



# Student Handbook

## Table of Contents

Student/Faculty Rights and Responsibilities .....	3
Definition of a Credit Student.....	4
Statement of Non-Discrimination.....	4
Concealed Carry on Campus .....	4
Student Conduct Policies and Procedures .....	5
Due Process and Student Conduct Violations .....	10
Conduct Review Board.....	16
Academic Honesty.....	17
Plagiarism .....	18
Student Complaint and Grievance Policy Against a Staff Member .....	21
Academic Complaint and Grievance Procedure .....	23
NWACC 504/ADA Student Complaint and Grievance Policy.....	25
504/ADA Student Complaint and Grievance Procedures.....	28
Service Animals on Campus .....	36
Public Laws.....	40
Student Discipline Records.....	40
Non-Students, Children and Minors on Campus .....	40
Policy & Procedures for Sex Discrimination, Sexual Harassment and Sexual Misconduct .....	42
Substance Abuse.....	60
Bulletin Board Postings.....	60
Canvassing and Solicitation.....	61
Prohibitions on Smoking.....	61
Prohibitions on Smokeless Tobacco Products .....	62
Inclement Weather or Emergency Closing and Cancelation Policy.....	62
Technology Acceptable Use .....	64

## **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 are 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.-

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.

11. 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. Retaliatory Discrimination or Harassment. NWACC policy, in conjunction with state and federal law prohibit retaliation against an individual for reporting sexual harassment, 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 an allegation, serves as a witness, or participates in an investigation of sexual harassment.
  - c. 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 the [link](#).

13. 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.
14. Theft of or damage to any college property, including game room equipment, or the property of any member of the college community on campus.
15. Behavior that destroys, defaces, damages, or litters college-owned, and/or controlled property and/or personal property.
16. 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.).

17. Improper or indecent dress, including the failure to wear shoes and/or shirts in campus buildings or on college-owned or controlled property.
18. 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.
19. 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 on college owned or controlled property, including but not limited to electronic vaping devices.
22. Violation of Possession of Weapons on Campus/Concealed Carry Policy [link](#).
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 [link](#).
25. Violation of the college Technology Acceptable Use Policy [link](#).
26. Use of roller blades, skateboards, or roller skates 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 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 their 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; or
    - d.** 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 recording 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 Support and 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, club 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.

All reports must be filed within 45 business days of the event or action giving rise to the report. The Director of Student Support and 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 to the Office of Student Support and Conduct online Student Conduct Report site.

## ***Office of Student Support and Conduct***

The Office of Student Support and Conduct will provide assistance with the conduct resolution process for the Reporting Party and the Responding Party. The Director of Student Support and 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. The Director of Student Support and 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.
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 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 re-enrollment. 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 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 Support and 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 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 Support and 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 will 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 Student Support and Conduct Office and/or Dean of Students (DOS) Office and may include consultation, educational conversation, and/or a Disciplinary Warning.
- Sex or disability discrimination cases will be referred to the appropriate grievance procedures for processing.
- 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 Support and 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 Support and 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 Support and 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 Support and Conduct, or designee, will oversee the conduct resolution procedures to ensure that due process is followed.

### ***Investigation***

1. The Director of Student Support and Conduct, or designee, as the Chair of the Conduct Review Board will:
  - Identify the correct policies allegedly violated;
  - Prepare the notice of the charges on the basis of the initial investigation.
  - May confer with the Dean of Students on accommodations for the Reporting or Responding Party(s) or other necessary remedial short-term actions.
  - Assign 1-3 members of the Board to serve as the Investigative Team to conduct the investigation.
2. The Investigation Team will:
  - Be staffed with trained faculty/staff and/or administrators;

- 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;
  - 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.
3. 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.
  4. Following the investigation, the Chair of the Conduct Review Board will distribute a written Letter of Determination to the affected parties.

