance Officer, initiate any necessary remedial actions;
 - c. Determine the identity and contact information of the grievant;
 - d. Identify the policies allegedly violated;
 - e. Conduct an immediate initial investigation to determine if there is reasonable cause to charge the individual(s) alleged to have committed discrimination or harassment, and what policy violations should be alleged as part of the complaint;
 - i. If there is insufficient evidence to support reasonable cause, the grievance should be

closed with no further action;

- f. Meet with the grievant to finalize the grievance;
 - g. Prepare the notice of charges on the basis of the initial investigation;
 - h. Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses, who may be given notice prior to or at the time of the interview;
 - i. Complete the investigation promptly, and without unreasonable deviation from the intended timeline;
 - j. Make a finding on the case, based on a preponderance of the evidence which indicates that a policy violation has or has not occurred;
 - k. Present the findings to the individual(s) alleged to have committed discrimination or harassment, who may accept the findings, accept the findings in part and reject them in part, or may reject all findings;
 - l. Share the findings and update the student who filed the grievance on the status of the investigation and the outcome.
4. Where the findings indicate that the alleged discrimination or harassment has not occurred, the investigation should be closed. The student who filed a grievance may request from the Title IX and ADA Compliance Officer an extraordinary decision to refer the grievance to a hearing, which will only be granted by the Compliance Officer in exceptional circumstances.
 5. Where the findings indicate that the alleged discrimination or harassment has occurred, and the respondent(s) accepts the findings that s/he violated college policy, an appropriate sanction will be imposed. If the complaint is against a student, the sanction will be determined by the Vice President of Learner Support Services in consultation with the Title IX and ADA Compliance Officer. If the complaint is against an NWACC employee, the Vice President for the appropriate division in consultation with the Title IX and ADA Compliance Officer will determine the sanction. NWACC will act to end the discrimination, prevent its recurrence, and remedy its effects on the person who filed the complaint and on the NWACC community.
 6. Following the findings, the Title IX and ADA Compliance Officer will distribute a written Letter of Determination to the affected parties.

Hearing

1. In the event that the individual(s) alleged to have committed discrimination or harassment rejects the findings in part or entirely, the Chair of the Investigation and Hearing Board will convene a hearing under its respective procedures to discuss the contested aspects of the formal grievance. At the hearing, the findings of the investigation will be admitted, but the hearing board is not bound by the findings of the Investigation Team. The Investigation Team may give evidence at the hearing. The hearing will determine whether it is more likely than not that, a violation of the policies has occurred forming the basis of the charge. The goal of the hearing is to provide an equitable resolution via an equitable process, respecting the civil and legal rights of all participants.
2. When the hearing board determines that a violation has occurred, it will recommend appropriate sanctions for the violation. The Vice President for the appropriate division of the grievance, or if the grievance is against a student, the Vice President of Learner Support Services, will impose

appropriate sanctions for the violation after consultation with the Title IX and ADA Compliance Officer. NWACC will act to end the discrimination, prevent its recurrence, and remedy its effects on the student who filed the grievance and on the NWACC community.

3. Following the hearing, the Chair of the Investigation and Hearing Board will send a second written Letter of Determination to the affected parties.

Appeal

Sanctions imposed by the hearing board are implemented immediately unless the party determining the sanction stays their implementation in extraordinary circumstances, pending the outcome of the appeal.

Appeals Following an Investigation

In cases where the individual(s) accused of wrongdoing accepts the findings of discrimination or harassment after the investigation, those findings cannot be appealed. Although the findings cannot be appealed, the sanctions that have been imposed post-investigation can be appealed by any party according to the grounds below by contacting the Title IX and ADA Compliance Officer within five (5) business days following receipt of the Investigation and Hearing Board's written Letter of Determination.

Appeals Following a Hearing

After the hearing, either the complainant(s) or the respondent(s) may appeal the findings and/or sanctions only under the grounds described below. All sanctions imposed by the original hearing body will be in effect during the appeal. A request may be made to the Title IX and ADA Compliance Officer for special consideration in exigent circumstances, but the presumptive stance of the institution is that the sanctions will stand. In the event that either the complainant(s) or the respondent(s) rejects the findings in part or entirely, he/she may seek an appeal by contacting the Title IX and ADA Compliance Officer within five (5) business days following receipt of the Investigation and Hearing Board's written Letter of Determination.

Appeal Procedures

Any party who files an appeal must do so in writing to the Title IX and ADA Compliance Officer. Acceptable means of notification include email, facsimile, hand delivered notification, or postal delivery. The Title IX and ADA Compliance Officer will share the appeal with the other concerned parties and will draft a response memorandum, which will also be shared with all concerned parties. The original finding and sanction will stand if the appeal is not timely or substantively eligible, and the decision is final.

The party requesting appeal must show error as the original finding and sanction are presumed to have been decided reasonably and appropriately. The only grounds for appeal are as follows:

1. A procedural or substantive error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
2. New evidence has been discovered that could substantially impact the original finding or sanction and which was unavailable during the original hearing or investigation. A summary of this new evidence and its potential impact must be included; or
3. The sanctions imposed are substantially disproportionate to the severity of the violation.

If the Title IX and ADA Compliance Officer determines that new evidence should be considered, he or she will return the grievance to the Investigation and Hearing Board to reconsider in light of the new

evidence only. The reconsideration of the Investigation and Hearing Board is not appealable.

If the Title IX and ADA Compliance Officer determines that a material procedural or substantive error occurred, it may return the grievance to the Investigation and Hearing Board with instructions to reconvene to correct the error. The results of a reconvened hearing cannot be appealed.

In rare cases, where the procedural or substantive error cannot be corrected by the Investigation and Hearing Board, as in cases of bias, the Title IX and ADA Compliance Officer may order a new hearing on the complaint with a new body of Investigation and Hearing Board members. The results of a new hearing can be appealed once on the three applicable grounds for appeals.

If the Title IX and ADA Compliance Officer determines that the sanctions imposed are disproportionate to the severity of the violation, the Title IX and ADA Compliance Officer will return the grievance to the Vice President for the appropriate division of the grievance, or if the grievance is against a student, the Vice President of Learner Support Services, which may then increase, decrease or otherwise modify the sanctions. This decision is final.

The appeal procedure and determination will typically be completed within 20 business days.

The procedures governing the hearing of appeals include the following:

- All parties should be informed in a timely manner of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision;
- Every opportunity to return the appeal to the original hearing body for reconsideration (remand) should be pursued;
- Appeals are not intended to be full re-hearings of the complaint (de novo). In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal;
- The Chair of the Investigation and Hearing Board will render a written decision on the appeal to all parties within ten (10) business days, or as soon as possible thereafter from hearing of the appeal. The committee's decision to deny appeal requests is final.

Complaint and Grievance Process Provisions

Time Periods

For purposes of calculating all time periods set forth in this Complaint and Grievance Policy, a business day is defined to mean normal operating hours, Monday through Friday, excluding recognized national and state holidays and NWACC closings.

Timelines may be modified in cases where information is not clear, judged to be incomplete, relevant parties are not available for interview, and/or other related circumstances as may arise. In the event that this step is necessary, the DRC Director and/or Title IX and ADA Compliance Officer or their respective designees will notify the student who filed the grievance in writing within the set timeline.

No Retaliation

Retaliation against any person who files a complaint of discrimination, participates in an investigation, or opposes a discriminatory employment or education practice or policy is prohibited by NWACC policy and federal and state law. A person who believes retaliation has occurred should notify the Title IX and ADA Compliance Officer as soon as possible.

False Reports

NWACC will not tolerate intentional false reporting of incidents. It is a violation of the Student Code of Conduct to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

OCR Complaint

Although students are encouraged to attempt to resolve complaints pertaining to disabilities by utilizing this Grievance Procedure, they have the right to file a complaint directly with the U.S. Department of Education, Office for Civil Rights (OCR) (Dallas regional office). Information regarding applicable timelines and procedures is available from OCR.

Effective Date

This Complaint and Grievance Policy will be effective upon formal adoption. NWACC reserves the right to make changes and amendments to this policy and procedure as needed, with appropriate notice to the community. Please check the NWACC [Disability Resource Center](#) for updated/amended Complaint and Grievance Procedures.

SERVICE ANIMALS ON CAMPUS

Policy

1. In compliance with applicable law, NWACC allows Service Animals in its buildings, classrooms, meetings, dining areas, recreational facilities, activities and events when the animal is accompanied by an individual with a disability who indicates the Service Animal is trained to provide a specific service to them that is related to his/her disability.
2. Handlers (as defined below) must comply with the control, behavior, etiquette, hygiene and all other related expectations for Service Animals as articulated in the NWACC Service Animal Procedures and Responsibilities document, which is available on the NWACC Disability Resource Center (DRC) webpage.
3. Enrolled students who require a Service Animal to accompany them on campus must be affiliated with the Disability Resource Center. Students are directed to contact the DRC as soon as they are aware of plans to bring a Service Animal to campus.
 - a. At the discretion of the DRC Director, a student may be asked to provide further information to the Disability Resource Center, such as when it is not obvious what service the animal provides. It may be necessary to provide documentation from an appropriately credentialed clinician/health provider, which substantiates that the Service Animal is required because of a disability and what work the animal performs. The letter from the provider should be on his/her professional letterhead and must be dated.
 - b. Appeals, grievances or specific inquiries related to Service Animals on NWACC Campus locations may be directed to the Disability Resource Center Director by email at disability@nwacc.edu or by phone at (479) 986-4076.
4. Campus guests who require the access provided by a Service Animal (“handlers”) but who are not enrolled students are welcomed to campus with their Animals, provided they comply with all expectations articulated in the Service Animal Procedures and Responsibilities, which are available on the DRC webpage. Failure to meet these expectations may result in removal from campus.

5. NWACC does not permit Service Animals when the animal poses a substantial and direct threat to health or safety or when the presence of the animal constitutes a fundamental alteration to the nature of the program or service. These determinations are made on a case-by-case basis by the Disability Resource Center Director or his/her designee.
6. Service Animals provide vital access services to their Handlers. For this reason and to maintain a campus environment that is supportive of access for Handlers and Service Animals, all faculty members, staff, students, visitors and members of the Campus community should follow appropriate public etiquette practices. These practices are articulated in the Service Animal Procedures and Responsibilities document.
7. A dog being trained to perform as a Service Animal has the same rights as a fully-trained dog, provided:
 - a. a trainer accompanies the animal at all times;
 - b. the dog is identified as a service dog in training; and
 - c. the animal and trainer comply with the control, behavior, etiquette, hygiene and all other related expectations for Service animals as articulated in the NWACC Service Animal Procedures and Responsibilities.

Justification

NorthWest Arkansas Community College is committed to full access for people with disabilities.

Definitions

HANDLER means person with a disability that a service animal assists or a personal care attendant who handles the animal for a person with a disability.

SERVICE ANIMAL means any dog* individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability and meets the definition of "service animal" under the Americans with Disabilities Act ("ADA") regulations at 28 CFR 35.104. The work or tasks performed must be directly related to the individual's disability.

