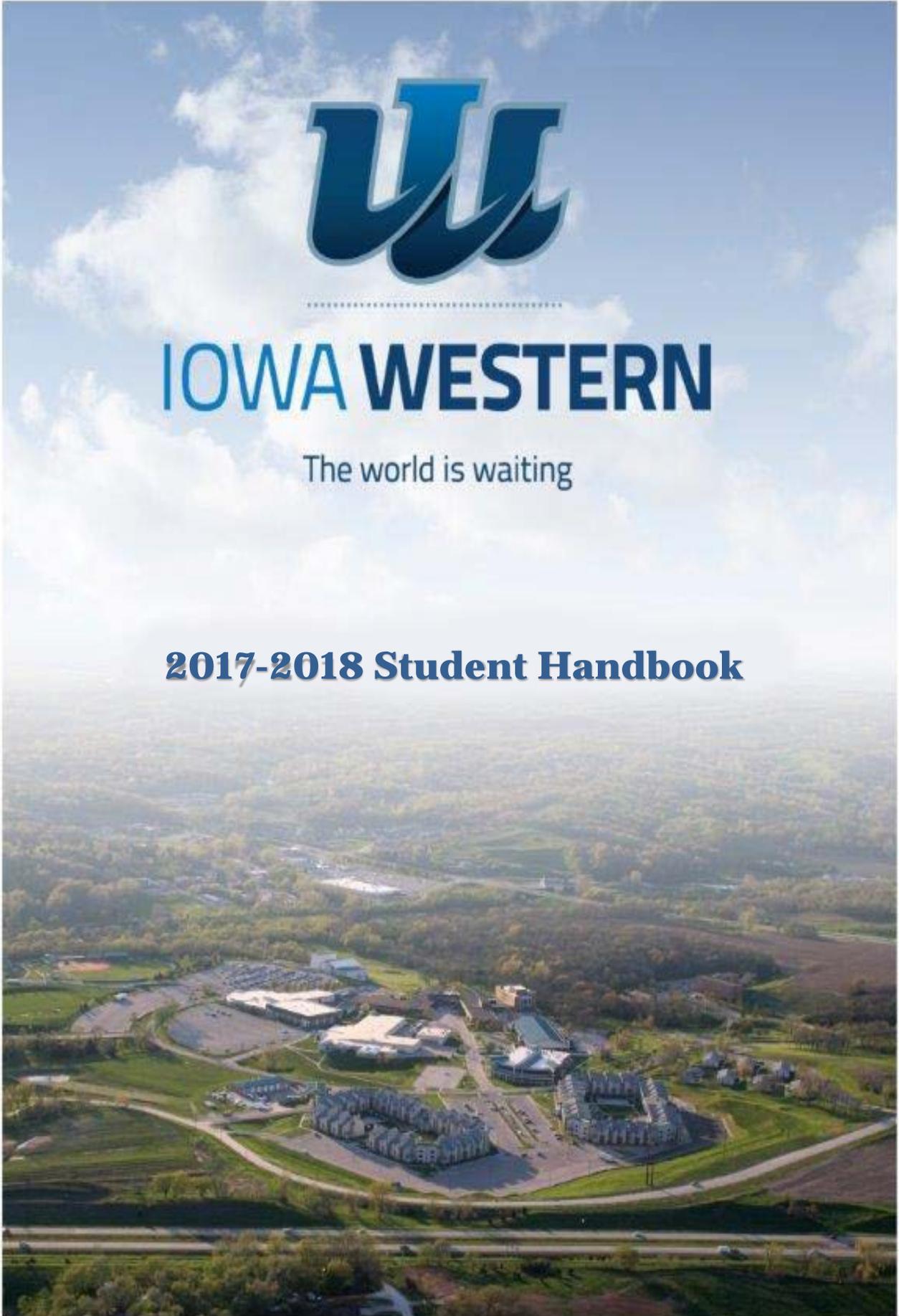




# IOWA WESTERN

The world is waiting

## **2017-2018 Student Handbook**



The information contained in this handbook is correct as of December 11, 2017, and is subject to cancellation or change without notice. This handbook cannot be considered as an agreement or contract between individual students and Iowa Western Community College, its faculty, staff, administrators, or directors.

### **EQUAL OPPORTUNITY AND NON-DISCRIMINATION**

It is the policy of Iowa Western Community College to provide equal educational opportunities and not to discriminate on the basis of race, color, creed, religion, national or ethnic origin, ancestry, genetic information, physical or mental disability, age, sex, sexual orientation, gender identity or expression, pregnancy, marital status, veteran status, AIDS/HIV status, citizenship, or medical condition, as those terms are defined under applicable laws, in its educational programs, activities, or employment practices, as required by Iowa Code sections 216.6 and 216.9, Titles VI and VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000d and 2000e), the Equal Pay Act of 1973 (29 U.S.C. § 206, et seq.), Title IX (Educational Amendments, 20 U.S.C. §§ 1681 – 1688), Section 504 (Rehabilitation Act of 1973, 29 U.S.C. § 794), and the Americans with Disabilities Act (42 U.S.C. § 12101, et seq.).

The following individuals have been designated to handle inquiries and complaints regarding equal opportunity and nondiscrimination:

### **EQUAL EMPLOYMENT OPPORTUNITY**

Kelly Fischer  
Director of Human Resources/Equal Opportunity Coordinator for Employees  
2700 College Road  
Council Bluffs, IA 51503  
(712) 325-3413  
kfischer@iwcc.edu

### **DISABILITY DISCRIMINATION**

Keri Zimmer  
Dean of Advising and Academic Support  
2700 College Road  
Council Bluffs, IA 51503  
(712) 325-6844  
[kzimmer@iwcc.edu](mailto:kzimmer@iwcc.edu)

### **TITLE IX and OTHER FORMS OF DISCRIMINATION**

Kim Henry  
Dean of Student Life and Student Success/Title IX and Equal Opportunity Coordinator for Students  
2700 College Road  
Council Bluffs, IA 51503  
(712) 325-3207  
khenry@iwcc.edu

Inquiries and complaints may also be directed to the Director of the Office for Civil Rights, U.S. Department of Education, Citigroup Center, 500 W. Madison, Suite 1475, Chicago, IL 60661, phone number 312-730-1560, fax 312-730-1576.