### ***Appeal***

The Reporting Party(s) or Responding Party(s) may request an appeal of the findings. An appeal may be submitted for the following reasons:

1. The Reporting Party and/or Responding party rejects the investigation findings in part or entirely.
2. A procedural or substantive error occurred that impacted the outcome of the conduct procedures (e.g. substantial bias, material deviation from established procedures, etc.).
3. New evidence which was unavailable during the original proceeding and which may impact the original finding or sanction becomes available.

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 Support and Conduct, or designee, within five (5) business days following receipt of the written Letter of Determination. The Director of Student Support and 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. During the appeal, the Conduct Review 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 Conduct Review Board members will determine if that information might have affected the outcome. The Conduct Review Board

members will provide a rational of their findings to the Director of Student Support and Conduct, or designee.

2. If the Conduct Review Board determines that the initial finding was appropriate, a policy or procedural error was not made, 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 Conduct Review Board finds information that might affect the outcome, The Director of Student Support and Conduct, or designee, will determine the appropriate action using the following guidelines:
  - a. If there is clear and indisputable 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 Support and 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.

### ***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, back packs, 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 in a locker (lock provided) for the duration of the meeting. Handguns may not be placed in the lockers.

### ***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.

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 Support and 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 for Student Support and Conduct to remove this hold.

### ***Time Periods***

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

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.

### ***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. A person who believes retaliation has occurred should notify the Office of Student Support and Conduct or the NWACC Human Resources Department.

### ***False Reports***

NWACC will not tolerate intentional false reporting of incidents. It is a violation of the *Code 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.

### ***Student Support Person***

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.

## **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. The grievance form is located at the following [link](#).

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 COMPLAINT AND GRIEVANCE PROCEDURE**

The purpose of the Academic Complaint and Grievance Procedure is to provide equitable and orderly processes to resolve complaints and grievances 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.

A complaint is defined as a difference or dispute between a student and a faculty member related to academic matters such as grades, assignments, attendance, or classroom procedures as they affect the student. (Violations of academic honesty are covered by a separate procedure.)

An unresolved complaint is raised to the level of a grievance when the student fills out and submits an Academic Grievance form. The Academic Grievance process must be initiated during the semester the alleged incident or issue occurred or the regular academic semester (Fall or Spring) that follows.

## ***Informal Resolution***

NWACC encourages students to resolve concerns that affect their academic experience as informally as possible. In some cases, students may discuss a concern with the instructor, program coordinator, department chairperson, or division dean. Often, such concerns can be resolved informally; however, if the student is not satisfied at this level, he or she should proceed with the Academic Complaint and Grievance Procedure outlined below.

Recognizing that both students and faculty have rights when differences arise regarding academic matters, Northwest Arkansas Community College sets forth the following complaint and grievance procedure.

### **First Step: Complaint Resolution**

As the first step, the student should directly contact the faculty 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 with or resolved with the faculty member alone, students should seek mediation by contacting the division dean's office and requesting the name of the appropriate coordinator or chairperson or, in exceptional circumstances at the dean's discretion, another appropriate mediator to hear the complaint.

### **Second Step: Department Level Mediation**

The student should contact the appropriate coordinator or chairperson within five (5) working days following the talk with the faculty member or contact with the Dean.

Within ten (10) working days of being contacted by the student, the coordinator, chairperson, or mediator will discuss the issue with the student and the faculty 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.

### **Third Step: Formal Grievance**

If the complaint is still unresolved, the student may obtain an Academic Grievance form from the division dean's office within 5 working days. The grievance form is located at following [link](#).

The Academic Grievance form must be completed and returned to the dean's office within five (5) working days of receiving the form.

The division dean will provide the faculty member with a copy of the student's grievance by the end of the working day following its receipt. The faculty member will then have five working days in which to submit to the dean's office the "Faculty Response to Grievance" section of the form.

Within ten (10) working days of receipt of the Academic Grievance form from the faculty member, the division dean 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 division dean will then contact the parties concerned to announce his/her decision. The dean 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 faculty member against whom the grievance has been lodged and to the appropriate coordinator or chairperson.

#### **Fourth Step: Grievance Hearing**

Either the student or the faculty member may appeal the dean's decision by making a written request for a hearing to the Vice President for Student Learning within five working days of receipt of the dean's written disposition of the grievance.