*Under particular circumstances set forth in the ADA regulations at 28 CFR 35.136(i), a miniature horse may also qualify as a service animal. Due to structural or related limitations, some campus locations may not be accessible to miniature horses. For more information on NWACC Policy and Procedures for [Service Animals](#).

Non-Compliance

1. Service Animals may be ordered removed by NWACC Public Safety Officers as necessary to preserve the integrity of the campus environment. Specific reasons an animal may be removed are articulated in the NWACC Service Animal Procedures and Responsibilities.
2. Where a service animal is properly removed pursuant to this policy, NWACC will work with the handler to determine reasonable alternative opportunities to participate in the service, program, or activity without having the service animal on the premises.

Procedures and Responsibilities

1. People with disabilities who are accompanied by service animals must comply with the same College rules regarding conduct, noise, safety, disruption, and cleanliness as people without disabilities.
2. NWACC is not responsible for the care or supervision of service animals. People with disabilities who are

accompanied by service animals (“handlers”) are solely responsible for the cost, care, supervision and well-being of the animal at all times, including:

- a. compliance with any laws pertaining to animal licensing, vaccination, and owner identification;
 - b. keeping the animal under control and taking effective action when it is out of control; and
 - c. feeding and walking the animal, and appropriately disposing of its waste.
3. Handlers are responsible for any damage or injuries caused by their animals and must take appropriate precautions to prevent property damage or injury. NWACC does not require any surcharges or fees for service animals; however, a person with a disability may be charged for damage caused by a service animal to the same extent that NWACC would normally charge a person for the damage they cause.
4. Enrolled students who wish to bring a service animal to campus are required to be affiliated with the Disability Resource Center. Faculty/staff who are accompanied by a service animal are strongly encouraged to contact Human Resources.
5. Service Animal Control Requirements
- a. The animal is required to be on a leash or appropriate restraint when not providing a needed service to the handler.
 - b. The animal should respond to voice or hand commands at all times, and be in full control of the handler.
 - c. To the extent possible, the animal should be unobtrusive to other individuals and the College learning and working environment.
 - d. It is recommended that the animal wear some type of commonly recognized identification symbol, identifying the animal as a working animal, but not disclosing disability.

6. Animal Etiquette

To the extent possible, the handler should ensure that the animal does not:

- a. Sniff people, restaurant tables or the personal belongings of others.
- b. Display any behaviors or noises that are disruptive to others, unless part of the service being provided the handler.
- c. Block an aisle or passageway for fire or emergency egress.

7. Waste Cleanup

Cleaning up after the animal is the sole responsibility of the handler. In the event that the handler is not physically able to clean up after the animal, it is then the responsibility of the handler to hire someone capable of cleaning up after the animal. The person cleaning up after the animal is expected to abide by the following guidelines:

- a. Always carry equipment sufficient to clean up the animal's urine, feces and/or vomit whenever the animal is on campus.
- b. Properly dispose of waste and/or litter by bagging, closing securely, and placing in any identified trash receptacle located outdoors. Waste disposal via college plumbing is prohibited.
- c. For specific guidance to address the toileting needs of service animals, please contact the Disability Resource Center.

PUBLIC LAWS

Policy

Students are expected to be familiar with and observe all provisions of federal, state and local laws. Violators of public law may be referred to civil authorities for appropriate action and may be subject to disciplinary action through the Office of the Executive Vice President for Learning or the College Judicial Committee. In general, students who violate federal, state, or local laws while off-campus will not be subject to College jurisdiction unless the clear and distinct interest of the College is involved or affected. Ordinarily, when such violations occur, the learning community will not intervene and students would be answerable to civil authorities only. A decision that the College's interest is involved or affected by a violation of law will be based upon the relevance of one or more of the following elements:

1. The academic integrity of the College is violated.
2. The maintenance of the College's program of higher education is jeopardized.
3. The safety and welfare of persons and/or property in the College community are threatened.

This general policy does not, in any way, limit the application of more specific provisions pertaining to student conduct.

STUDENT DISCIPLINE RECORDS

Policy

A transcript records only information of an academic nature that may include disciplinary action which denies the student the privilege of continuing in or returning to the NWACC.

Other discipline records are kept for five (5) years by the Office of Student Conduct. These are confidential and not made available to otherwise unauthorized persons except upon consent of the student.

Justification

NWACC complies with the Family Education Rights and Privacy Act of 1974 regarding access procedures and abides by all federal and state regulations regarding the privacy of student records.

NON-STUDENTS, CHILDREN AND MINORS ON CAMPUS

Policy

1. Non-students are welcome as visitors on the campus of NorthWest Arkansas Community College for legitimate reasons; however, loitering on campus is not allowed under applicable sections of Arkansas law.
2. Whenever children or minors are brought onto College property or into buildings or grounds used by the College, they are to be supervised by a parent or other responsible adult at all times.
3. College employees may not bring children or minors to their workstations during work hours. Students, faculty and staff are expected to arrange for their personal childcare so as not to involve the College.
4. The College assumes no responsibility for supervision of children or minors of students, staff or faculty or for arranging for childcare.

5. The College does not assume any liability for injuries to children or minors while they are on College property.

Justification

In order to ensure the safety and security of children and minors who are not students at the college and to safeguard the educational and work environment of the college, no employee, student or visitor may leave a child or minor unattended at the college. This applies to college buildings, college grounds or any vehicle in the college parking lots. For more information on NWACC Policy and Procedures for [Non-Students, Children and Minors on Campus](#).

Exceptions

Exceptions may be made for emergencies at the discretion of the faculty in the classroom or staff member in charge of the particular facility.

Procedures

The College's campus and facilities are not generally an appropriate environment for minors unless they are matriculated students or enrolled in a College program specifically designed for their participation and are appropriately supervised by their parent(s), legal guardian(s) or properly trained responsible adults (hereinafter collectively referred to as guardian). The following policies apply to any minor on campus who is not participating in a College program or as an enrolled or dually enrolled as a student:

- a. No minor under the age of 14 may be left alone on campus at any time for any reason.
- b. The Department of Public Safety (DPS) will be notified if a minor, under the age of 14, is left unattended on campus or at a public program or event. The child will be escorted to the DPS office and an attempt will be made by DPS to notify the guardian of the child or minor.
- c. A guardian must have line of sight supervision of the minor at all times.
- d. A guardian must assure that the minor is not disruptive to others and if the minor becomes disruptive, the guardian shall correct the situation.
- e. The College retains the right to require visitors who are unwilling or unable to exercise appropriate control over minors to leave College facilities.
- f. Minors, age 14 and above, are held to the same standards of conduct that apply to all members of the College community.
- g. Minors may not accompany students to class unless specifically approved by the class instructor. This restriction does not apply to College Programs involving campus visits by prospective students or College sponsored family or sibling programs.
- h. Minors are restricted from access to safety sensitive areas such as laboratories and workshops, except as part of a College program or as a College student pursuant to an academic course or program.
- i. Due to the potential health risks to others, children with communicable illnesses cannot be brought to campus.
- j. Students, faculty or staff who have childcare emergencies are advised to stay home or make alternative arrangements and not bring children to campus. No College space is to be used as an alternative to childcare, including but not limited to libraries, classrooms, laboratories, residence halls, lounges, and restaurants or other public space.

Departments and programs may impose additional limitations on the presence of minors.

SEX DISCRIMINATION, SEXUAL HARASSMENT AND SEXUAL MISCONDUCT

Policy Statement

No person at NorthWest Arkansas Community College will, on the basis of sex, be excluded from participation in, be denied benefit of, or be subjected to sex discrimination, sexual harassment or sexual misconduct under any education program or activity.

Introduction

Members of the college community, guests and visitors have the right to be free from sexual discrimination, harassment or violence, which means that all members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. NorthWest Arkansas Community College believes in a zero tolerance policy for gender-based misconduct. When an allegation of misconduct is brought to an appropriate administrator's attention, and a responding party is found to have violated this policy, serious sanctions will be used to reasonably ensure that such actions are never repeated. These procedures have been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. The policy and procedures are intended to define community expectations and establish a mechanism for determining when those expectations have been violated.

Jurisdiction

Title IX protects the college community from sexual harassment in a school's education programs and activities. This means that Title IX protects students in connection with all academic, educational, extracurricular, athletic, and other programs of the school, whether those programs take place in a school's facilities, in college transportation, at a class or training program sponsored by the school at another location, or elsewhere.

Definitions of Terms

Reporting party: Any party who makes a complaint/grievance against another student, employee, and staff member or campus visitor.

Responding party: The person(s) against whom a complaint has been made.

Definition of Status: A full time employee will be considered as an employee, regardless of student status. A student who is a part-time employee will be considered a student unless the incident under consideration occurred in connection with employment. Allegations of sex discrimination or sexual harassment may require the college to take measures applicable to both students and employees.

Discrimination (general definition): Actions that deprive members of the community of educational or employment access, benefits or opportunities. Any distinction, preference, advantage for or detriment to an individual compared to others that is based upon an individual's actual or perceived gender, age, race, color, creed, religion, ancestry, national or ethnic origin, sexual orientation, gender identity, disability, genetic information, military status, veteran status, or familial status that is so severe or pervasive that it unreasonably interferes with or limits a person's ability to participate in or benefit from the college's educational programs or activities. There can be no discrimination related to pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery.

Discriminatory Harassment: Detrimental action based on an individual's actual or perceived gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, sexual

orientation or other protected status that is so severe or pervasive that it unreasonably interferes with or limits a person's ability to participate in or benefit from the college's educational programs or activities.

Not all workplace or educational conduct that may be described as "harassment" affects the terms, conditions or privileges of employment or education. For example, a mere utterance of an ethnic, gender-based or racial epithet, which creates offensive feelings in an employee or student, would not normally affect the terms and conditions of their employment or education.

Sexual Harassment: Sexual Harassment is unwelcome, gender-based spoken, written or symbolic action or physical conduct of a sexual nature that is sufficiently severe or pervasive that it has the effect of unreasonably interfering with, limiting or denying someone the ability to participate in or benefit from the college's educational programs. It can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature, such as sexual assault or sexual violence. The unwelcome behavior may be based on power differentials, the creation of a hostile environment or retaliation. Examples include: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwanted sexual attention; to punish a refusal to comply; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence; stalking; and gender-based bullying.

Hostile Environment: Any situation in which there is harassing conduct that is sufficiently severe, pervasive and objectively offensive that it alters the conditions of employment or limits, interferes with or denies educational benefits or opportunities, from both a subjective (the alleged victim's) and an objective (reasonable person's) viewpoint.

Quid Pro Quo Sexual Harassment: Exists when there are unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature and submission to or rejection of such conduct results in adverse educational or employment action.

Retaliatory Harassment: Any adverse employment or educational action taken against a person because of the person's participation in a complaint or investigation of discrimination or sexual misconduct. Intentional action taken by an accused individual or allied third party, absent legitimate non-discriminatory purposes, that harms an individual as reprisal for filing or participating in a complaint/grievance procedure.