# Welcome

---

We are pleased you have selected Iowa Western Community College to begin your college education. We have a long-standing tradition of providing quality learning experiences throughout southwest Iowa, and we are dedicated to providing you with a valuable education. All of us at IWCC are committed to challenging our students to achieve their best in a caring, nurturing environment. We believe we are here to help you excel in meeting your higher education needs.

We encourage you to enhance your learning experience by utilizing the many services and participating in the activities offered by IWCC. You will find that participation outside the classroom provides opportunities for additional learning and for building support networks.

This student handbook is designed to answer most of your questions. However, if you have additional questions or need clarification on any subject pertaining to your enrollment at IWCC, please ask any staff member for assistance.

Iowa Western has many opportunities available to serve the diverse interest of our students, while small enough to care about your personal success.



Dr. Dan Kinney  
President

## Mission Statement

*Iowa Western Community College is a learning college committed to excellence in meeting educational needs and improving the quality of life through programs, and partnerships and community development*

# Table of Contents

---

Campus Safety and Security.....	4
Student Rights & Responsibilities.....	6
Student Code of Conduct, Discipline, and Appeals Procedure.....	16

# Campus Safety and Security

---

## **CAMPUS SECURITY AND LAW ENFORCEMENT**

The Council Bluffs campus of Iowa Western Community College contracts campus security with a private security firm and provides staff 24 hours a day, 7 days a week. Campus Security officers do not carry weapons or have arrest authority. IWCC security officers have the authority to ask for identification and to determine whether individuals have lawful business at IWCC. Security officers have the authority to issue traffic and parking tickets, which are billed to financial accounts of students, faculty, and staff. Campus Security can be reached at (402) 659-4939 and is text message enabled.

Off-duty Council Bluffs Police Officers are hired to work evening and early morning hours in Residence Life and The Galley and are contracted for other special campus events and activities. Council Bluffs Police Officers are in uniform, have jurisdiction on campus, carry weapons, and have arrest authority. IWCC maintains a highly professional working relationship with the Council Bluffs Police Department, Pottawattamie County Sheriff's Office, and all other local, state, and federal law enforcement agencies. All crime victims and witnesses are strongly encouraged to immediately report the crime to the appropriate Police agency.

## **MONITORING AND RECORDING ACTIVITY AT OFF-CAMPUS LOCATIONS**

All IWCC recognized activities that are off-campus will be monitored by college staff. A close working relationship exists with all local law enforcement agencies, which are responsive to any incident and share the information with IWCC.

## **GENERAL PROCEDURES FOR REPORTING A CRIME OR EMERGENCY**

All students and staff should report any incidence of crime to IWCC Safety and Security staff, as well as your appropriate on campus housing personnel. To report a crime: Contact Campus Security at (402) 659-4939 to report a non-emergency or call 911 for emergencies. The Campus Security cell phone (402) 659-4939 does have text messaging capability for students who need this feature to report a crime or emergency. You can dial 8000 from any campus phone and reach security as well. In addition, you may report a crime to the following areas:

<b>Council Bluffs Campus</b>	
Security Supervisor	(712) 325-3727, Fremont Hall Security Room
Coordinator of Student Conduct & Civility	(712) 325-3728, Ashley Hall 171
Director of Student Support & Outreach	(712) 329-4750, Ashley Hall 172
Director of Residence Life	(712) 325-3487, Reiver Suites II
Assistant Director of Residence Life	(712) 388-6849, Reiver Suites I
Residence Life Coordinator - Reiver Suites	(712) 256-6526, Reiver Suites I
Residence Life Coordinator – Reiver Suites II	(712) 325-3445, Reiver Suites II
Residence Life Coordinator - Reiver Tower	(712) 388-6862, Reiver Tower
Residence Life Coordinator – Reiver Village	(712) 388-3849, Reiver Tower

<b>All Other IWCC sites</b>	
Center Director	

### **COMMUNITY ASSISTANCE**

Several counties in Iowa are part of the Nebraska and Iowa 2-1-1 system. Any student living on campus as well as students in Pottawattamie, Harrison, Mills, Shelby, Cass, Montgomery, Fremont or Page counties can dial 2-1-1 and access a resource and referral specialist that can assist them in getting the help appropriate to their crisis or personal situation. 2-1-1 is in operation 24 hours a day, every day of the year. The system also provides translation service for those whose first language is not English. All calls are strictly confidential and can help in the case of any crisis situation in which you feel you need help or advice. 2-1-1 is also available online at the following web site: <http://www3.irissoft.com/uwml/>

**ULifeline** – <http://www.ULifeline.org>

Offers students a mental health screening tool, information about mental health issues geared toward you, and resources for learning more and getting help.

**CountyConnection.org** – <http://www.countyconnection.org>

Provides current, online information about human service and health resources available to the residents of Pottawattamie County.

### **Vocational Rehabilitation Services**

Students who have a physical, emotional, and or learning disability may be eligible for services through Iowa Vocational Rehabilitation. Services include medical and psychological assessment, counseling and guidance, testing, adaptive equipment or devices, occupational tools and equipment and job placement. Availability of financial aid is determined on a case by case basis.

### **TIMELY WARNINGS**

In the event that a situation arises that, in the judgment of campus administrators, constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued. The warning will be issued through the college e-mail and online system to students, faculty, and staff. Depending on the particular circumstances of the crime and especially in situations that could pose an immediate threat to the community or individuals, a notice may be sent via the college “Reiver Alert” system, placed on the campus-wide television monitor system, and notices may be posted in campus facilities.