The Vice President for Student Learning may at his/her discretion either hear the appeal himself/herself or appoint an ad hoc hearing committee consisting of five impartial faculty members. The dean will promptly provide the Vice President's office with all relevant documents pertaining to the grievance. The Vice President for Student Learning or committee will meet with the grievant and grievee within ten working days of receipt of the written request for a hearing and will render a written decision to the grievant, the grievee, and the dean within ten working days of the conclusion of those meetings. The decision of the Vice President for Student Learning or the committee will be final. A copy of the grievance and the decision of the Vice President for Student Learning or the committee will be placed in the student's official file. If the faculty member is exonerated, no complaint or grievance 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 complaining party. The appropriate division dean 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 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 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.

## **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.

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**Disability Resource Center Director**

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

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**ADA Compliance Officer**

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Karen O'Donohoe  
ADA Compliance Officer  
Burns Hall 3017  
(479) 916-4321  
[kodonohoe@nwacc.edu](mailto:kodonohoe@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***

#### **A. 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.

#### **B. 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 on the DRC [webpage](#) 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 on the DRC web page 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 DRC website.

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 [webpage](#) 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](mailto: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 a 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.* **References Relied Upon:** Public Law 93-112, The Rehabilitation Act (as amended; specifically Section 504); Public Law 110-325, The Americans with Disabilities Amendments Act of 2008

### ***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***

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.

- d. Contact staff if arrangements are needed to assist with cleanup. Any cost incurred for doing so is the sole responsibility of the handler.
- 8. Service Animals may be ordered removed by NWACC Public Safety Officers as necessary to preserve the integrity of the campus environment. A non-exhaustive list of the possible reasons for removal follows; however, the decision to remove will be made by the Disability Resource Center Director or his/her designee on the basis of individual circumstances.**
- a. **Out of Control Animal:** A handler may be directed to remove an animal that is out of control and the handler does not take effective action to control it. If the improper animal behavior happens repeatedly, the handler may be prohibited from bringing the animal into any College facility until the handler can demonstrate that s/he has taken significant steps to mitigate the behavior.
  - b. **Non-housebroken Animal:** A handler may be directed to remove an animal that is not housebroken.
  - c. **Direct Threat:** A handler may be directed to remove an animal that NWACC determines to be a substantial and direct threat to the health and safety of individuals. This may occur as a result of a very ill animal, a substantial lack of cleanliness of the animal, or the presence of an animal in a sensitive area like a medical facility, certain laboratories or mechanical or industrial areas. In considering whether an animal poses a direct threat to the health or safety of others, NWACC will make an individualized assessment, based on reasonable judgment, current medical knowledge, or the best available objective evidence, to determine:
    - i. the nature, duration, and severity of the risk;
    - ii. the probability that the potential injury will actually occur;
    - iii. whether reasonable modifications of policies, practices, or procedures will mitigate the risk.
  - d. **Fundamental Alteration:** The animal may not be permitted if the presence of the animal poses a fundamental alteration to the nature of a program, service or activity. Determinations regarding fundamental alteration are made by the Disability Resource Center Director.
- 9. Public Etiquette towards Service Animals**
- It is permissible to ask someone if s/he would like assistance if there seems to be confusion; however, faculty, staff, students, visitors and members of the general public should follow the following practices:
- a. Allow service animals to accompany people with disabilities on campus.
  - b. Do not ask for details about a person's disabilities.
  - c. Do not pet a service animal, as it may distract it from its work.
  - d. Do not feed the service animal.
  - e. Do not deliberately startle, tease or taunt a service animal.
  - f. Do not separate or attempt to separate a handler from his/her service animal.
- 10. Faculty and staff should address all questions concerning the status of the service animal to the Disability**

## **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. **References Relied Upon:** Legal Reference: A.C.A.5-71-213

### ***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.

## **POLICY & PROCEDURES FOR 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, 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/3<sup>rd</sup> 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/3<sup>rd</sup> 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/3<sup>rd</sup> 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.