Sexual Harassment of a Student by another Student: Any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a student toward another student that is so severe or pervasive that it unreasonably interferes with or limits a student's ability to participate in or benefit from the college's educational programs or activities.

Sexual Harassment of a Faculty/Staff Member by a Student/another Employee/3rd Party Vendor/Campus Visitor: Any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature directed toward a faculty/staff member that is so severe or pervasive that it unreasonably interferes with employment or living conditions or deprives the individual of employment access or benefits.

Sexual Harassment of a Student by a Faculty/Staff Member/3rd Party Vendor/Campus Visitor: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a faculty or staff member, campus visitor, or vendor/3rd party contractor, toward a student are held to constitute sexual harassment when:

- Submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating an individual's educational development or performance; or
- Such conduct is so severe or pervasive that it unreasonably interferes with or limits a student's ability to participate in or benefit from the college's educational programs or activities.

While a particular interaction must be offensive to both a reasonable person and to the victim to be defined as

harassment, faculty or staff members and other persons of authority should be sensitive to questions about mutuality of consent that may be raised and to the conflict of interests that are inherent in personal relationships that result from professional and educational interactions.

Harassment is particularly damaging when it exploits the educational dependence and trust between students and faculty/staff. When the authority and power inherent in faculty/staff relationships with students, whether overtly, implicitly, or through misinterpretation, is abused in any way, there is potentially great damage to the individual student, to the accused individual, and to the climate of the institution. For example, a professor attempts to coerce an unwilling student into having sex with him/her in exchange for a good grade or some other benefit. This is harassment regardless of whether the student accedes to the request and regardless of the student's final grade.

Non-Consensual Sexual Contact: Non-consensual sexual contact is any intentional sexual touching, however slight, with any object by a man or a woman upon a man or a woman that is without consent and/or by force. Sexual Contact includes:

- Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

Non-Consensual Sexual Intercourse: Non-consensual sexual intercourse is any sexual intercourse however slight, with any object by a man or woman upon a man or a woman that is without consent and/or by force.

Intercourse includes:

- vaginal penetration by a penis, object, tongue or finger;
- anal penetration by a penis, object, tongue, or finger;
- oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

Sexual Exploitation: Occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- invasion of sexual privacy;
- prostituting another person;
- non-consensual video or audio-taping of sexual activity;
- going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- engaging in voyeurism;
- knowingly transmitting an STI or HIV to another person; or
- exposing one's genitals in non-consensual circumstances or inducing another to expose his or her genitals.

Sexually based stalking and/or bullying may also be forms of sexual exploitation.

Consent: Consent is clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.

- In order to give effective consent, one must be at least 16 years old.
- Sexual activity with someone known to be mentally or physically incapacitated, or based on the circumstances, someone who could reasonably be known to be mentally or physically incapacitated, constitutes a violation of this policy.
 - Incapacitation is a state where someone cannot make rational, reasonable decisions because he or she lacks the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of the sexual interaction). Alcohol or other drug use, unconsciousness or blackout is an example of incapacitation.
 - This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of rape drugs. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another person is a violation of this policy. More information on these drugs can be found at <http://www.911rape.org/>
- Use of alcohol or other drugs will never function as a defense to a violation of this policy.
- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
- Previous relationships or prior consent cannot imply consent to future sexual acts.

Force: Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes overt threats, implied threats, intimidation and coercion that overcome resistance or produce consent. For example, “Have sex with me or I’ll hit you. Okay, don’t hit me; I’ll do what you want.”

- Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive. NOTE: There is no requirement that a party resist the sexual advance or request, but resistance is a clear demonstration of non-consent.

Domestic Violence: A pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

Domestic violence can happen to anyone regardless of race, age, sexual orientation, religion, or gender. Domestic violence affects people of all socioeconomic backgrounds and education levels. Domestic violence occurs in both opposite-sex and same-sex relationships and can happen to intimate partners who are married, living together, or dating.

Domestic violence victims by Arkansas Law are defined as “family or household members.” Arkansas defines “family or household members” as current or former spouses; parents and children; persons related by blood; a child living in the household; persons who currently or previously lived together; people who have a child together; and persons who currently or formerly were in a dating relationship.

Dating Violence: A pattern of assaultive and controlling behaviors that one person uses against another in order to gain or maintain power and control in the relationship. It is physical, sexual, or psychological/emotional violence within a dating relationship and can occur in person or electronically by a current or former dating partner. Other terms used include relationship abuse, intimate partner violence, relationship violence, dating abuse, domestic

abuse, domestic violence, and stalking.

Stalking: A pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear for his or her safety or the safety of others and/or suffer substantial emotional distress.

Gender Identity: Refers to one's sense of oneself as male, female or transgender. When one's gender identity and biological sex are not congruent, the individual may identify as transsexual or as another transgender category.

Sexual Orientation: Refers to the sex of those to whom one is sexually and romantically attracted. Categories of sexual orientation typically have included attraction to members of one's own sex (gay men or lesbians), attraction to members of the other sex (heterosexuals), and attraction to members of both sexes (bisexuals). While these categories continue to be widely used, research has suggested that sexual orientation does not always appear in such definable categories and instead occurs on a continuum.

Policy Expectations with Respect to Consensual Relationships

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as teacher and student, or supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of policy.

The college does not wish to interfere with private choices regarding personal relationships when those relationships do not interfere with the goals and policies of the college. However, for the personal protection of members of this community, relationships in which power differentials are inherent (faculty-student, staff-student, administrator-student or employee) are prohibited except in extraordinary circumstances.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisors. This will likely result in the necessity to remove the employee from the supervisory or evaluative responsibilities, or will shift the student or employee out of being supervised or evaluated by someone with whom he or she has established a consensual relationship. Failure to self-report such relationships to a supervisor as required can result in disciplinary action for an employee.

Reporting to the College

The College strongly encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual violence. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response.

The College also strongly encourages all individuals to make a report to the College and to local law enforcement, although neither is required. These reporting options are not mutually exclusive. Both internal and criminal reports may be made simultaneously.

The College has a strong interest in supporting survivors of sexual harassment, sexual violence, stalking, and intimate partner violence and strongly encourages all individuals or third party witnesses to report any incident to the College.

Making a report means telling a Responsible Employee what happened—in person, by telephone, in writing, or by email. At the time a report is made, a Reporting Party does not have to request any particular course of action, nor

does a Reporting Party need to know how to label what happened. Choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time. The College provides support that can assist each individual in making these important decisions, and will respect an individual's autonomy in deciding how to proceed to the extent legally possible. In this process, the College will balance the individual's interest with its obligation to provide a safe and non-discriminatory environment for all members of the College community.

The College will investigate and resolve all reports of prohibited conduct in a fair and impartial manner. A Reporting Party, a Responding Party and all individuals involved will be treated with dignity and respect. In response to all reports of prohibited conduct, the College will make an immediate assessment of any risk of harm to the Reporting Party, Responding Party, or to the broader campus community and will take steps necessary to address those risks. These steps may include interim measures to provide for the safety of the individual and the campus community.

Responsibility to Report

Any student, faculty member, staff member, administrator, or visitor to the campus who has experienced or witnessed sexual harassment is strongly encouraged to report it. In order to maintain a safe environment, the college must know about incidents of sexual harassment in order to stop them, protect victims, and prevent future incidents.

It is the responsibility of college faculty, administrators, and supervisors to report complaints of sexual harassment that they receive and of possible sexual harassment of which they become aware. When there is a relationship that involves legally and/or institutionally recognized professional confidentiality between the reporting party and the person to whom the harassment is reported, the report may be withheld at the request of the reporting party.

Confidentiality

Subject to the other provisions of this policy and the requirements of law, every possible effort will be made to ensure that any information received as part of the College's resolution and complaint procedures is treated discreetly. All parties to the complaint will be asked to assist in maintaining the privacy of the parties involved. Because of the college's obligation to investigate allegations of misconduct, it is not possible to guarantee that complaints will be handled confidentially.

Except as compelled by law, in the interest of fairness and problem resolution, disclosure of complaints and their substance and the results of investigations and complaint procedures will be limited to the immediate parties, witnesses and other appropriate administrative officials. Disclosure may also be necessary to conduct a full and impartial investigation.

Confidential Advocates

Confidential advocates are NWACC employees who have been specially trained to provide affirming, empowering, and confidential support for survivors and those who have experienced gendered violence, including sexual harassment, dating and intimate partner violence, sexual assault, stalking, and sexual exploitation. They are not licensed counselors.

Anyone who has a concern may contact an advocate. The advocate will listen and explain options available while providing support.

It is the reporting party's decision to report an incident to the College or to law enforcement. Although rare, there are times when the College may not be able to honor the reporting party's request for confidentiality. If a reporting party discloses an incident to a Confidential Advocate but wishes that no investigation into the incident be conducted or disciplinary action taken, the Advocate must weigh that request against the College's obligation to provide a safe

environment for everyone, including the reporting party.

Amnesty

NWACC recognizes that an individual who has been drinking, using drugs, or engaging in other nonviolent offenses/behavior at the time of an incident may be hesitant to make a report because of potential consequences for his/her own conduct. An individual who reports sexual misconduct, either as a reporting party or a third party witness, will not be subject to disciplinary action by the College for his/her own personal consumption of alcohol or drugs at or near the time of the incident, provided that such violations did not and do not place the health or safety of any other person at risk. The College may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

Complaint/Grievance Procedure

These procedures are intended to apply to student grievances against employees, employee civil rights grievances against students, and student-on-student civil rights grievances. These procedures may also be applicable in employee civil rights grievances against other employees. All other grievances by students against students or employees will be addressed through other conduct procedures.

The college benefits from formal and informal procedures that encourage prompt resolution of complaints and concerns raised by members of the college community.

Notification

Students, faculty members, administrators, staff members, or visitors to the college are strongly encouraged to report allegations of discrimination or harassment to a member of the Title IX team. A report of sex discrimination or harassment should be made as soon as possible after the incident in order to facilitate an effective response. The longer a report is delayed, the more difficult it will be for the college to investigate.

A person who raises a complaint may discuss any situation believed to constitute sex discrimination or sexual harassment with any member of the Title IX team. Reports may be made by the person experiencing the discrimination or harassment or by a third party, such as a witness or someone who is told of the discrimination or harassment. A complaint against a student may also be reported through the college's online student reporting system, [Advocate](#), which can be found on the college's Student Conduct website.

A complaint against an employee may be made through the college's online [Ethics Point](#) reporting system.

After selecting the "Make a Report" tab, the reporting party should look for the Discrimination and Harassment button under the Human Resources arrow.

Upon receipt of a complaint/grievance, the Title IX team will meet to review the information presented and to determine the appropriate course of action.

