

AP 134a - CAMPUS CONDUCT

Associated Board Policy: 134.00 Campus Conduct

Procedure Owner: Vice President of Finance & Administration

Related Procedures: none

I. Procedure Scope and Purpose

This procedure addresses College community member's conduct that is expected on College property or at College-sponsored events. Members of the college community at Cowley are expected to conduct themselves as responsible individuals at all times on College owned or operated property, while participating in any course, activity, or event, and while representing the College either on or off campus. Acts of incivility or other behavior which interferes with or detracts from the general operation of the College or the learning centered environment, or creates potential safety risks are not acceptable. This procedure applies to all college departments, faculty, staff, students and/or non-College persons.

II. Definitions

Abuse: Abuse is to use wrongly or improperly; to treat another person in a harmful way, injurious, or offensive way; to speak insultingly, harshly, and unjustly to or about another; or to commit a sexual assault upon another.

Altering: Alter means to change, modify, or make different in some respect the size, style, appearance, operation, or the like, especially in an attempt to be deceitful.

Assault: An assault is an unlawful intentional or reckless act that causes another person fear or injury or provides another one with the expectation of being subjected to immediate and unlawful violence.

Campus Disturbance: A campus disturbance is any act of disturbing, interrupting, intrusion, unruly outburst, or tumult of the general operation of the College and/or at any College-sponsored event.

Coercion: Coercion is the use of force or intimidation to obtain compliance.

College Grounds: College grounds are property owned, maintained and/or operated by the College. This includes interior or exterior of any and all buildings and/or structures, sporting facilities, parking lots, streets, sidewalks, and thoroughfares.

College-Sponsored Events: College-sponsored activities or programs include all activities funded or organized in any way through the College or College-recognized club/activity.

Consent: Consent is informed, freely given and mutually understood requiring an affirmation act or statement by each participant. If coercion, intimidation, threats and/or physical force are used,

there is no consent. If a person is mentally or physically incapacitated or impaired so that the person cannot understand the fact, nature, or extent of the situation, there is no consent. Whether one has taken advantage of a position of influence over another may also be a factor in determining consent.

Corrosive, Flammable, or Explosive Materials: Corrosive, Flammable, or Explosive include but are not limited to fireworks, homemade explosives or components to manufacture such, acid, gasoline, kerosene, oil, ammunition, gun powder, blasting caps, flares, lighter fluid, automotive batteries, etc. Items will be confiscated and destroyed immediately.

Discrimination: Discrimination is an act or an instance of making distinction; treatment or consideration of, or making a distinction in favor of or against, a person or thing based on the group, class, or category to which that person or thing belongs rather than on individual merit.

Disruption: A campus disturbance is any act of disturbing, interrupting, intrusion, unruly outburst, or tumult of the general operation of the College and/or at any College-sponsored event.

Duplication: duplication is an act or instance of duplicating any unauthorized material or resource unless explicit and authorized permission to do so has been granted prior to.

Falsification: Falsification is to make or provide false, misleading, or inaccurate reports, statements, or identification, or to alter identification or evidence, especially as to deceive.

Gambling: Gambling is an activity, practice, or event where money or anything of value is at stake or risk, based on the outcome involving chance and when a wager or risk is required to participate; or in any matter or thing involving risk, reckless actions, or hazardous uncertainty.

Harassment: Harassment is an act or an instance of disturbing, pestering, or troubling repeatedly.

Hazing: Hazing is subjecting another person to abusive or humiliating acts or tasks or subjecting another to harassment or ridicule.

Illegal Drugs: Illegal drugs are any substance intended to affect the human body and which are never allowed to be possessed, manufactured, distributed, sold, consumed, or dispensed according to the local, State, or Federal laws. Effects may be intoxication, impairment, or altering a person's mental, emotional, or physical condition. Illegal drugs include but are not limited to: ecstasy, cocaine, amphetamines, rohypnol, steroids, heroin, PCP, marijuana, hallucinogens or any other psychoactive drugs, stimulants, depressants, downers, anti-psychotics. This includes minor in possession or consumption of alcohol and/or tobacco.

Indecent: Indecent is any action or behavior which is offending against generally accepted standards of propriety, decency, or good taste, especially in sexual matters. Any action or behavior which is improper, vulgar, distasteful, immodest, indecorous, indelicate, outrageous, rude, gross, obscene, filthy, or lewd shall be deemed as indecent.

Intimidation: Intimidation is to force, discourage, restrain, or deter another into or away from some action by inducing fear through threats or blackmail.

Lewd: Lewd actions are inclined to, characterized by or intended to excite crude sexual desire, sexual interest, or expressive of lust or lechery. Actions may be lustful, obscene or indecent, verbal or non-verbal, including but not limited to: books, magazines, songs, languages, gestures, etc.

Manipulation: Manipulation means to negotiate, control, or influence something or someone deviously.

Paraphernalia: Paraphernalia is equipment, personal belongings, an apparatus, or furnishing used in or necessary for a particular activity, typically items pertaining to alcohol, illegal drugs, or unauthorized controlled substances.