### ***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 Conduct Reporting Form, Advocate, which can be found on the Student Conduct website or at the following [link](#).

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

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 (effective August 2016):**

<b>Title IX Compliance Officer</b>	<b>Title IX Deputy (Student Issues)</b>	<b>Title IX Deputy (Employee Issues)</b>
Teresa Taylor (Williamson) Interim Exec Director for Policy, Risk Mgmt. and Compliance Center for Health Prof 3048 (479) 619-4188 <a href="mailto:Ttaylor19@nwacc.edu">Ttaylor19@nwacc.edu</a>	Dale Montgomery Dean of Students Student Center 225 J (479) 619-4234 <a href="mailto:dmontgom@nwacc.edu">dmontgom@nwacc.edu</a>	Beverly Hill Employee Relations Manager Burns Hall 1128 (479) 619-1128 <a href="mailto:Bhill3@nwacc.edu">Bhill3@nwacc.edu</a>
<b>Director of Student Conduct</b>	<b>Director of Human Resources</b>	<b>Dean of Washington Country Centers</b>
Danielle Schader Student Center 225 I (479) 619-4315 <a href="mailto:dschader@nwacc.edu">dschader@nwacc.edu</a>	Wendi Cadle Burns Hall 1128 (479) 619-3149 <a href="mailto:wcadle@nwacc.edu">wcadle@nwacc.edu</a>	Brenda Green NWACC Washington County Campus – Springdale (479) 725-4669 <a href="mailto:bgreen@nwacc.edu">bgreen@nwacc.edu</a>

The Title IX Team will meet to review the information presented and to determine the appropriate course of action. Possible solutions may include an informal administrative process, an educational conversation, educational sanctions and/or disciplinary actions, separating the parties involved (i.e. class changes, work changes, etc.), or other determined best practices.

If it is determined that a formal investigation is warranted, the appropriate deputy or designee will convene an investigation team and will assign 1-3 members of the Investigation and Hearing Board to conduct the investigation. The deputy will determine appropriate accommodations for the reporting party or other necessary remedial short-term actions. In any complaint, the appropriate deputy or designee will play a role in the investigation of the incident and in the enforcement of sanctions, if any. The Title IX Compliance Officer or his or her deputy will apprise the Vice President for the appropriate division of the grievance, or if the grievance is against the student, the Vice President of Student Services.

**Investigation**

1. The Investigative Team will:
  - Be staffed with trained faculty/staff and administrators;
  - Identify the policies allegedly violated;
  - Meet with the reporting party to finalize the grievance;
  - Prepare the notice of charges on the basis of initial investigation;
  - 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; and
  - Prepare a complete report on the investigation and its findings to present to the Deputy. The Title IX Deputy will:
    - 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 the findings in part, or may reject all findings;
    - Share the findings and the outcome with the reporting party.
2. If the findings indicate that the alleged discrimination or harassment has not occurred, the investigation should be closed. The reporting party who filed a complaint may request from the Title IX Deputy an extraordinary decision to refer the complaint to a hearing. A hearing will only be granted by the Deputy in exceptional circumstances.
3. Where the findings indicate that the alleged discrimination or harassment has occurred, and the responding party(ies) 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 Student Services in consultation with Deputy. If the complaint is against an NWACC employee, the Vice President for the appropriate division in consultation with the Human Resources Deputy and the Dean or Director of the appropriate division 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.
4. Following the investigation, the Deputy 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 investigation findings in part or entirely, the Deputy will convene a hearing to discuss the contested aspects of the formal complaint. Three members of the Investigation and Hearing pool will be selected for the Hearing Board. At the hearing, the findings of the investigation will be admitted and the Investigation Team may give evidence. However, the Hearing Board is not bound by the finding(s) of the Investigation Team. The hearing will determine whether it is more likely than not that a violation of policies has occurred. The goal of the hearing is to provide an equitable resolution via an equitable process, respecting the civil and legal rights of all participants.

### ***Prior to the Hearing***

The Title IX Deputy or designee will select the hearing board members and provide the investigation report to them for their preparation.