### **CAMPUS EMERGENCIES**

In the case of an emergency requiring rescue response, please call 911. All campus emergencies should also be reported to Campus Security by calling (402) 659-4939 or 8000 from any campus phone. The Campus Security cell phone (402) 659-4939 does have text messaging capability for students who need this feature to report a crime or emergency. Reporting an emergency to campus security will ensure that emergency responders will be directed to the correct location when they arrive on campus. **Emergencies that occur in Residence Life should be reported to Residence Life staff by contacting the appropriate facility front desk:**

Reiver Suites I: (712) 388-7696  
Reiver Suites II: (712) 388-7695  
Reiver Tower and Reiver Village: (712) 325-3444

Students will be notified of emergencies like tornados or fire by campus-wide alarm sirens. Other emergencies affecting students may be communicated through campus television monitors or bulletin board postings, or through communication from faculty, staff, or Residence Life personnel.

### **EVACUATION PROCEDURES FOR STUDENTS WITH DISABILITIES**

In case of emergency situations we encourage students who might need assistance to identify and discuss, in advance, a plan of action with someone who might assist them in leaving the building and/or who will inform emergency personnel/campus security of their presence and where they are located so that further assistance can be provided.

All students with physical mobility limitations should prepare for an emergency ahead of time by instructing faculty and classmates on how to assist in an emergency. Instructors who have students in their classes who might have problems leaving the building during emergencies should discuss procedures ahead of time.

Hearing or visually impaired persons working alone in isolated areas such as study rooms and labs should notify nearby building staff of their location. For more information, email [DisabilityServices@iwcc.edu](mailto:DisabilityServices@iwcc.edu) or call (712) 325-3299.

### **ACCESS TO CAMPUS FACILITIES**

Access to campus buildings is limited to normal business hours. The Reiver Tower and Reiver Suites are locked 24 hours a day. Students who live in the Reiver Tower or Reiver Suites have an access card to gain entrance to the building 24 hours a day. All visitors and guests to student housing facilities must sign in at the front desk, must leave a valid picture ID, and must be with a resident or be met by a resident to gain entrance.

## **Student Rights and Responsibilities**

---

Iowa Western Community College offers each student the freedom to learn and the freedom to enjoy college life in an orderly and lawful manner. In return, Iowa Western Community College expects every student to assume the obligation and responsibilities that accompany those freedoms. By voluntary enrollment at Iowa Western Community College, students assume the obligation and responsibility of conducting themselves in accordance with the reasonable and lawful requirements of Iowa Western Community College and its educational functions and processes. Violations of these responsibilities may result in sanctions that can include expulsion from the institution. Students are guaranteed their constitutional right to due process in certain circumstances in which due process rights are triggered.

Iowa Western Community College does not discriminate against students by virtue of their race, color, creed, religion, national or ethnic origin, ancestry, genetic information, physical or mental disability, age, sex, sexual orientation, gender identity or expression, pregnancy, marital status, veteran status, AIDS/HIV status, citizenship, or medical condition, as those terms are defined under applicable laws

### **EQUAL OPPORTUNITY AND NON-DISCRIMINATION**

It is the policy of Iowa Western Community College to provide equal educational opportunities and not to discriminate on the basis of race, color, creed, religion, national or ethnic origin, ancestry, genetic information, physical or mental disability, age, sex, sexual orientation, gender identity or expression, pregnancy, marital status, veteran status, AIDS/HIV status, citizenship, or medical condition, as those terms are defined under applicable laws, in its educational programs, activities, or employment practices, as required by Iowa Code sections 216.6 and 216.9, Titles VI and VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000d and 2000e), the Equal Pay Act of 1973 (29 U.S.C. § 206, et seq.), Title IX (Educational Amendments, 20 U.S.C. §§ 1681 – 1688), Section 504 (Rehabilitation Act of 1973, 29 U.S.C. § 794), and the Americans with Disabilities Act (42 U.S.C. § 12101, et seq.).

Inquiries and complaints regarding equal opportunity and nondiscrimination policies should be directed to the Director of Human Resources/Equal Opportunity Coordinator for Employees; Dean of Student Life and Student Success/Title IX and Equal Opportunity Coordinator for Students; Dean of Advising and Academic Success/ADA Coordinator; or the Director of the Office for Civil Rights, U.S. Department of Education, Citigroup Center, 500 W. Madison, Suite 1475, Chicago, IL 60661, phone number 312-730-1560, fax 312-730-1576.

### **DUE PROCESS POLICY**

A grievance is defined as a statement expressing a complaint, resentment, or accusation lodged by a student and may be filed with the Vice President of Student Services, or designee. Be aware that any complaints that launch an investigation will have their outcome determined based off of the Preponderance of Evidence Rule, which indicates that the College personnel determining the outcome must be 51% positive that their decision is correct and justified. For more information contact the Dean of Student Life and Student Success, at (712) 325-3207.

### **DRUG AND ALCOHOL ABUSE EDUCATION PROGRAMS**

The purpose of this policy is to set forth the College's policy regarding alcohol and other drug use, including unlawful drug use or abuse in the workplace in accordance with the Drug Free Workplace Act of 1988 (Public Law 100-690) and Drug Free Schools and Communities Act Amendments of 1989 (Public Law 101-226). The College encourages and provides reasonable assistance to any student, faculty, or staff member who seeks information on chemical dependence or treatment for chemical dependency. The Student Support and Outreach Office, Ashley Hall, can provide information and prevention programs for those seeking help with substance abuse.

## **DRUG-FREE SCHOOLS AND COMMUNITIES**

Amendments to the Drug-Free Schools and Communities Act of 1989 require documentation of services and awareness for drug-free schools and communities. The College has filed a Drug Prevention Program Certification document with the U.S. Department of Education as required by Public Law 101-226. The College will comply with all requirements of this act. For more information, contact the Dean of Student Life and Student Success.

## **REGISTERED SEX OFFENDER INFORMATION**

Any student who wishes to know the names of enrolled students who may be on the Iowa Sex Offender's Registry should contact the county sheriff or refer to the Iowa Sex Offender Registry website at [www.iowasexoffender.com](http://www.iowasexoffender.com). The site does not provide a list of people on the Registry but does allow searches by name or address. Pursuant to Iowa Code 692A, sex offenders are prohibited from living within two thousand feet of a child care facility. IWCC operates a child care center of campus. Individuals who pose danger to themselves and/or other residents may not be eligible to live in on-campus housing. Registered Sex Offenders represent a clear and present danger and are not eligible for on-campus housing.