Refuse: Refuse is anything that is discarded, useless, rubbish, trash, or garbage.

Sexual Harassment: Sexual Harassment is unwelcome sexual advances, especially when compliance is made as a condition of social status, continued services or employment, advancement or under power of authority.

Sexual Misconduct: Sexual misconduct is the commission of an unwanted sexual act, whether by an acquaintance or anyone else, that occurs without indication of consent.

Tampering: Tampering is to make changes in something resulting in an alteration, damaging, misuse, or falsification.

Theft: Theft is the dishonest or wrongful taking or removing the property or personal goods of another with the intention of depriving the owner of its possession or with the intention of converting the property or personal goods for another's own use; larceny.

Threat: A threat is a declaration of an intention or determination to inflict punishment, injury, ect., in retaliation for, or conditionally upon, some action or course.

Trespassing: Trespassing is an intrusion upon property, privacy, or preserve of another or the College with no right or permission. This includes assuming possession of others' property, crowding onto the rights of others, or any unlawful act committed with force or violence, actual or implied which causes injury to any person or damage to property.

Unauthorized Controlled Substances: Unauthorized controlled substances are any substances which typically require a prescription from a doctor which are being possessed, consumed, distributed, sold, dispensed, or manufactured without such a prescription. This shall also medications, substances, products, or chemicals which may be bought legally but are being used differently or in a manner not listed, recognized, or as prescribed within the directions.

Unlawful Manufacture: Unlawful manufacture is the creation or production by hand or machinery which is unlawful in either the production or possession of the raw materials or the final product.

Weapon: A weapon is any instrument, device, or substance designed to inflict a wound, cause injury or incapacitate, or create a reasonable fear of harm. This includes but is not limited to: firearms of any kind, bows, slingshots, nun chicks, simunition weapons, BB/pellet guns of any kind, compressed air cartridges, knives exceeding Federal, State, or local limitations, ammunitions, items that resemble weapons. Items will be confiscated immediately. Persons who have hunting/sporting

items, which fall under the definition of weapons, shall contact Campus Security and Public Safety in order to secure their items safely on campus.

III. Procedure

- a. Whenever the College acquires information of unacceptable behavior or an equivalent action, involving the participation on college property or at college-sponsored events, is occurring, has occurred, or is to occur in the foreseeable future, regardless of whether such information is based upon fact or rumor, the College shall immediately alert the Campus Security and Public Safety Department to such information.
- b. Campus Security and Public Safety personnel will make every reasonable effort to determine if the information is correct. Upon ascertaining that such a situation is occurring, has occurred, or is to occur, Campus Security and Public Safety personnel will act to maintain a peaceful assembly if the incident is occurring or seek to identify the person(s) involved for the purpose of discussing solutions or alternatives that will prevent the incident.
- c. In the event that the discussions to avert the occurrence prove futile and such prohibited behaviors or actions are shown, the person(s) involved will be subject to appropriate disciplinary actions, including but not limited to: warning, monetary fine, evaluation/counseling, probations, compensation, community service, dining hall and/or dormitory suspension, suspension, removal from event or property, banning from use of college facilities or events, emergency suspension, expulsion, notification to parents/guardians, notification to local law enforcement. The location, severity and history of previous unacceptable behaviors or actions shall be considered for appropriate disciplinary sanctions and actions. Suspension of pay for participating staff and faculty members will be imposed and remain in effect unless and until lifted by the President of the College.
- d. If the situation continues or escalates after a notice to disperse or comply has been issued, all participants will be considered as suspended on the grounds of trespassing and shall be subject to action as may be dealt with outside trespassers. Incidents with severe significance shall not require notice prior to appropriate action being taken to end the incident.
- e. Persons may be found responsible for more than one violation as a result of an incident; in these situations, sanctions from all violations may be applicable and/or compound any sanction imposed.
- f. Parental notification shall be made in instances where a violation could lead to notification to law enforcement, suspension or expulsion from the College, including all alcohol and drug violations, or in instances where a person is a threat to themselves or other members of the campus community.
- g. Campus Security and Public Safety personnel have the authority to summon assistance from local emergency responders and are responsible for determining when to make such an issuance. Local emergency responders shall be summoned immediately when a situation personal injury or violates criminal code for local, State, or Federal law.
- h. In the absence of the Campus Security and Public Safety personnel, or to assist Campus Security and Public Safety personnel upon their request, or as needed, any other staff or faculty member shall have full authority to maintain peace or order.
- i. All participants shall be responsible for property damages and physical injury, and shall be subject to College, civil and/or criminal action as the situation dictates.
- j. Participants who are suspended, whether students, staff or faculty, shall be granted a timely hearing before an Appeals Committee following an appropriate notice of such hearing. The

President of the College shall, after the conclusion of any unusual situation, designate the membership of this committee which shall consist of staff or faculty, or both and students.