No later than five (5) business days before the hearing,

- The Deputy will notify the reporting party and the responding party of the date, time and place of the hearing and the time that each party should appear;
- The reporting party will notify the deputy if he/she will be accompanied by an attorney or other advocate; and
- The responding party will notify the deputy if he/she will be accompanied by an attorney or other advocate.

No later than three (3) business days prior to the hearing,

- The hearing board members will study the investigation report and determine what witnesses they wish to interview;
- The reporting party and the responding party will have the opportunity to study the investigation report;
- The reporting party and the responding party will provide the Deputy with the names and contact information of any witnesses they wish to have the hearing board interview;
- The Title IX Deputy or designee will notify the witnesses that the board wishes to interview them at the date and time designated;
- The parties will be informed of the names of the witnesses to be called, unless there is a compelling safety reason for nondisclosure;
- The reporting party and the responding party will provide any documents they wish to make available to the hearing board and;
- The reporting party and the responding party may submit questions to the deputy that they would like for the hearing board to ask. Please note that the hearing board is

- under no obligation to ask those questions during the hearing if they are deemed by the board to be inappropriate or irrelevant.

No later than two (2) business days prior to the hearing, any participant in the hearing who requires special accommodations should notify the Deputy or designee.

### ***At the Hearing***

The Title IX Deputy or designee will chair the hearing and oversee the proceedings. The hearing may be recorded so that the proceedings may be reviewed in the event of an appeal.

The following parties may ask questions that are relevant to the complaint:

- The Title IX deputy or designee; and
- The hearing 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.

Both the reporting party and the responding party will be given the opportunity to make a brief and relevant impact statement.

Witnesses will not be present during the testimony of any party or other witness. If a witness is unable to appear, a 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.

1. The hearing board may recall the reporting party, the responding party, or witnesses if clarification is needed.
2. Following the hearing, the hearing board will go into closed session to deliberate and will notify the Deputy or designee in writing of the finding.
3. If the Hearing Board determines a violation has occurred, it will recommend that sanctions for the violation be imposed. The Vice President for the appropriate division of the complaint, or if the complaint is against a student, the Vice President of Student Services, will impose appropriate sanctions for the violation, after consultation with the Dean or Director of the appropriate division and the Deputy. NWACC will act to end the discrimination or harassment, prevent its recurrence, and remedy its effects on the person who filed the complaint and on the NWACC community. If the Hearing Board determines that no violation has occurred, the case will be closed.
4. Within ten (10) business days, the Title IX Deputy or designee will notify both parties in writing of the determination by the hearing board by sending a second Letter of Determination to them.

## **Appeals**

### ***a. Appeals Following an Investigation***

In cases where the responding party(ies) accepted 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 Deputy within five (5) business days following receipt of the written Letter of Determination as previously defined.

**b. Appeals Following a Hearing**

After the hearing, either the reporting party(ies) or responding party(ies) 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 submitted to the Title IX Deputy for special consideration in exigent circumstances, but the presumptive stance of the institution is that the sanctions will stand. In the event that the reporting party or responding party rejects the findings in part or in their entirety, he/she may seek an appeal by contacting the Title IX Deputy within five (5) business days following receipt of the written Letter of Determination.

**Appeal Procedures**

Any party who files an appeal must do so in writing to the Title IX Deputy. Acceptable means of notification include email, facsimile, hand delivered notification, or postal delivery. The Title IX Deputy will share the appeal with the Title IX team, who will accept or deny the appeal based on the evidence provided (see criteria below).

If the appeal is accepted, it will be shared with other concerned parties. The original finding and sanction will stand if the appeal is not timely or substantively eligible, and the decision is final.

Because the original finding and sanction are presumed to have been decided reasonably and appropriately, the party requesting an appeal must show error. 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 found which was unavailable during the original hearing or investigation that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
3. The sanctions imposed are substantially disproportionate to the severity of the violation.