## **CLERY ACT COMPLIANCE STATEMENT**

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, Iowa Western Community College publishes its Annual Security and Fire Safety Report by October 1st of each year. The Dean of Student Life and Student Success will prepare and distribute this report which includes statistics for the previous three years concerning reported crimes that occurred on-campus; in certain off-campus buildings or property owned or controlled by IWCC; and on public property within or immediately adjacent to and accessible from the campus. The report also includes institutional policies concerning campus security, such as policies concerning alcohol and drug use, crime prevention, the reporting of crimes, sexual assault and other matters. A copy of this report can be obtained from the Dean of Student Life and Student Success or by accessing the report on ROC and the College's website at [www.iwcc.edu](http://www.iwcc.edu).

## **TITLE IX**

It is the policy of Iowa Western Community College to comply with Title IX of the Education Amendments of 1972, which prohibits discrimination (including sexual harassment and sexual violence) based on sex in the College's educational programs and activities. Title IX also prohibits retaliation for asserting or otherwise participating in claims of sex discrimination. Iowa Western Community College has designated a Title IX Coordinator, to coordinate IWCC's compliance with and response to inquiries concerning Title IX. For more information on Title IX and sex and gender-based discrimination, please refer to the Student Code of Conduct, Disciplinary and Appeal Procedures, Section D, *Sexual Misconduct Policies and Procedures*.

## **ACCOMMODATIONS STATEMENT**

The following statement will be included on all publicity of programs of the division, including, but not limited to, the following: orientation, workshops, and activities sponsored by Student Activities and Campus Life. "If you are a person with a disability and require an

accommodation, please contact the Coordinator Disability Services at (712) 325-3299 or [DisabilityServices@iwcc.edu](mailto:DisabilityServices@iwcc.edu) as soon as possible.”

### **CIVIL RIGHTS ACT**

The Iowa Western Community College (Merged Area XIII) filed assurance of compliance with Title VI of the Civil Rights Act of 1964 on September 9, 1966, and accepts all requirements imposed by or pursuant to the regulation. No person in the United States shall, on the ground of race, sex, color, creed or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity offered by the College. Iowa Western Community College adheres to the principle of equal education and employment opportunity without regard to race, color, creed, religion, national or ethnic origin, ancestry, genetic information, physical or mental disability, age, sex, sexual orientation, gender identity or expression, pregnancy, marital status, veteran status, AIDS/HIV status, citizenship, or medical condition, as those terms are defined under applicable laws.

### **AMERICANS WITH DISABILITIES ACT AND THE REHABILITATION ACT**

The Americans with Disabilities Act (ADA), Public Law 101-336, was enacted on July 26, 1990, to provide a clear and comprehensive mandate for the elimination of discrimination against individuals with disabilities. This federal legislation requires equal treatment of people with disabilities in employment, public services and transportation, public accommodations, and telecommunication services. Section 504 of the Rehabilitation Act of 1973, with virtually identical purposes, applies to any college or university that receives federal funds in any program.

Iowa Western Community College, a public entity as set forth in Title II of the ADA, is subject to the requirements of the Americans with Disabilities Act. Title II of the ADA prohibits discrimination against qualified individuals with disabilities with regard to the services, programs, and activities at Iowa Western Community College. Iowa Western Community College is also prohibited from discrimination against individuals with disabilities in its employment practices pursuant to Title I of the Americans with Disabilities Act. For more information, contact the Coordinator of Disability Services located in the Student Center 2<sup>nd</sup> Floor, or call (712) 325-3299.

### **TOBACCO POLICY**

Iowa Western Community College is committed to providing a safe and healthy environment for its employees, students and visitors. In light of the Iowa Legislature’s passage of The Smoke-Free Air Act (H.F. 2212) and findings of the U.S. Surgeon General that use of tobacco is a contributing factor to significant health hazards; it is the intent of the IWCC Board to establish a tobacco-free environment. Effective July 1, 2008, no consumption of tobacco is allowed on any College property, in any College facility, or at any College function. For the purpose of this policy, “tobacco” is defined to include any lit or unlit cigarette, cigar, pipe, bidi, clove cigarette, e-cigarette, other smoking products or any alternative smoking devices; and smokeless or spit tobacco, also known as dip, chew, snuff or snus, in any form.

- Tobacco is prohibited in any College owned or operated buildings and residences, including offices, hallways, and foyers.
- Tobacco is prohibited in vehicles owned or leased by the College.
- Tobacco is prohibited in the following campus locations:
  - Building entrances, operable windows, and fresh air intake.
  - Gathering areas such as patios, gardens, and courtyards designated as a non-smoking areas.
  - Outdoor events, activities, and assemblies.
  - Outdoor eating events.
  - Any vehicle located in any parking lot.

### **SEARCH AND SEIZURE POLICY FOR STUDENTS AND VISITORS**

Students and visitors (including their belongings) may be searched to protect the health and safety of fellow students and visitors, as well as ensuring the safety of the facilities on the campus of Iowa Western Community College.

A search of a student or visitor (the student or visitors' body and/or personal effects) will be justified when the college has reasonable suspicion that the search will produce evidence that the student or visitor has violated or is violating the law or college policy, rules, or regulations affecting the good order of the college.

Students and visitors are permitted to park on college premises as a matter of privilege, not of right. The college retains authority to conduct routine patrols of the parking lots which may include the use of a detection dog. The interior of a student or visitors automobile on the college's premises may be searched if a college official has reasonable and articulable suspicion to believe that illegal, unauthorized, or contraband items are contained inside.