The Title IX team consists of:

Title IX Team (as of December 2018):

<i>Title IX Compliance Officer</i>	<i>Title IX Deputy (Student Issues)</i>	<i>Title IX Deputy (Employee Issues)</i>
Teresa Taylor	Dale Montgomery	Beverly Hill
Exec Dir-Policy, Risk, Compliance	Dean of Students	Employee Relations Manager
Center for Health Prof 3048	Student Center 225 J	Burns Hall 1128
(479) 619-4188	(479) 619-4234	(479) 619-1128
Ttaylor19@nwacc.edu	dmontgom@nwacc.edu	Bhill3@nwacc.edu

<i>Director of Student Conduct</i>	<i>Director of Human Resources</i>	<i>Dean of Washington Country Centers</i>
Ryan Drake Student Center 225 E (479) 619-4315 rdrake1@nwacc.edu	Wendi Cadle Burns Hall 1128 (479) 619-3149 wcadle@nwacc.edu	Brenda Green Washington County-Springdale (479) 725-4669 bgreen@nwacc.edu

Role of the Title IX Coordinator and Deputy Coordinators

The Title IX Coordinator monitors the College's overall compliance with Title IX, ensures appropriate training and education, and oversees the College's investigation, response, and resolution of reports made under this Policy. Upon receiving reports of prohibited conduct, the Title IX Coordinator ensures that appropriate action is taken to eliminate that conduct, prevent its recurrence, and remedy its effects. The Title IX Coordinator is available to advise all individuals — including individuals who have experienced misconduct, individuals who are alleged to be responsible for misconduct, and third-Parties — on this Policy and the processes.

The Title IX Coordinator is supported and assisted by Deputy Coordinators. In addition, based on the relationship of the Reporting Party(ies) and/or the Responding Party(ies) to the College, the Title IX Coordinator may be supported by the Vice President for Student Services, the Dean of Students, the Chief of Campus Safety, and a representative(s) from the Dean of Students Office and/or Human Resources. Collectively, the Title IX Coordinator and the individuals supporting the Title IX Coordinator are the "Title IX Team." The Title IX Team is a small circle of individuals who have a "need to know" of any alleged prohibited conduct to effectuate this Policy and procedures. All individuals are employees of the College and have received appropriate training to discharge their responsibilities.

Review of Title IX Complaint

When a Title IX complaint is filed, the Title IX Team will communicate and/or convene to review the information presented and to determine the appropriate course of action. Possible solutions may include an informal administrative process, a formal investigation, an educational conversation, separating the parties involved and/or interim actions (i.e. class changes, work changes, interim suspension, etc.), or other determined best practices. A Reporting Party and/or Responding Party may request a No Contact Letter or other protection, and/or the College may choose to impose interim measures at its discretion to ensure the safety of all Parties, the broader College community, and/or the integrity of the process.

For Complaints against Students:

If it is determined that a formal investigation is warranted, the appropriate Title IX Deputy and/or the Director of Student Conduct and/or designee will convene an investigation team and will assign the Director of Student Conduct and 2-3 members of the Conduct Review Board (CRB) to conduct the investigation. The Director of Student Conduct and/or designee will prepare the notice of charges on the basis of the initial information received in the complaint. The Title IX Deputy and/or designee will determine appropriate accommodations for the all parties, including but not limited to the Reporting Party, Responding Party, and/or witnesses as needed, and/or other necessary remedial short-term and/or interim actions. The appropriate Deputy or designee will oversee the investigation of the incident and in the enforcement of sanctions, if any. The Title IX Coordinator and/or his/her Deputy will apprise the Vice President of Student Services of the grievance.

For Complaints Against Employees:

If it is determined that a formal investigation is warranted, the Title IX Deputy for Human Resources (HR) and/or designee will convene an investigation team and will assign 2-3 members of the Conduct Review Board (CRB) to conduct the investigation. The Title Deputy for HR and/or designee will prepare the notice of charges on the basis of the initial information received in the complaint. The Title IX Deputy for HR and/or designee will determine appropriate accommodations for the all parties, including but not limited to the Reporting Party, Responding Party, and/or witnesses as needed, and/or other necessary remedial short-term and/or interim actions. The Title IX Deputy for HR and/or designee will oversee the investigation of the incident and will work with the Title IX Coordinator and/or Title IX Team to suggest appropriate sanctions, if any. The Title IX Coordinator and/or his/her Deputy will apprise the employee's supervisor and the Vice President for the appropriate division of the grievance.

Interim Actions

NWACC may take action to ensure the safety and security of the NWACC community and its members, while resolution of the Title IX case is pending. Interim protections and remedies may be imposed during the investigation of a Title IX report. Interim Actions will be reviewed and implemented by the Title IX Team. The College will make reasonable efforts to communicate with the Parties to ensure that all safety, emotional, and physical well-being concerns are being addressed.

Interim actions are issued pending an investigation of the allegations. Interim actions may be imposed on any member of the NWACC community, including students and/or employees, and may be imposed regardless of whether formal disciplinary action is sought by the Reporting Party or the College, and regardless of whether the crime is reported to the campus Department of Public Safety or local law enforcement.

The College will maintain the privacy of any remedial and protective measures provided under this Policy to the extent practicable and will promptly address any violation of the protective measures. All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by an interim measure. The College will take immediate and responsive action to enforce a previously implemented restriction if such restriction was violated.

Interim Action letters will be delivered to the student's and/or employee's official NWACC provided email account, and may be delivered to the student and/or employee in person. Any restrictions outlined in the interim action will be clearly presented in the Interim Action letter.

These actions may be applied to the Reporting Party(s), the Responding Party(s), or to student groups. Actions can include, but are not limited to:

For Students

Interim Actions for Students

- A no-contact order placed between students, or between a student and another member of the college.
- Changes in academic and work schedules, and/or student groups/clubs/organizations.
- Assistance in requesting academic allowances, including rescheduling of exams and assignments.
- Providing alternative course completion options (with agreement of appropriate faculty).
- A formal request or warning that the behavior ceases.
- Removal of privileges or suspension of activity (including attendance in a specific class).

- Issuance of a timely warning to college community.
- Providing academic support services, such as tutoring.
- Interim Suspension from campus.
- Parking reassigned.
- Providing an escort to ensure safe movement between class and/or work locations on NWACC campuses.

Interim Suspension for Students

The process regarding such interim suspensions shall be in accordance with provisions of the NWACC Student Code of Conduct:

- Dean of Students, or designee, will be notified if there is concern of immediate danger. If there is a perception that the student presents a danger, a minimum of two of the following will consult: the Dean of Students, the Director of Student Conduct, and the Vice President of Student Services. If it is determined that there is a danger, the Dean of Students, or designee, is authorized to take immediate action including but not limited to an interim suspension of the student. When interim action is taken, the student will have the opportunity to respond to the action within two (2) business days. The response will be reviewed by the Dean of Students, or designee, and may result in the interim action being lifted or upheld. The interim suspension may last until conduct due process has been completed and a determination has been made.

When a student is issued an Interim Suspension, the details may include, but are not limited to, the following:

- The student is not allowed to access any of the Northwest Arkansas Community College campuses, including but not limited to the NWACC Main Bentonville Campus, The NWACC at The Jones Center for Families, the Washington County Center, Brightwater Culinary School, and/or the Farmington Center (at Farmington High School). This means they are not allowed to participate in any of their classes which may occur on any of these campus facilities, or attend any campus events or functions.
- The student is not allowed to participate in any activities directly associated with NWACC, including but not limited to clubs, groups and/or organizations they are currently involved in.
- The student will be contacted by the Dean of Students when they can come to campus and must follow the directives given for a campus visitation.
- The student may be allowed to contact their instructors for academic assistance through Canvas or via email to continue with class assignments or projects that need to be completed.
- The student must submit a request to come to campus, and permission must be granted by the Dean of Students, the Director of Student Conduct, and/or the Title IX Coordinator before they are allowed on campus property. The student can submit their request to Director of Student Conduct, Ryan Drake at (479) 619-4315 or rdrake1@nwacc.edu and the student will receive a response back after assessing the request.

Any violation of the above listed directives may result in immediate and permanent Suspension or Expulsion from the Northwest Arkansas Community College.

Student Appeal Process for Interim Action

When interim action is taken, the student will have the opportunity to appeal the action within two (2) business

days. An email must be submitted explaining why the interim action should not be taken. The response will be reviewed by the Dean of Students, Title IX Coordinator, and/or designee, and may result in the interim action being lifted or upheld. An interim suspension may last until conduct due process has been completed and a determination has been made.

Investigation

The Title IX Deputy, Director of Student Conduct, and/or designee will chair the Investigation and will oversee the process in conjunction with the Title IX Coordinator. The Investigation may be electronically recorded so that the proceedings may be reviewed in the event of an Appeal.

During the Investigation, the following parties may ask questions that are relevant to the complaint:

- The Title IX Coordinator, the Title IX deputy or designee; and
- The assigned Conduct Review Board members

The Reporting Party has the right to be interviewed without the Responding Party present and vice versa. However, each party has the right to know the content of the statements of the other and to respond to them. Requests to review statements can be discussed with the Chair of the Conduct Review Board. Copies of statements made by other participants and/or witnesses will not be given to requesting parties.

The Title IX process at Northwest Arkansas Community College does not have cross examination involving both the Reporting Party(s) and Responding Party(s) in the same room. The cross examination process consists of the Conduct Review Board requesting specific questions that each Party(s) would like to ask the other Party(s). Those questions are reviewed and filtered on basis of relevance by the Chair of the Conduct Review Board and then asked to the opposing Party(s) for comment.

Both the Reporting Party and the Responding Party will be given the opportunity to make a brief and relevant impact statement verbally or in writing. Written statements must be submitted to the Chair of the Conduct Review Board within 48 hours of interview. Statements can be submitted via email, or hand delivered.

Witnesses will not be present during the testimony of any party or other witness. If a witness is unable to appear, a written statement from the witness may be accepted into the record. Telephone, Skype or other technology may also be used for the convenience of the witness.

The Investigation team may recall the Reporting Party, the Responding Party, and/or witnesses if clarification is needed, or if there are additional questions.

1. The CRB Investigative Team will:

- Be staffed with trained, unbiased faculty/staff and administrators, and special attention will be given to the selection of CRB members to help prevent conflict of interest, personal connections and/or association to parties involved in the case, and to help prevent bias;
- Identify the laws and/or policies allegedly violated;
- Meet with the Reporting Party or his or her designee to finalize the grievance;
- Develop a strategic investigation plan which may include a witness list, an evidence list, an intended timeframe, and an order of interviews for all witnesses, including the responding party;
- Conduct a thorough, reliable and impartial investigation. Witnesses may or may not be given notice prior to the interview;

- Complete the investigation promptly, and without unreasonable deviation from the intended timeline;
- Make a finding on the case, based on a preponderance of the evidence which indicates that a policy violation has or has not occurred;
- Meet with the assigned Title IX Deputy to recommend sanctions based on findings; and
- Prepare a complete report on the investigation and its findings to present to the Deputy.

2. The Title IX Deputy or Designee will:

- Review the outcome and recommended sanction(s) in consultation with the Title IX Coordinator; and
- Present the findings to the Reporting Party and the Responding Party.