- k. Complete minutes of each hearing shall be recorded. Appellants shall be permitted access to legal counsel at their own expense, and counsel shall have the right to accompany clients at their hearings. The committee shall also be entitled to have legal counsel present at all hearings. Appeals, if any, to the committee's rulings shall be made to the President of the College.
- l. The President of the College shall reserve the right to withhold or to release the names of those suspended persons whose appeals have been denied.
 - i. Behavior that violates College standards of conduct listed here and elsewhere will be subject to disciplinary action through the appropriate judicial process. If it is determined that a group or individual is responsible for a violation, appropriate action will be taken with respect to the group or individuals involved.
- m. Prohibited actions include, but are not limited to:
 - i. Physical or verbal abuse, threats, intimidation, harassment, retaliation, coercion and/or other conduct that recklessly or intentionally threatens or endangers the mental or physical health and safety of any person.
 - ii. Harassment, discrimination, sexual harassment, sexual assault, or any form of sexual misconduct. Any such occurrence will not be tolerated and will be investigated immediately. All sexual misconduct or sexual assault allegations will be reported to local law enforcement officials.
 - iii. Theft of property or services; willful possession of stolen property; tampering, manipulating, or altering any property of another or the College; defacing College, personal, or public property; relocating another's property without consent.
 - iv. Failure to follow emergency protocols or procedures as defined in the College's Crisis Management Plan, Student Life and/or Housing Handbooks.
 - v. Damaging the property of the College or another, intentionally, recklessly or otherwise.
 - vi. Littering, dumping, or otherwise disposing of any refuse on College property, except in duly designated refuse depositories.
 - vii. Conduct, actions or behaviors, that is disruptive on College owned or operated grounds or at College-sponsored events.
 - viii. Utilizing electronic communication device, including but not limited to cellular phones, pagers, tablets or other electronic devices to causes a disruption, violate another's right to privacy, or for any purpose or any form of misconduct, dishonesty or illegal activity.
 - ix. Conduct that is lewd or indecent.
 - x. Violations of College policy for consumption, unlawful manufacture, distribution, sale, dispensing, or possession of alcohol or alcoholic containers, illegal drugs, unauthorized controlled substances or paraphernalia on College-owned property, College-operated, College-maintained, or College-utilized facility or at any College-sponsored event or activity, either on or off campus. This shall include all persons, whether staff, faculty, student, visitor, or any citizen whom are believed to be under the influence of alcohol, illegal drugs, and/or unauthorized controlled substances. Local law enforcement shall be notified when a violation of local, State, or Federal law has been committed.
 - xi. In addition, Emergency Medical Services (EMS) shall be notified when there is any concern for personal safety such as a student, employee, visitor, or citizen whom is

incoherent or incapable of caring for him/herself, has a known or is exhibiting symptoms of a medical condition. College employees are not capable or responsible of deciphering what type of chemical or combination of chemicals that may have been ingested, or able to monitor or test to ensure their well-being, or to provide treatment for significant medical concerns, therefore EMS shall be summoned.

- xii. Tobacco use in all forms, including but not limited to cigarettes, smokeless tobacco, hookahs, and electronic cigarettes are prohibited from use in any college facility or within 25 feet of any entrance to any College facility or any outside designated “smoke free” table.
 - xiii. Tampering with fire safety equipment or activating a false fire alarm.
 - xiv. Tampering with surveillance cameras, servers or software.
 - xv. Illegal or unauthorized possession or use of weapons or other items that resemble weapons or any facsimile thereof in violation of the College’s policy for weapons. Any weapons violation which violates local, State, or Federal law shall be reported to local law enforcement immediately.
 - xvi. Corrosive, flammable, explosive materials stored on campus. Exceptions are only when such materials are required as a requirement to perform authorized work or as appropriate and authorized for educational purposes and only when appropriate safeguards have been taken to prevent accidents per OSHA standards.
 - xvii. Gambling
 - xviii. Hazing
 - xix. Abuse of the Judicial or Appeals Process, including but not limited to harassment and/or intimidation of a member of a judicial/appeals body or any participant to, during and/or after a judicial/appeals proceeding; perjury or obstruction of an investigation; falsification, misrepresentation or distortion of information before a judicial/appeals body; failure to comply with the sanction(s) imposed through the judicial/appeals process.
 - xx. Falsification or misuse of any document, record, or instrument of identification.
 - xxi. Failure to comply with the request of or for interfering with the College or public officials acting in the performance of their duties; failure to identify oneself to a College or public official when requested to do so; knowingly furnishing false information to a College or public official.
 - xxii. Unauthorized possession, duplication, or use of keys to any College premises or at College-sponsored or supervised functions. This shall include any unauthorized misuse or access of College premises, whether a key is used to gain access or not.
 - xxiii. Computer abuse as defined in the College’s computer abuse policy.
 - xxiv. Violations of published College policies, procedures, rules, or regulations or any other violation of a Federal, State, or local law that has a negative impact on the College or members of the campus community.
- n. This procedure supplements but does not supplant other College policies or procedures governing conduct of staff, faculty or students.

IV. Effective Date(s)

This procedure first became effective April 11, 2023. This procedure was reviewed _____.

V. Signature and Title

Hally Harper

This procedure is implemented by:

Title: Vice President of Finance and Administration