### **COMMUNICATION POLICY**

The official means of communication at Iowa Western Community College is email to students' IWCC accounts. Students are expected to check their IWCC email account regularly to receive critical information concerning their courses, their financial aid status, and their academic progress, as well as other important communication from the college. Emails sent to students at their official IWCC email address will be considered delivered and read, and failure to remain current on official email does not excuse students from knowing the information contained in communications sent to their IWCC e-mail address.

### **ELECTRONIC RESOURCES ACCEPTABLE USE POLICY:**

The College's general policies and codes of conduct apply to the electronic environment just as they apply in all other College settings. This Acceptable Use Policy (AUP) supplements these existing standards by describing the special rights and responsibilities that attach to use of the College's Electronic Resources. Each individual who obtains a network account or uses the computers and network resources made available by IWCC, must understand that they are accountable for the policies set forth in this document. In addition, users assume responsibility for:

- Protection of his/her passwords
- Reporting any breach of system security
- Reporting unauthorized use of his/her accounts
- Changing his/her passwords on a regular basis
- Frequently making backup copies of your work to ensure against loss
- Clearly labeling works and opinions as his/her own before they are widely distributed

### **CHILDREN IN THE COLLEGE**

In order to ensure an environment conducive to learning and to provide maximum safety to people and property, it is the policy of this College to prohibit the inclusion of children in the workplace and in the classroom. Anyone under the age of 16 must have prior written approval from the appropriate Vice President prior to being permitted to attend classes or be in a work setting.

### **PERSONAL ELECTRONIC DEVICES**

To provide an environment conducive to learning, Iowa Western Community College requires that cellular phones, pagers, and other personal electronic devices be turned off or set to vibrate when entering classrooms, computer labs, library, offices, auditoriums, or arena areas. Photography, including photos and videos taken via cell phones and other devices, is not allowed in bathrooms, locker rooms, or other areas where there is a reasonable expectation of privacy.

Faculty members do have the right to prohibit the use of any electronic device in their classroom.

### **VIDEO SURVEILLANCE**

The College utilizes video surveillance systems to enhance the safety and security of students, employees, visitors, and property. The college will protect the reasonable expectation of privacy of the campus community, as defined by law, in its use of video surveillance systems. The primary use of video surveillance systems will be to record information that may be useful to college administrators in the event of a criminal act, property damage, or serious violation of campus policy. Video surveillance systems are not a guarantee of safety and security but are a tool to assist Campus Safety and Security, as well as college administrators, in their efforts to provide a safe and secure environment. Video surveillance also serves as a deterrent to property-related crime and provides real-time information during emergencies. The utilization of surveillance cameras is part of an integrated security approach that includes a number of strategies, including physical presence of security officers, access controls, and alarms.

### **MONITORING AND ACCESSING VIDEO SURVEILLANCE RECORDINGS**

Video surveillance shall be used exclusively for purposes of campus safety and asset protection. Real-time monitoring will be limited to situations where an emergency requires the use of the system to gather needed information, when a threat to campus security or property has been received by campus officials, or when Campus Safety and Security staff determines there is a need to scan campus property in lieu of vehicular or foot patrol. Maintaining confidentiality and securing the privacy of campus community members and visitors is foremost in our practice. Therefore, only a limited number of staff members have access and authority to access, monitor, view, and make copies of footage. Such authority will be granted to employees by Cabinet.

Recordings shall be viewed exclusively for the purpose of investigation of crime or serious campus policy violations and adjudication. Staff members must report all observed policy violations, misconduct, and potential criminal acts to Student Life and Student Success for investigation, adjudication, and inclusion in the Campus Crime Log. Video surveillance shall not be used to track any member of the campus community unless a threat to campus security has been received by college officials, or reasonable cause exists that a serious violation of campus policy or that a criminal act has been committed.

### **RELEASE OF VIDEO SURVEILLANCE RECORDINGS**

Only authorized staff members may access and monitor video surveillance; however, occasions may arise when circumstances demand that other staff members have a legitimate need to view recorded data. Such staff members will be permitted to view footage only with the prior approval of the Director of Safety and Security and a college vice president. Circumstances that may warrant a review of footage shall be limited to instances where an incident has been reported or observed, or for investigation of a potential crime. A request to review recorded footage must be submitted and approved in writing.

Requests from any college employee to obtain a copy of recorded data must be authorized by the Director of Campus Safety and Security and a college vice president. All external requests for the release of recorded data must also be submitted to the Director of Campus Safety and Security for approval prior to release. Recorded data may be released when it is related to a criminal investigation, civil suit, subpoena or court order, arrest, or to disciplinary proceedings against a student or personnel actions against an employee.

### **SECURITY AND RETENTION OF VIDEO SURVEILLANCE RECORDINGS**

Video recordings will be stored and transported in a manner that provides security. All recordings shall be kept in a secure location. Recordings not related to or used for investigative purposes shall be kept confidential and destroyed regularly in accordance with prevailing records retention law. All recordings used for an investigation or prosecution will be retained until the end of the proceeding and appeal period unless directed otherwise by the civil court or senior campus administrator.

### **GRIEVANCE PROCESS FOR STUDENTS**

#### **Academic Grievance**

An academic grievance is defined as a written statement, signed by the student, expressing a complaint, resentment, or accusation about an academic circumstance which is thought by the student to be unfair. Any academic grievance that initiates an investigation will have the outcome determined based off of the Preponderance of Evidence Rule, which indicates that the College personnel determining the outcome must be 51% positive that their decision is correct and justified.

A grievance shall not include any matter which would infringe upon the principles of academic freedom as exercised by the professional staff and faculty members. This includes the selection and presentation of classroom or laboratory subjects and the determination of grades in all college courses. A grievance shall also not include any matter of a criminal nature or any matter which is subject to the Student Code of Conduct, Discipline and Appeals Procedures.

1. The student should initially try to resolve the grievance within the instructional department, by first talking with the instructor and then the Dean.
2. The Dean or the student may wish to consult or seek assistance from an advisor or faculty member prior to discussing the grievance with the Vice President of Academic Affairs.
3. If the grievance cannot be resolved within the instructional division the student should talk with the Vice President of Academic Affairs. The Vice President of Academic Affairs, in consultation with the Vice President of Student Services will try to resolve the grievance with assistance from other personnel as needed. The Vice President of Academic Affairs may elect to refer the matter to the Campus Judicial Review Board.
4. The decision of the Vice President of Academic Affairs will be final and ends the grievance process.