If the Title IX team determines that a material procedural or substantive error occurred, the Deputy may return the grievance to the Investigation and Hearing Board with instructions to reconvene to correct the error. 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 Deputy may, upon advice from the Title IX team, order a new investigation and/or hearing on the complaint with new members from the Investigation and Hearing Board. The results of a reconvened hearing cannot be appealed. The results of a new hearing can be appealed, once, on the three applicable grounds for appeals.

If the Title IX team determines that new evidence should be considered, he or she will return the grievance to

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

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.

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;
- The appeal will be returned to the original hearing body unless bias has been determined;
- Appeals are not intended to be full rehearings 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 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 seven (7) business days, or as soon as possible thereafter from hearing of the appeal.

### ***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 Compliance Officer 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 files a complaint of discrimination, participates in an investigation, or opposes a discriminatory employment or educational 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 Compliance Officer 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.

### **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.

### **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.

## **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 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 hearing 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 hearing itself, though they may communicate with the Reporting Party as necessary. The college should be notified five (5) business days in advance of the hearing if an advisor or advocate will accompany the Reporting Party.
- The right not to be discouraged by college officials from reporting 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 hearing involving



sexual assault, usually within five (5) business days of the end of the conduct hearing;

- 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 hearing;
- 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 hearing, 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 body be removed on the basis of demonstrated bias;
- The right to give testimony in a campus hearing 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 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 complaint;
- The right to a fundamentally fair hearing, 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 THE RIGHTS OF RESPONDING PARTY/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 hearing 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 hearing itself, though they may communicate with the Responding Party as necessary. The college should be notified five (5) business days in advance of the hearing 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 hearing involving sexual assault, usually within five (5) business days of the end of the conduct hearing;
- 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 hearing;
- 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 hearing, 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 body 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 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 complaint.
- The right to a hearing on the complaint, including timely notice of the hearing date, and adequate time for preparation;
- The right to a fundamentally fair hearing, 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***

Please refer to the online directory of [Campus and Community Resources](#).

## **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. **References Relied Upon:** 2010 Arkansas Code § 6-60-804

### ***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.

### ***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). **References Relied Upon:** Act 847 of 205, an act to prohibit the use of E-cigarettes on each campus of state-supported institutions of higher education; and for other purposes.

### ***Exceptions***

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

## **INCLEMENT WEATHER OR EMERGENCY CLOSING AND CANCELATION 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. Decisions on any closings, cancellations or rescheduling shall be made by the NWACC President or the President's designee.

### ***Inclement Weather***

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

- Bentonville Campus
- College at the Crossing
- Adult Education Center
- Washington County Center
- Fayetteville Corporate Learning
- Regional Technology Center
- The Jones Trust Center
- The Center for Nonprofits at St. Mary's
- 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.**)

Announcements of decisions to close and/or open and/or change class or office hours will normally be made at

approximately **5:30 a.m.** for daytime activities and **2:00 p.m.** for evening activities through the local media and on the Student Information Line (479-619-4377), the Staff Information Line (479-619-4343), and on the College home page at [www.nwacc.edu](http://www.nwacc.edu). The announcement will also be sent to students and employees who have signed up for the NWACC emergency text message notification system and by email to students and employees. 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 that 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 WCC) 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.

**ECE Career and Technical Inclement Weather Policy 2016 - 2017**

The decision to cancel any ECE Career and Technical class for inclement weather will correspond to the closing of the facility identified for each ECE Career and Technical class site location listed below.

ECE Career & Technical Class Site Location	Corresponding Facility
CNA/PCA+ @ Center for Health Professions	NWACC
Criminal Justice @ Jones Center	NWACC
Criminal Justice @ Center for Health Professions	NWACC
Dental Assisting @ Center for Health Professions	NWACC
Dental Assisting @ ALLPS	Fayetteville Public Schools

Should weather conditions necessitate class cancellation, students and parents will be notified by announcements over area television and radio stations located in NWA. Each ECE Career and Technical site 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, the ECE Career and Technical 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.

### ***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](http://www.copyright.gov), especially their FAQ’s at [www.copyright.gov/help/faq](http://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.