Where the findings indicate that the alleged discrimination, harassment and /or sexual misconduct has occurred, an appropriate sanction(s) will be imposed.

Within ten (10) business days, the Title IX Deputy and/or designee will notify both parties in writing of the determination by the Conduct Review Board. Both the Reporting Party and the Responding Party have the right to request an appeal of the investigation and findings. Appeal requests must be filed in writing within five (5) business days upon receipt of final outcome. Appeal requests must be submitted to the Title IX Coordinator, and/or assigned Title IX Deputy or Designee.

Sanctions

Possible Sanctions for Students

If the complaint is against a student, the Title IX Team will discuss and suggest appropriate sanctions to the Vice President of Student Services. The Vice President of Student Services will review and impose appropriate sanctions for the violation in consultation with the Dean of Students.

Sanctions are based on the severity of the incident, as well as taking into account any previous campus code of conduct violations. Types of actions/penalties include, but are not limited to the following:

Disciplinary

1. Disciplinary Warning. The Student has been given a verbal or written letter of warning by the College. Warning status will be documented in the students' record.
2. Conduct probation. Imposed when a student's actions are found to be serious, but not serious enough to warrant Suspension or Expulsion. The disciplinary authority shall indicate the length of the probationary period, which may range from one (1) semester to completion. A further violation of the Code of Student Conduct while on Conduct Probation may result in a Suspension or Expulsion. Conduct Probation may prohibit the student from representing the college, participating in student activities, and/or participating in work study employment.
3. Restriction of participation in student organizations, events, and college employment and limited access to designated areas.
4. Restitution: Repayment to the College or to an affected party for damages (amount to be determined by the College) resulting in violation of this Code, or the Code of Student Conduct.
5. Course or Program Dismissal. In lieu of Suspension from the College, a student may be removed from a class or program entirely, but still be allowed to take other classes or enroll into a different program

as specified by the sanction.

6. Suspension. Interruption of the student's educational activities at the college for a definite, stated period.
 - a. Suspension involves withdrawal of enrollment privileges for a specified period of time and ordinarily carries with it conditions that must be met for re-enrollment. During the period of Suspension, the student may not come onto campus, except when specifically authorized in writing by the Dean of Students, Title IX Coordinator, or designee. Reenrollment after a Suspension requires that the student apply to the Dean of Students or designee at the close of the imposed period. The Dean of Students, Title IX Coordinator, or designee determines whether the student has met the conditions imposed and is otherwise eligible for reenrollment. These records are maintained indefinitely.
 - b. Disciplinary Suspensions will be notated on academic transcripts at the semester level and will include the notation of "Disciplinary Suspension for (term of suspension)" and the date of suspension.
 - c. Suspensions may range from one (1) semester to four (4) semesters.
7. Expulsion. Termination of enrollment at the college. Expulsion is an indefinite sanction and the student will not be allowed to enroll, attend, or visit the college campus(es) in the future. This sanction will remain on the students' file indefinitely and will be reported on the students' transcript.
 - a. Disciplinary Expulsions will be notated at the bottom of the transcript and will include the initial date of expulsion.
8. Revocation of degree. A degree awarded from NWACC may be revoked for violations committed by a student prior to graduation.

Educational

1. Co-curricular education. An assignment to complete a specific educational requirement directly related to the violation committed, such as completion of a sexual harassment workshop, a diversity awareness workshop, essays, reports, reflective papers, journals, etc.
2. Attendance at a mediation meeting.
3. Community Service. Completion of a specified number of hours of approved community or college service. The student is permitted to complete a portion of the hours through academic initiatives such as attending programs with the Career Development, tutoring sessions, etc., but must be verified by a College Faculty or Staff member.
4. A conduct review which requires the student to meet with a college official for a specific period of time.
5. Mandatory professional counseling. The Student is required to seek professional counseling and is required to comply with the professional recommendation(s) of the mental health professional. It is expected that the student will actively engage in this process.
6. Educational Conversation with college official.
7. Alcohol and/or Drug Assessment. The Student is required to complete a mandatory Alcohol and/or Drug Assessment through a licensed professional mental health practitioner who is licensed or certified by the State of Arkansas. The student is required to comply with the prescribed course of treatment. The selection of the practitioner is the choice of the student and will be paid for by the student. The student must submit documentation of completion of both the assessment and the prescribed course of treatment.

More than one sanction may be imposed for any single violation.

Appeals Process Following an Investigation

Both the Reporting Party and the Responding Party have a right to appeal the findings set out in the Investigation.

In the event that the Reporting Party or Responding Party rejects the findings in part or in their entirety, the person may seek an appeal by contacting the Title IX Deputy within five (5) business days following receipt of the written letter of Determination.

- Reporting Party: If the Conduct Review Board's final report concludes that the Responding Party did not violate a policy that the Reporting Party believes the Responding Party violated, the Reporting Party has five (5) business days from receiving written notice of the Final Report to submit a written appeal. If the Responding Party has been found responsible for one or more policy violations, but not others, the Reporting Party may submit a written appeal within five (5) calendar days of notice of the sanction.
- Responding Party: If the Conduct Review Board's final determination is that the Responding Party is responsible for violating one or more policies, the Responding Party has five (5) calendar days from receiving written notice of the sanction to submit a written appeal.

It is the responsibility of the individual(s) who is requesting the Appeal to contact the Title IX Deputy assigned to the case, the Director of Student Conduct, and/or the Title IX Coordinator, in writing or electronically, within five (5) business days of being issued the findings of the Investigation. This request can be sent via NWACC issued email only, hand delivered, or delivered via campus mail. It is the responsibility of the individual who is requesting the Appeal to ensure that delivery and receipt of the written request is received by the intended individual or office. The written appeal must state the reason for the appeal request. An email confirmation regarding the receipt of the Appeal will be sent via email to the NWACC issued email address of the requesting party. We encourage all parties to only use their NWACC issued email address. Any correspondence sent from a personal email account must include NWACC issued ID numbers.

All sanctions imposed by the original investigation outcome will be in effect during the Appeal. A request may be submitted to the Title IX Deputy or designee for special consideration in exigent circumstances, but the presumptive stance of the institution is that the sanctions will stand.

The Title IX Team will be responsible for reviewing all Appeals. During the Appeal, all case notes, interview notes, evidence, written statements, findings, and outcome of the investigation will be admitted. The Title IX Team is not bound by the finding(s) of the Investigation Team. The goal of the Appeal is to provide an equitable resolution via an equitable process, respecting the civil and legal rights of all participants.

The Title IX Team can contact any individual, Reporting Party, Responding Party, and/or witness(es) involved in the case for additional information during this Appeals Process.

If through the formal Appeals Process, the Title IX Team determines a violation has not occurred, the case will be closed.

If through the formal Appeals Process, the Title IX Team determines a violation has occurred, it will recommend that sanctions for the violation be imposed.

Material Procedural or Substantive Error

If the Title IX team determines that a material procedural or substantive error occurred, the Deputy may return the grievance to the Investigation and Conduct Review Board with instructions to reconvene to correct the error. In rare cases, where the procedural or substantive error cannot be corrected by the Conduct Review Board (as in cases

of bias), the Title IX Deputy may, upon advice from the Title IX team, order a new investigation or review of the complaint with new members from the Conduct Review Board. The results of a reconvened hearing cannot be appealed. The results of a new hearing may be appealed.

New Evidence Not Previously Available

Additional information which was not previously available for the Investigation may be submitted by either party involved in the case. It is the responsibility of each individual to explain and justify why the information was not available during the initial Investigation. The new evidence must be pertinent to the complaint originally filed. If the Title IX team determines that new evidence should be considered, the Deputy will return the grievance to the Conduct Review Board to reconsider only the new evidence. Once the CRB has reviewed the evidence and reached a resolution, the decision is final and the outcome and/or sanctions cannot be appealed.

Disproportionate Sanctions

For students, if the Title IX team determines that the sanctions imposed appear to be disproportionate to the severity of the violation, the Title IX Deputy and/or Director of Student Conduct will consult with the Vice President of Student Services, and may then increase, decrease, or otherwise modify the sanctions. This decision is final. For employees, if the Title IX team determines that the sanctions imposed appear to be disproportionate to the severity of the violation, the Title IX Deputy will refer the complaint to a board composed of three (3) cabinet officers, which may then increase, decrease or otherwise modify the sanctions. This decision is final.

Procedures Governing the Hearing of Appeals

The appeal procedure and determination will typically be completed within 20 business days. The procedures governing the hearing of appeals include the following:

- Sanctions imposed are implemented immediately unless the party determining the sanction stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
- All parties should be informed in a timely manner of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision;
- Appeals are not intended to be full re-hearings of the complaint, with the exception of substantiated cases of bias. In most cases, appeals are confined to a review of the written documentation or record of the original investigation, and pertinent documentation regarding the grounds for appeal;
- The Title IX Coordinator and/or the Chair of the Conduct Review Board will render a written decision on the appeal to all parties within seven (7) business days, or as soon as possible thereafter from hearing of the appeal.

NWACC will act to end the discrimination or harassment, prevent its recurrence, and remedy its effects on the person(s) who filed the complaint and on the NWACC community.

COMPLAINT AND GRIEVANCE PROCESS PROVISIONS

Time Periods

All effort will be made to make a determination in no more than 60 calendar days of filing a formal complaint/grievance. For purposes of calculating all time periods set forth in this Complaint and Grievance Policy, a business day is defined to mean normal operating hours, Monday through Friday, excluding recognized national

and state holidays and NWACC closings. Timelines may be modified in cases where information is not clear, judged to be incomplete, relevant parties are not available for interview, and/or other related circumstances as may arise. In the event that this step is necessary, the Title IX Coordinator or his or her respective deputies will notify the reporting party who filed the grievance in writing within the set timeline.

No Retaliation

Retaliation against any person, who in good faith, exercises his/her rights or responsibilities to file a complaint of discrimination, participates in an investigation, or opposes a discriminatory employment or educational practices or policies, under any provision of federal or state law, including Title IX, Title VII, and the VAWA or this policy, is strictly prohibited by NWACC policy, and federal and state law. Retaliation against a Reporting Party, alleged victim (if different from the Reporting Party), Responding Party, any witness and/or any member of the college Title IX Team, process and Conduct Review Board or assigned investigator, is, in itself, a violation of College policy and the law, and is a serious separate offense. Retaliation includes intimidating, threatening, coercing, and/or in any way discriminating against any person or group for exercising rights under these procedure. Retaliation may be present even where there is a finding of “Not Responsible” on the alleged violation of policy. The Office of Student Conduct and/or Dean of Students Office, and/or the Office of Human Resources may address reports of retaliation informally through consultation or educational conversation, or remand the case to the Conduct Review Board for resolution. A person who believes retaliation has occurred should notify the Title IX and/or Title IX Deputy as soon as possible.

False Reports

NWACC will not tolerate intentional false reporting of incidents. It is a violation of the Codes of Conduct governing NWACC to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

Integrity of Proceeding

These procedures are entirely administrative in nature and are not considered legal proceedings, but rather procedures designed to address policy violations. Neither party may audio or video record the proceedings. Advisors may not speak for, or on behalf of, Parties.

