

## **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.**
    - \* For more information on the official NorthWest Arkansas Community College Policy and Procedures for Sex Discrimination, Sexual Harassment, and Sexual Misconduct, click on this [link](#).
- 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 link 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, which can be found at this [link](#).

## **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.