### **Non-Academic Grievance**

A non-academic grievance is defined as a written statement, signed by the student, expressing a complaint, resentment, or accusation about a non-academic circumstance that is thought by the student to be unfair. Any non-academic grievance that initiates an investigation will have the outcome determined based off of the Preponderance of Evidence Rule, which indicates that the College personnel determining the outcome must be 51% positive that their decision is correct and justified

A grievance shall **not** include selection or non-selection of participants on athletic teams, eviction from campus housing, (covered by the Student Code of Conduct, Discipline and Appeals Procedures) or parking violations, (covered by the Parking Appeals Process).

1. The student should try to resolve the problem at the point of conflict, with the appropriate person or office.
2. If the problem cannot be resolved at this level, the student should seek information and advice from the Dean of Student Life and Student Success, Dean of Records and Registration, or the Dean of Advising and Academic Success.
3. If the concern is still not resolved the student may seek consultation with the Vice President of Student Services. The Vice President may seek input from other college administrators in resolving the problem.
4. The decision of the Vice President of Student Services is final and ends the grievance process.

## **DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE**

The Discrimination Complaint Procedure may be used by students who believe the College policies on equal opportunity in employment and education have been violated, resulting in discriminatory treatment on the basis of race, color, creed, religion, national or ethnic origin, ancestry, genetic information, physical or mental disability, age, sex, sexual orientation, gender identity or expression, pregnancy, marital status, veteran status, AIDS/HIV status, citizenship, or medical condition, as those terms are defined under applicable laws.

All discrimination complaints are considered to be serious and shall be dealt with promptly. No student shall be subjected to coercion or retaliation for filing a complaint or providing information related to a complaint. Complaints may also be directed to the Iowa Civil Rights Commission, and Region VII's Equal Employment Opportunity Commission and Department of Education Office of Civil Rights in Kansas City.

### **Discrimination Complaints**

#### **Step 1:**

The Reporting Party shall submit a written complaint within 15 school days of the day the Reporting Party became aware of, or should have become aware of, the discrimination issue through the reasonable exercise of diligence. In no instance may this be later than 180 days from the date of the alleged discriminatory treatment. Student complaints shall be submitted to the Dean of Student Life and Student Success. Students with disabilities shall submit complaints to the Director of Academic Success. If the complaint is in regards to sex discrimination, the complaint will be forwarded to the Title IX Coordinator and dealt with under the Sexual Misconduct policy.

The Dean of Life and Student Success, Director of Academic Support, or designee, may elect to meet with the Reporting Party and other college personnel to gather additional information. The Dean of Student Life and Student Success, Director of Academic Support, or designee, will issue a written response within ten (10) school days of receipt of the complaint.

#### **Step 2:**

If the Reporting Party is not satisfied with the response received in the first step, the written complaint shall be submitted to the Vice President, or designee, within five (5) school days from receipt of the response. The Vice President, or designee, may meet with the Reporting Party or any other parties deemed appropriate. A final written decision shall be issued within ten (10) school days from receipt of the complaint at Step 2.

#### **Step 3:**

If the Reporting Party is not satisfied with the response received at Step 1 or 2, the written statement shall be submitted to the President, or designee, within five (5) school days from receipt of the response. The President, or designee, may meet with the Reporting Party or any other parties deemed appropriate. A final written decision shall be issued within 10 school days from receipt of the complaint at Step 3.

#### **Time Limit:**

Time limits may be extended by written mutual agreement of the parties. If a Reporting Party fails to proceed to the next step within the prescribed time limits, the complaint shall be considered closed based upon the last response. If the administration fails to respond within the prescribed time limits, the Reporting Party may proceed to the next step.

## **Harassment Complaints**

### **Step 1:**

The Reporting Party shall inform the Dean of Student Life and Student Success, or designee, of the alleged harassment in writing, within 15 school days of the day the Reporting Party became aware of, or should have become aware of, the issue through the reasonable exercise of diligence. In no instance may this be later than 180 days from the date of the alleged harassment. As an exception, there is no time limit placed on making a complaint of Title IX sex or gender-based harassment or misconduct. However, Reporting Party is strongly encouraged to report instances of sexual harassment and misconduct as close to the date of occurrence as possible. The Dean of Student Life and Student Success, or designee, shall meet with the Reporting Party and any other parties deemed appropriate. The Dean of Student Life and Student Success, or designee, will review the complaint and issue a written response within ten (10) school days from receipt of the complaint.

### **Step 2:**

If the Reporting Party is not satisfied with the response received in the first step, the written complaint shall be submitted to the Vice President, or designee, within five (5) school days from receipt of the response. The Vice President, or designee, may meet with the Reporting Party or any other parties deemed appropriate. A final written decision shall be issued within ten (10) school days from receipt of the complaint at Step 2.

### **Step 3:**

If the Reporting Party is not satisfied with the response received at Step 1 or 2, the written statement shall be submitted to the President, or designee, within five (5) school days from receipt of the response. The President, or designee, may meet with the Reporting Party or any other parties deemed appropriate. A final written decision shall be issued within 10 school days from receipt of the complaint at Step 3.

### **Time Limit**

Time limits may be extended by written mutual agreement of the parties. If a Reporting Party fails to proceed to the next step within the prescribed time limits, the complaint shall be considered closed based upon the last response. If the administration fails to respond within the prescribed time limits, the Reporting Party may proceed to the next step.

### **Retaliation**

Iowa Western Community College seeks to foster an environment in which all students feel free to report incidents of harassment without fear of retaliation or reprisal. Therefore, IWCC also strictly prohibits retaliation against any individual for filing a complaint of harassment or for participating in a harassment investigation. Such conduct is illegal and constitutes a violation of this policy. All allegations of retaliation will be swiftly and thoroughly investigated. If the

College determines that retaliation has occurred, it will take all reasonable steps within its power to stop such conduct. Individuals who engage in retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.