Consolidation of Investigations

The college has the discretion to consolidate into one Investigation multiple reports against a Responding Party and/or cross-complainants between a Reporting Party and a Responding Party, if the evidence related to each incident would be relevant and probative in reaching a determination on the other incident. Matters may be consolidated where they involve multiple Reporting Parties, multiple Responding Parties, or related conduct that would regularly have been heard under the Code of Student Conduct.

Advisor of Choice

All persons who are a Reporting Party or a Responding Party to this grievance process are permitted to bring an Advisor of their own choosing, including a family member or an attorney, to provide support. The Advisor may accompany the Party to any and all portions of the grievance process. The Advisor may not participate directly in, or interfere with, the proceedings. Although reasonable attempts will be made to schedule proceedings consistent with advisors availability, the process will not be delayed to schedule the proceedings at the convenience of the Advisor. The Investigator and/or Conduct Review Board has the discretion to remove the Advisor from the proceedings if the Advisor interferes with the proceedings.

Training

The College provides training to all individuals within the community who are involved in responding to, investigating, or resolving reports of prohibited conduct. If the College retains an individual outside the community to respond to, investigate, or resolve reports of prohibited conduct, the College requires the retained individual has received adequate training consistent with the College's standards.

Past Sexual History

In general, a Reporting Party's prior sexual history is not relevant and will not be provided to the Investigator or Conduct Review Board. Where there is a current or ongoing relationship between the Reporting Party and the Responding Party, and the Responding Party alleges consent, the prior sexual history between the Parties may be relevant to assess the manner and nature of communications between the Parties. As noted in the definition of Consent, however, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Any prior sexual history of the Reporting Party with other individuals is typically not relevant and will not be permitted.

Responding Party's Prior Conduct History

Where there is evidence to substantiate a pattern of conduct similar in nature by the Responding Party, either prior to or subsequent to the conduct in question, regardless of whether there has been a finding of responsibility, this information may be deemed relevant and included to the CRB's determination of responsibility, and/or the final determination of sanction. The CRB will make a determination of relevance based on an assessment of whether the previous incident was substantially similar to the conduct cited in the report and indicates a pattern of behavior and substantial conformity with that pattern by the Responding Party. Where there is a prior finding of responsibility for a similar act of prohibited conduct, there is a presumption of relevance and the finding may be considered in making a determination as to responsibility and/or assigning of a sanction.

The Title IX Deputy may choose to provide this information to the Conduct Review Board, with appropriate notice to the Parties. Alternatively, a party may request in writing that information under this section be admitted. A request to admit such information must be submitted to the CRB. The CRB will assess the relevance of this information and determine if it is appropriate for inclusion in the investigation report.

Failure to Comply with Investigation and Disciplinary Process

If an Advisor fails to comply with the procedures as determined in this document, including through a material breach of confidentiality, the College reserves the right to exclude the advisor from further participation in the process. If a participant(s) fails to comply with the procedures as determined in this document, including through a material breach of confidentiality, the College reserves the right to bring additional charges of misconduct against the participant. The Conduct Review Board is responsible for interpreting and applying this provision. All parties have the right to choose to not participate in this process, however, the College retains the right to review, investigate, and/or determine outcome(s) and/or sanction(s) in the absence of participation.

Privacy and Confidentiality

The College is committed to protecting the privacy of all individuals involved in the investigation and resolution of reports under this Policy. The College also is committed to assisting students, employees, and third Parties in making informed choices. With respect to any report under this Policy, the College will make reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to take steps to eliminate prohibited conduct, prevent its recurrence, and remedy its effects.

All College employees who are involved in the College's Title IX response receive specific instruction about

respecting and safeguarding private information.

Privacy and confidentiality have distinct meanings under this Policy.

Privacy

“Privacy” generally means that information related to a report of prohibited conduct will only be shared with a limited individuals who “need to know” in order to assist in the assessment, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (“FERPA”), as outlined in the College’s FERPA policy. The privacy of an individual’s medical and related records may be protected by the Health Insurance Portability and Accountability Act (“HIPAA”), excepting health records protected by FERPA. Access to an employee’s personnel records may be restricted by applicable Arkansas State and federal law.

While there are certain limitations on privacy, the College generally will not release the names of the Reporting Party(ies) or Responding Party(ies) to the general public without express written consent or absent another exception consistent with the law. The release of names will be guided by applicable law, including the Family Educational Rights and Privacy Act (FERPA) and the Clery Act.

In addition, no information shall be released from a proceeding to enforce this Policy except as required or permitted by law and College policy.

Confidentiality

“Confidentiality” generally means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without the express permission of the individual.

The confidentiality of information shared by an individual with designated campus or community professionals generally is governed by Arkansas State or federal law, including restrictions on disclosure of information by mental health providers, ordained clergy, rape crisis counselors, and attorneys, all of whom have legally protected confidentiality. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others.

An individual who seeks confidential assistance may do so by speaking with professionals who have a legally protected confidentiality. Note, however, that these confidential resources are required by state law to notify child protective services and/or local law enforcement of any report which involves suspected abuse of a minor under the age of 18. Information on NWACC’s [Counseling and Wellness Center](#) is listed below:

Counseling & Wellness Center (Personal Counseling Services are available to students at no cost)

Becky Paneitz Student Center, RM 230

(479) 619-4128

counseling@nwacc.edu

Stephanie Curtis-Henson, L.P.C., L.A.D.A.C

Director of the Counseling and Wellness Center

(479) 619-4064

Reports Involving Minors or Suspected Child Abuse

Under Arkansas law, an individual must make a mandatory report of suspected child abuse and neglect, including sexual assault when that individual, in their professional capacity or within the scope of their employment, has

knowledge of, or observes a minor under the age of 18 whom the individual knows or reasonably suspects has been the survivor of child abuse or neglect.

All College employees are required to immediately report any suspected child abuse and neglect to the Child Abuse hotline at 1-800-482-5964. The source of abuse does not need to be known in order to file a report. Reports can be made anonymously.

The College will report all suspected child abuse and neglect, including sexual assault, to law enforcement and/or the Arkansas Department of Human Services. The College must act quickly regarding all reasonable suspicions of sexual or physical abuse. It is not the responsibility of any employee, student, or volunteer to investigate suspected child abuse. This is the role of law enforcement authorities.

In addition to notifying the Title IX Coordinator and Director of Campus Safety, any individual may make a direct report as follows:

- If a child is in immediate danger, call 911.
- If there is no immediate danger, contact the Child Protection Hotline 24 hours a day, 7 days a week, at (800) 482-5964.

Conflict of Interest

Members of the Title IX team and Conduct Review Board (CRB) will notify the Title IX Coordinator or Deputy if they have a direct connection and/or affiliation to any party and/or witness named in the Title IX complaint which may create a conflict of interest.

Office of Civil Rights Complaint

Although reporting parties are encouraged to attempt to resolve complaints pertaining to discrimination by utilizing this Grievance Procedure, they have the right to file a complaint directly with the U.S. Department of Education, Office for Civil Rights (OCR) (Dallas regional office). Information regarding applicable timelines and procedures is available from OCR. You may call 1-800-421-3481 to obtain further information about filing a complaint.

Equal Employment Opportunity Commission

For employment related matters, you may contact the local Equal Employment Opportunity Commission (EEOC) at 820 Louisiana Street, Suite 200, Little Rock, AR 72201. Or by calling 1-800-669-4000.

Notice That Cases Will Not Be Re-Heard

Absent new evidence, NWACC will not re-hear a complaint if the same complaint allegations have been filed by the reporting party against the same responding party with another civil rights enforcement agency of the federal, state or local government or through NWACC's internal complaint procedures, including due process proceedings.

Effective Date

This Complaint and Grievance Policy will be effective upon formal adoption. NWACC reserves the right to make changes and amendments to this policy and procedure as needed, with appropriate notice to the community. However, the policy in force at the time that the complaint is filed will be the policy used throughout the investigation and adjudication process.

NWACC's Statement of Non-Discrimination

Recognition of and respect for the dignity of each human being are central to our mission of learning for living. Discrimination, harassment, or any other conduct that diminishes the worth of a person is incompatible with our fundamental goal of serving and strengthening the community.

NorthWest Arkansas Community College (NWACC) adheres to all federal and state civil rights laws banning discrimination in publicly-funded institutions. NWACC does not discriminate on the basis of gender, age, race, color, creed, religion, ancestry, national or ethnic origin, sexual orientation, gender identity, disability, genetic information, military status, veteran status, familial status, or any other protected category under applicable local, state, or federal law, ordinance or regulation, including protections for those opposing discrimination or participating in any complaint process. Sexual harassment, which includes acts of sexual violence, is a type of sex discrimination prohibited under Title IX of the Education Amendments of 1972.

For more information or to report allegations of discrimination in employment, contact Beverly Hill, Employee Relations Manager, Burns Hall 1128, 479-619-2679 or email bhill3@nwacc.edu.

For more information or to report allegations of discrimination or disability grievances regarding students under ADA/Section 504, contact Justin White, 479-619-4123 or jwhite35@nwacc.edu.

For sexual harassment/sex discrimination under Title IX, contact Teresa A. Taylor, IX Coordinator, Center for Health Professions 3048, 479-619-4188, ttaylor19@nwacc.edu, or titleIX@nwacc.edu.

Statement of Rights of the Reporting Party/ Victim

- The right to be treated with respect by college officials;
- The right to investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith to college administrators;
- The right to have an advisor or advocate to accompany and assist in the campus investigation and/or Appeal process. This advisor can be anyone, including an attorney (provided at the Reporting Party's own cost), but the advisor may not take part directly in the investigation and/or Appeal itself, though they may communicate with the Reporting Party as necessary. The college should be notified five (5) business days in advance of the investigation if an advisor or advocate will accompany the Reporting Party.
- The right not to be discouraged by college officials from reporting harassment and/or an assault to both on-campus and off-campus authorities;
- The right to be informed in a timely manner of the outcome and sanction of any disciplinary investigation and/or Appeal involving sexual misconduct, usually within five (5) business days of the end of the conduct investigation and/or Appeal ;
- The right to be informed by college officials of options to notify proper law enforcement authorities, including on campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the Reporting Party so chooses. This also includes the right not to report, if this is the victim's desire;
- The right to be notified of available counseling, mental health, and/or student services for victims of sexual assault, both on campus and in the community;
- The right to notification of options and assistance for changing academic or employment situations after an alleged sexual assault incident. These changes will be made if they are reasonably available and desired by the victim. No formal complaint, or investigation, campus or criminal, need occur before this option is available. Accommodations may include:

- Exam (paper, assignment) rescheduling;
- Taking an incomplete in a class;
- Transferring class sections;
- Temporary withdrawal;
- Alternative course completion options;
- Alternative work assignments and/or supervisory changes
- The right not to have irrelevant prior sexual history admitted as evidence in a campus investigation and/or Appeal;
- The right not to have any complaint of sexual assault mediated (as opposed to adjudicated);
- The right to make a victim-impact statement at the campus conduct proceeding and to have that statement considered by the board in determining its sanction;
- The right to a campus no contact order against another person who has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the complaining person or others;
- The right to have complaints of sexual misconduct responded to quickly and with sensitivity by campus disciplinary officials;
- The right to appeal the finding and sanction of the conduct body, in accordance with the standards for appeal established by the institution;
- The right to review all documentary evidence available regarding the complaint, subject to the privacy limitations imposed by state and federal law;
- The right to be informed of the names of all witnesses who will be called to give testimony, within 48 hours of the investigation and/or Appeal, except in cases where a witness' identity will not be revealed to the accused Responding Party for compelling safety reasons (this does not include the name of the alleged victim/Reporting Party, which will always be revealed);
- The right to preservation of privacy, to the extent possible and allowed by law;
- The right to a conduct process that is closed to the public;
- The right to petition that any member of the Conduct Review Board be removed on the basis of demonstrated bias;
- The right to give testimony in a campus investigation and/or Appeal by means other than being in the same room with the Responding Party;
- The right to ask the investigators to identify and question relevant witnesses, including expert witnesses;
- The right to be fully informed of campus conduct rules and procedures as well as the nature and extent of all alleged violations contained within the complaint;
- The right to be present for all testimony given and evidence presented before the conduct body;
- The right to have complaints heard by conduct and appeals officers who have received annual sexual misconduct training;
- The right to conduct boards comprised of representatives of both genders;

- The right to have college policies and procedures followed without material deviation;
- The right to request a case/investigation status update from the Title IX Team, case investigator, and/or Conduct Review Board.
- The right to be informed in advance, when possible, of any public release of information regarding the complaint;
- The right to a fundamentally fair process, as defined by these procedures;
- The right not to have released to the public any personally identifiable information about the Reporting Party, without his or her consent;
- The right to a campus conduct outcome based solely on evidence presented during the conduct process. Such evidence shall be credible, relevant, based in fact, and without prejudice.

Statement of Rights of the Responding/Accused Party

- The right to be treated with respect by college officials;
- The right to investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith to college administrators against the Responding Party;
- The right to have an advisor or advocate to accompany and assist in the campus investigation and/or Appeal process. This advisor can be anyone, including an attorney (provided at the Responding Party's own cost), but the advisor may not take part directly in the investigation and/or Appeal itself, though they may communicate with the Responding Party as necessary. The college should be notified five (5) business days in advance of the investigation if an advisor or advocate will accompany the Responding Party.
- The right to be informed in a timely manner of the outcome and sanction of any disciplinary investigation and/or Appeal involving sexual misconduct, usually within five (5) business days of the end of the conduct investigation and/or Appeal;
- The right to be informed of available counseling, mental health, and/or student services, both on campus and in the community;
- The right not to have irrelevant prior sexual history admitted as evidence in a campus investigation and/or Appeal;
- The right to make an impact statement at the campus conduct proceeding and to have that statement considered by the board in determining its sanction;
- The right to have complaints of sexual misconduct responded to quickly and with sensitivity by campus disciplinary officials;
- The right to appeal the finding and sanction of the conduct body, in accordance with the standards for appeal established by the institution;
- The right to review the Reporting Party's testimony and all documentary evidence available regarding the complaint, subject to the privacy limitations imposed by state and federal law;
- The right to be informed of the names of all witnesses who will be called to give testimony, within 48 hours of the investigation and/or Appeal, except in cases where a witness' identity will not be revealed to the Responding Party for compelling safety reasons (this does not include the name of the alleged victim/complainant, which will always be revealed);
- The right to preservation of privacy, to the extent possible and allowed by law;

- The right to a conduct process that is to the public;
- The right to petition that any member of the Conduct Review Board be removed on the basis of demonstrated bias;
- The right to ask the investigators to identify and question relevant witnesses, including expert witnesses;
- The right to be fully informed of the nature, rules and procedures of the campus conduct process and to timely written notice of all alleged violations within the complaint, including the nature of the violation and possible sanctions;
- The right to have complaints heard by conduct and appeals officers who have received annual sexual misconduct adjudication training;
- The right to conduct boards comprised of representatives of both genders;
- The right to have college policies and procedures followed without material deviation;
- The right to request a case/investigation status update from the Title IX Team, case investigator, and/or Conduct Review Board.
- The right to be informed in advance, when possible, of any public release of information regarding the complaint;
- The right to and investigation of the complaint, including timely notice of the investigation date, and adequate time for preparation;
- The right to a fundamentally fair process, as defined in these procedures;
- The right to a campus conduct outcome based solely on evidence presented during the conduct process. Such evidence shall be credible, relevant, based in fact, and without prejudice.

SUBSTANCE ABUSE

Policy

The College supports and endorses the Federal Drug-Free Workplace Act of 1988 (Public Law 100-690, Sec. 5151 et. seq.) and the Drug-Free Schools and Communities Act amendments of 1989 (Public Law 101-226). Pursuant to these Acts, the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or abuse of alcohol (as defined in these Acts) by a student on College property or as part of any College activity is prohibited.

Under Public Law 100-226, the College will distribute to all students, in the current catalog, a statement of compliance in accordance with the applicable provisions of the law. The College will conduct a biennial review of this procedure as required by the Drug-Free Schools and Communities Act of 1989.

A student who violates this policy shall be subject to appropriate disciplinary action including suspension, demotion, non-renewal and/or termination as provided in the Student Code of Conduct.

Substance Abuse Prevention Programs

- Alcohol and Drug Education units are included in the course content of several classes offered throughout the College curricula.
- Alcohol and Drug Education material is available at the Bentonville and Springdale Student Centers for all students, staff and faculty.

- Alcohol and drug policy information is distributed to students on an annual basis.
- Counselors make appropriate referrals to community service providers on a case-by-case basis.
- Annually, the College observes a drug and alcohol awareness week.

Resources

NWACC provides students with the resources to help stay on track in reaching the students' educational goals. Please review the NWACC [Resource Guide for Life Outside of College Life](#).

BULLETIN BOARD POSTINGS

Policy

Approval from the Chief Student Affairs Officer, or designated student services administrator, is required prior to posting material on bulletin boards located throughout NWACC buildings.

Procedures

1. Anyone wishing to post material on the bulletin boards should bring the posting to the Student Information Center.
2. A designated Student Support Administrator must approve all materials.
3. All postings will be approved for a designated period (generally 2-3 weeks).
4. Once the material is approved, a designated staff member will post on the appropriate bulletin boards at all College locations.
5. The bulletin boards will be monitored to remove outdated information or material that has not received appropriate approval.

CANVASSING AND SOLICITATION

Policy

No student or group of students may use the name of the College for any publication or activity without the approval from the Office of the Associate Vice President of Learner Support Services or a designated student services administrator. This applies to printed materials, tickets, posters, advertising and solicitations of any type.

The distribution of handbills, pamphlets and other literature on the grounds or in the buildings of the College is prohibited without the permission of the Executive Vice President of Learning. The Executive Vice President may restrict the time and location of any such distribution and require distributors to collect all discarded literature.

Without prior approval from the Associate Vice President of Learner Support Services, student organizations, clubs, community groups and commercial enterprises may not canvass or solicit students, staff or campus visitors. Such activities, if approved, will be restricted to those public areas specified by the Associate Vice President. For purposes of this policy, the public area is outside the entrance of White Auditorium.

Except as approved by the Executive Vice President, no person, group or organization may solicit students, staff or college visitors for the purpose of selling, promoting or distributing merchandise or service on campus.

PROHIBITIONS ON SMOKING

Policy

Smoking is prohibited on all NWACC campus and center locations. For more information on NWACC Policy and Procedures for [Prohibitions on Smoking](#).

Non-Compliance

Smoking on the NWACC campus and all center locations is a violation of Arkansas law and is subject to a fine of not less than one hundred dollars (\$100) and no more than five hundred dollars (\$500).

PROHIBITIONS ON SMOKELESS TOBACCO PRODUCTS

Policy

Use of smokeless tobacco products, including the use of electronic vaping devices, is prohibited on all NWACC campus and center locations. For more information on NWACC Policy and Procedures for Prohibitions on [Smokeless Tobacco Products](#).

Definitions

Electronic vaping devices are electronic inhalers meant to simulate and substitute for tobacco smoking, and include devices such as electronic cigarettes (e-cigarettes), personal vaporizers (PV), and electronic nicotine delivery system (ENDS).

Exceptions

This policy does not apply to nicotine patches, nicotine gum, or medical vaping devices.

INCLEMENT WEATHER OR EMERGENCY CLOSING AND CANCELTION POLICY

Closing the College administrative offices, canceling or rescheduling classes may be necessary from time to time due to inclement weather and/or response to emergencies at the College. The NWACC President or the President's designee shall make decisions on any closings, cancelations or rescheduling of classes.

Inclement Weather

The policy that follows immediately below applies to NWACC classes, offices and activities at the following locations:

- Bentonville Campus
- Brightwater
- Centers in Washington County
 - Washington County
 - NWACC at the Jones Center
 - The Farmington Center (postsecondary offerings)
- All other NWACC classes, offices and activities except for the Early College Experience (ECE) classes. (**See**

the separate policy on the following page that applies to the Early College Experience (ECE classes.)

Decisions to cancel classes and/or close the College will be announced to students, faculty, and staff no later than 5:30 a.m. for morning classes and no later than 2:00 p.m. for evening classes. Notification through the local media, NWACC social media outlets, LiveSafe Smartphone App, BC Alerts, NWACC email and the learning management system (Canvas), and on the [NWACC website](#). If necessary, due to impending inclement weather, decisions to close offices, cancel classes or change hours may be made at any time.

Unless announced otherwise, NWACC will be open at the regularly scheduled times.

This policy may differ from inclement weather policies of local public school districts because:

- NWACC does not bus students, as do the public schools;
- The College has evening classes, but the public schools normally do not;
- NWACC classes may be canceled, but the College administrative office may be open.

Due to the fact NWACC has some unique situations to consider; decisions to open and close the College have to be made based on the needs of the College district and cannot necessarily correspond with decisions of local public schools or other area entities.

Should NWACC have to close or delay opening one location (i.e., Bentonville or Washington County) because of weather, all locations will close or delay opening. Only designated essential NWACC personnel should report to work when the College is closed. No other employees should enter any buildings when the College is closed. Students and employees are encouraged to make decisions regarding reporting to class or to their respective workstations based upon their own individual set of circumstances.

The College values the safety of each individual and expects that people will take responsibility for safeguarding their own welfare.

Exceptions to Campus Closings

Early College Experience (ECE)

- Courses located at NWACC campuses will follow main campus closings.
- Courses located at area high schools will follow the high school closings and alerts.

Should weather conditions necessitate class cancellation, students and parents will be notified by announcements over local media in Northwest Arkansas. Each ECE may not be listed separately.