Any student who believes that he or she has been harassed or retaliated against in violation of this policy should immediately report such incidents to the Dean of Student Life and Student Success at (712) 325-3207.

# Student Code of Conduct, Discipline and Appeals Procedure

---

## Introduction

The core values of Iowa Western Community College are: Caring, Commitment, Challenge. These values are the hallmark of the College and will be protected vigorously. When students choose to attend Iowa Western Community College, they accept the rights and responsibilities of membership in the College's academic and social community. Each person has the right and ability to make personal decisions about his or her own conduct. Just as importantly, each person has the responsibility to live with the consequences of his or her decision-making.

Students have rights under the United States Constitution which may be exercised in the College as in other public institutions. The law recognizes that these rights are subject to restraints that may be imposed because of the College's role and function. It is the policy of the Board of Trustees of Iowa Western Community College to respect the properly exercised rights of the students. The Student Code of Conduct, Disciplinary and Appeals Procedures, describes misconduct that is inconsistent with the essential values of Iowa Western Community College. It lists procedures to respond to such behaviors, and it provides for sanctions that are intended to educate and to safeguard members of the College community. If you have any questions about the Student Code of Conduct, Disciplinary and Appeal Procedures, please contact the Office of Student Life and Student Success.

As used henceforth in this document, the following terms and their prescribed meanings apply:

- **School Days:** The weekdays (Monday through Friday) when classes are in session.
- **Student:** An individual who applies for admission and who is accepted to register for courses (as indicated by being assigned an Iowa Western Community College ID number)
- **College:** Iowa Western Community College as an educational institution and its campus grounds
- **Student Conduct Process:** the procedures that follow a complaint or report of misconduct
- **Code:** The Student Code of Conduct, Disciplinary and Appeal Procedures.

- **Formal Complaint:** A complaint being processed through the Office of Student Life and Student Success.
- **Informal Complaint:** A complaint that is being processed informally, usually through an office or individual who is not a member of the Office of Student Life and Student Success.

The Student Conduct, Disciplinary and Appeals Procedure applies to conduct that occurs on IWCC College Property, at IWCC sponsored activities at clinical sites, attendance centers, or any College facility, and off-campus conduct that adversely affects the IWCC community and/or the pursuit of its educational mission. This includes conduct that may occur before classes begin or after classes end, as well as during the academic year and during periods between terms and actual enrollment. The Student Conduct Policy, Disciplinary and Appeals Procedure shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending. The Dean of Student Life and Student Success, or designee, shall decide whether the Student Conduct, Disciplinary and Appeals Procedure shall be applied to conduct occurring off-campus on a case by case basis.

The College may address allegations of a student's misconduct through the Code when the alleged violation occurs within two years after any of the following: application for admission, attempt to register for or attend one or more courses, or if the student is under sanction(s); so long as the College has not academically or disciplinarily permanently separated the student from the College. This may extend to incidents that occur during breaks within or between semesters of enrollment, as well as between the time of application to the College and registration or participation in courses.

The student conduct process may occur simultaneously, prior to, or following any criminal, employment, or other proceeding. A student charged with violating the Code of Conduct may not avoid the conduct process by withdrawing from the College. Student conduct proceedings may continue without the student's participation, and/or a hold may be placed on the student's record until the matter is resolved.

## **A. Student Code of Conduct**

Students are expected to comply with all Board, Administrative and Faculty policies on the College campus, and at all activities, functions and events sponsored or supervised by the College. Conduct which is contrary to any of the following may subject the student to disciplinary action and shall constitute a violation. Students who allegedly violate the Code will be found responsible or not responsible for their actions based off of the Preponderance of Evidence Rule, which indicates that the College personnel determining the outcome must be 51% positive that their decision is correct and justified. Violations of the Code include but are not limited to:

### **1. Academic Dishonesty**

Upon enrolling in the college, each student assumes an obligation to conduct their academic affairs in a manner compatible with the standards of academic honesty established by the college and its faculty. If this obligation is neglected or ignored by the student, through the normal procedures of course work evaluation, students' course work will be evaluated and disciplinary action taken. The following statements

identify the types of activities that would constitute violations of the college's standards of academic honesty.

### **1.1 Plagiarism**

The unauthorized use of materials not written or created by the person claiming *authorship*. *Plagiarism includes but is not limited to the following:*

- Turning in a written essay produced by someone else.
- Collaborating on a written assignment without the specific instructor's approval.
- Borrowing materials from any source (professional or amateur) and turning them in as original.
- Failure to acknowledge through appropriate citations any words, ideas, research, graphics, etc., produced by someone other than the person claiming authorship.

### **1.2 Cheating**

Dishonest acts committed while being tested or evaluated.

- Copying from another person's tests or assignments.
- Using unauthorized test aids such as notes, drawings, books, etc., during an examination.
- Submitting a paper which was turned in to another instructor in another class to fulfill part of that course's required work-unless agreed upon ahead of time by the instructor of the second course.
- Aiding another student in dishonesty such as producing written work or sharing information during a test period.
- Fabricating research or source materials.
- Stealing, buying or somehow obtaining a test from an instructor's work or computer files.

### **1.3 Misrepresentation**

Providing false or misleading information on transcripts, applications for admission, reasons for absences, or any submitted academic work.

### **1.4 Other**

Violating any rules or expectations put in place by a faculty member or other College personnel regarding academic performance. Such standards may be present in individual course syllabi's, department rules and expectations, etc.