We expect and encourage students and their parents to use their own good judgment in making the decision about whether to drive or be transported on local roads during inclement weather. Therefore, ECE students will be given an excused absent if their home school has cancelled classes for inclement weather for the day and they decide it is unsafe for them to attend a class that has not been cancelled.

Main Campus Library

- The library will follow the NWACC campus closings except for Sunday hours. In the event that the library will need to close on a Sunday, the Vice President of Learning/CAO in conversation with the Director of the Library will make the decisions to close. The Director of the Library will post a notification two hours prior to the scheduled opening time on social media and alert the Executive Director of Planning, Effectiveness, & Public Relations or designee to post a Sunday closing on the College website.

Ozark Regional Transit (ORT)

- The Operations Manager of Ozark Regional Transit makes the final decision to run buses due to inclement weather. When the College campus is closed, the bus may continue to operate on limited routes. However, the bus will not cancel due to weather if the College remains open.

Class Continuation Plan

- NWACC reserves the right to enact a class continuation plan in the event of class cancellations due to weather or other emergency events. The instructor will maintain continuity using a learning management system or other alternate means as determined by the instructor. The student will be contacted via established communications channels with instructions. Students will be expected to continue with assignments. Online classes will continue to operate according to schedule. Consideration may be given for exceptional circumstances.

Main Campus Testing Center

- The Testing Center will follow College closing decisions and the Director of Testing will post on the Testing Center webpage closing notifications.

Dental Assisting Program/ALLPS

- The Dental Assisting Program located at ALLPS Center in Fayetteville will follow the Fayetteville Public School closings. The Director of the Dental Assisting Program will notify students through the Remind smartphone app.

Emergencies

The NWACC President may decide to close offices, cancel or alter the schedule of classes at any or all locations due to an emergency. If this decision is made media will be notified and college employees will be notified via local media outlets and the NWACC emergency text message notification system.

TECHNOLOGY ACCEPTABLE USE

Policy

NWACC users are prohibited from excessive use of the College network, computer systems, and servers including access to the use of the Internet, e-mail and other information resources during regular office hours for non-College business.

Use of Technology

- 1.1 Appropriate Uses of Technology include, but are not limited to:
 - 1.1.1 Academic uses such as class preparation, research, and accessing library resources, etc.
 - 1.1.2 Accessing the Internet/e-mail for NWACC related research and information gathering.
 - 1.1.3 Utility and application of software that accomplishes tasks and fulfills job task functions.
 - 1.1.4 Communication and collaboration between users and/or other appropriate entities.
 - 1.1.5 Access to the Internet for up-to-date information published by NWACC, other state agencies, and other information providers as necessary.
- 1.2. Inappropriate Uses of Technology include, but are not limited to:

- 1.2.1 Interfering with the security or operation of the computer systems.
- 1.2.2 Vandalizing equipment, software, or hardware.
- 1.2.3 Attempting to alter or gain access to unauthorized files or systems.
- 1.2.4 Violating the rights of the College and/or others by publishing or displaying or transmitting any information that is defamatory, obscene, known to be inaccurate or false, profane, or threatening.
- 1.2.5 The sharing of copyrighted material inappropriately using technologies such as peer-to-peer file sharing.

Privacy of Information

- 2.1 NWACC reserves the right to monitor and/or log all network activity with or without notice, including e-mail and all web site communications, and therefore, users should have no expectation of privacy in the use of these resources.
 - 2.1.1 The College will not monitor e-mail transmissions on a regular basis, though the construction, repair, operations and maintenance of electronic messaging systems may occasionally result in monitoring random transmitted or stored messages.
 - 2.1.2 Messages may be monitored during the course of investigations of illegal activity.
- 2.2 The College will not provide third parties with access to stored electronic messages without the written consent of the sender and recipient except in special circumstances, with the approval of the Director of Human Resources and appropriate Cabinet member, such as investigating illegal activity or misuse of the system, or resolving a technical problem.

Electronic Email

- 3.1 E-mail is considered network activity and as such is subject to all policies regarding acceptable/unacceptable uses of the Internet. The user should not consider e-mail to be either private or secure.
- 3.2 It is the responsibility of the employee to use email accounts in accordance with established guidelines and in such a way that does not interfere with their duties.
- 3.3 Specifically prohibited in the use of e-mail:
 - 3.3.1 Any activity covered by inappropriate use statements included in this policy.
 - 3.3.2 Sending/forwarding chain letters, virus, hoaxes, etc.
 - 3.3.3 Sending, forwarding or opening executable files (.exe) or other attachments unrelated to specific work activities.
 - 3.3.4 Use of abusive or profane language in message.
 - 3.3.5 Submitting any large, unnecessary mail attachments.
 - 3.3.5 Use that reflects non-professional image of NWACC.

Internet

- 4.1 Appropriate Use of Web Access includes but is not limited to:
 - 4.1.1 Access to and distribution of information that is in direct support of the business of NWACC.
 - 4.1.2 Communication of information related to professional development or to remain current on topics of

general interest to the College.

4.1.3 Announcement of new laws, rules, or regulations.

4.1.4 Encouraging collaborative projects and sharing of resources.

4.2 Inappropriate Use of Web Access includes, but is not limited to:

4.2.1 Viewing, downloading or sending pornographic or other materials generally considered as obscene.

4.2.2 Otherwise endangering productivity of NWACC.

4.2.3 Purposes, which violate a Federal or Arkansas law.

4.2.4 Dissemination or printing copyrighted materials (including articles and software) in violation of copyright laws.

Network Use and User Accounts

Appropriate network and user account guidelines include:

5.1 Users will only access those computer accounts which have been authorized for their use and must identify computing work with their own names or other approved accounts so that responsibility for the work can be determined and users can be contacted in unusual situations.

5.2 Accounts will be used for authorized purposes. This policy shall not prevent informal communication, but accounts will not be used for private consulting or personal gain.

5.3 Information Technology may review files and communications to maintain system integrity and ensure that users are using the system responsibly.

5.4 Users should not expect files and documents to always remain private.

Copyright

6.1 Copyright Infringement

6.1.1 In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority is prohibited and constitutes an infringement.

6.1.2 Copyright laws do not allow a person to store copies of a program on multiple machines, distribute copies to others via disks or Internet, or to alter the content of the software, unless permission has been granted under the license agreement.

6.1.3 Users may download copyrighted material, but its use must be strictly within the agreement as posted by the author or current copyright law.

6.1.4 Unauthorized use of copyrighted materials or another person's original writing is considered copyright infringement.

6.1.5 Any user that copies and distributes software in any form for any purpose should do so only on the authority of the user's immediate supervisor.

6.1.6 Each user is responsible for observing all local, state, federal laws, especially in regard to copyright laws.

6.1.7 The College will not be responsible for the cost of any legal action taken against any user that violates such laws regardless of the situation or the intent or purpose of the user.

6.1.8 All users of software owned by NWACC or the state must abide by the limitations included in the

copyright and license agreements entered into with software providers.

6.2 Software Availability

NWACC users must honor copyright laws regarding protected commercial software used at the College.

Justification

1. NorthWest Arkansas Community College provides its faculty, staff, students and guests (“users”) with technology resources and a local area network with access to the Internet and e- mail for specific purposes. Each user is expected to use accounts and resources for these purposes, which include:
 - 1.1. Enhancing the programs and services provided by NWACC.
 - 1.2. Conducting NWACC business.
 - 1.3. Supporting NWACC projects.
 - 1.4. Communication, research, collaboration, and other tasks required to fulfill NWACC-related obligations.
2. E-mail is provided to support open communication and the exchange of information between NWACC and other users. This communication allows for the collaboration of ideas and the sharing of information. E-mail is a necessary component of teamwork at NWACC.
3. NWACC provides utility and application software that enhances the efficiency and productivity of its users.
4. Use of the state’s Internet connection and E-mail resources is a privilege and it is expected that all faculty and staff abide by acceptable user guidelines.

Definitions

Copyright Infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute a copyrighted work. **References Relied Upon:** Governor’s Policy Directive GPD-5, 1997 clearly states that...” Use of any State-owned equipment and supplies shall be restricted to official state use only. Unauthorized personal use of equipment or supplies may be grounds for dismissal.”

Responsibilities

Technology users are responsible for appropriate access and use of the Internet that does not interfere with their job duties or negatively impact the professional image of the College.

Non-Compliance

1. The NWACC users are responsible for complying with this policy. Penalties for non-compliance include, but are not limited to:
 - 1.1. Sanctions determined through student conduct disciplinary proceedings.
 - 1.2. Suspension or usage restrictions of Internet service and e-mail/messaging services.
 - 1.3. Internal disciplinary measures, including discharge.
 - 1.4. Initiation of criminal or civil action, if appropriate.
2. Copyright Infringement Penalties

- 2.1. Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for copyright infringement may be ordered to pay either actual damages or “statutory” damages affixed at no less than \$750 and not more than \$30,000 per work infringed. For “willful” infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys’ fees. For details, see Title 17, United States Code, Sections 504,505.
- 2.2 Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines up to \$250,000 per offense. For more information, please see the website of the U.S. Copyright Office at www.copyright.gov, especially their FAQ’s at www.copyright.gov/help/faq.

Exceptions

Limited personal use of NWACC technology resources is allowed during breaks and lunchtime, or to address critical personal matters.

Procedures

E-mail Storage

Staff should move important information from E-mail message files to shared folders and drives to ensure proper backup. Messages no longer needed must be periodically purged from personal storage areas. Technical support staff will monitor storage usage and advise when limits are reached and purging is required.

Email Quotas

What are email quotas?

An email quota is the amount of email (including attachments) that a user can store on the central email server. If your mailbox becomes full, and reaches quota maximum, no new mail can be stored in the account Inbox – new mail is returned to sender.

Why do I have an email quota?

Email quotas are needed to provide adequate storage resources for all NWACC students, faculty, and staff. They provide a systematic approach to combat storage consumption and misuse on NWACC email systems.

What are current quota limits?

Faculty/staff – 3 GB

Students – 1 GB

What can I do if I am reaching maximum quota?

Users reaching their maximum quota should take advantage of offline storage of email in personal folders. In addition, it is a good idea to download attachments to your local computer and remove them from your email inbox. Frequently, the size of attachments is the factor, which puts the mailbox over quota.

How do I know how much space is used?

Users are notified automatically via email when their usage exceeds 90% of their storage quota. A final notice is sent automatically when the account reaches 100% of the quota, after which no new mail will be received in the account Inbox until the amount stored is reduced or the limit is raised. Once your mailbox

has been migrated to Exchange 2010, you can view quotas by hovering over your name in OWA.

What can I do if my quota has reached maximum?

Contact the Faculty/Staff or Student Technology Help Desk for help archiving email or freeing up storage space. Requests for increases may be considered on an “as needed” basis, provided that the usage supports the mission of the College.

Use and User Accounts

Users are encouraged to maximize the use of the technologies covered under the user policy to reduce the cost of postage, letters, reports, etc.

Updates to the Student Handbook may have been made since the printing of this catalog. You may refer to the NorthWest Arkansas Community College website for the most up to date version of the Student Handbook.