## **2. Computer Conduct**

Iowa Western Community College's computer facilities and services are offered in support of teaching, learning and research. Access to the computer systems and networks owned and operated by the College impose certain responsibilities upon users, in accordance with college policy and local, State and Federal law. Users accept the responsibility for utilizing services in ways that are ethical, that demonstrate academic integrity and respect for others who share this resource. This

policy is established in an effort to help users understand what is expected of them. It sets guidelines regarding the issues of privacy and respect for property, ownership of data, system security, and misuse of the system

The following constitute violations of the computer conduct policy:

- Intentionally disrupting access of other students, faculty, or staff members to college computer and other technological resources.
- Knowingly obtaining without authorization access to a computer account assigned to another person.
- Knowingly using an account belonging to another student, faculty, staff, department, or organization for other than its intended purpose without permission from the owner.
- Intentionally using any unauthorized account.
- Using college computer equipment to interfere with the lawful rights of others by such activities as falsifying or altering records, creating fraudulent documents, damaging programs belonging to another, sending harassing or threatening material, or duplicating copyrighted software unlawfully.
- Using computer or network services for commercial purposes.
- Excessive game playing which impairs the academic work of other students.
- Excessive WEB surfing not related to college course work and/or assignments.
- Sending excessive email or messages locally or over the network such as chain letters, advertisements or solicitations.
- Knowingly installing or running a program that will damage or place an undue burden on the system.
- Knowingly acting in a manner that will disrupt normal operations of computers of the network.
- Using computer or network services in a way that violates copyrights, patent protections or license agreements.
- Unauthorized copying of any software (including operating systems, programs, applications, databases, or code) which is licensed or protected by copyright.
- Gaining unauthorized access to information that is private or protected, or attempting to do so.
- Running programs that attempt to identify passwords or codes.
- Interrupting programs that protect data or secure systems, or attempting to do so.
- Monitoring or tampering with another person's email.
- Reading, copying, changing or deleting another person's work.
- Using another person's password, or allowing others to use yours.
- Attempting to gain network privileges to which you are not entitled.
- Using outside software programs in any lab or office. This includes, but is not limited to programs known as computer viruses, Trojan Horses, worms and personal software from home.
- Personally installing hardware or software on any computer.

- Changing computer CMOS settings.
- Using a computer that would in any way be disruptive to the academic environment.
- Removing computer equipment, software, or peripherals that are owned by Iowa Western Community College.
- Food, beverage and tobacco products.
- Using the computer or computer systems to engage in the following forms of prohibited communication:
  - Obscene, lewd, or sexually harassing images or text
  - Defamation
  - Advocacy directed to incite or produce lawless action
  - Threats of violence harassment based on sex, race, disability, or any other protected status
  - Anonymous or repeated messages designed to annoy, abuse or torment

### **2.1 Copyright and other Intellectual Property**

Users must respect intellectual property rights, including copyrights, in all use of College Electronic Resources. All use of content, including **text, images, music, and video** retrieved from Electronic Resources or stores, transmitted or maintained using Electronic Resources, must comply with copy right and other applicable laws. Downloading/sharing copyrighted music/movies is strictly prohibited. Copied material, used legally, must be given acknowledgment in conformance with applicable legal and professional standards.

### **2.2 Authority**

The information Technology Center may access user's files for maintenance of networks, computers, and storage systems. In all cases, individual's rights to privacy will be respected to the greatest degree possible. ITC staff may also routinely monitor and log usage data, such as network connection times, CPU and disk utilization for each user, security audit trails, and network loading. Data collected may be reviewed and further investigated should evidence of violation policy or law occur. If necessary, ITC staff may monitor the activities and files of specific users on their computers and networks.

Any student who violates the policies set forth in this document is subject to disciplinary action. All violators may be subject to arrest according to local, state, and federal law.

## **3. Discrimination**

Discrimination, as described in the Discrimination and Harassment Complaint Procedure in the Student Rights and Responsibilities section, will not be tolerated. Please refer to the aforementioned Procedure for definitions and details regarding investigations of such violations.

**4. Harassment**

Actions or words that threaten the safety of others or create a hostile environment for others are prohibited. This includes but is not limited to: unwelcome sexual advances; obscene phone calls, text messages, voicemails, emails, instant messages, posts on social media or other forms of written messages; obscene verbal exchanges; indecent exposure.

**5. Possession, Use, Manufacturing, Distribution, or in the Presence of Alcohol, Illegal Drugs, Synthetic Substances and other Controlled Substances on Campus**

The aforementioned substances and paraphernalia are strictly prohibited on the College campus, including the all facilities, regardless of the age of the individual. Violators of this policy may be reported to the proper authorities for legal action or possible arrest by law enforcement for simultaneously violating local, State or Federal law.

**6. Dangerous Conduct**

Acting or failing to act in a manner which causes concern for the health and safety of oneself or others.

**7. Misuse of College Property**

Includes but not limited to: trespassing; theft or attempted theft; burglary; possession of stolen property; and willful destruction, damage, defacement, or mutilation of property belonging to, or in the custody of, the College or member of the college community.

**8. Use or Possession of a Weapon, Fireworks or Explosives**

This policy is enforced regardless of individual permits for weapons. Weapons include but are not limited to firearms, BB guns, tasers, knives or any device that appears to be to a real weapon such as a toy, replica or paint ball gun.

**9. Threatening Behavior**

Making any direct or indirect threats to the College or College Personnel that suggest starting fires, setting off bombs, or using a weapon. Intentionally initiating a false alarm of a fire, bomb threat, or other catastrophe by reporting one or by tampering with the alarm system or safety equipment. Inciting others to do any of the above or hosting a nonstudent that does any of the above.

**10. Non-Compliance with College Personnel**

Intentionally failing to comply with appropriate requests or direction given by any College personnel, including security personnel, who properly identify themselves and are acting within the scope of his or her authority.

**11. Disruption of the Educational Process**

Engaging in behavior or actions that disrupt the educational process, including but not limited to: causing or participating in classroom disruptions, defying syllabus expectations, discrediting and demeaning Faculty and/or Staff.

**12. Traffic Violations**

Failing to abide by the Iowa Western Community College Traffic and Parking Regulations. These regulations can be viewed on ROC or hard copies are available at the Campus Security Office and ITC.

**13. Disturbing the Peace**

Engaging in behavior or actions which disrupts the orderly, efficient, and disciplined atmosphere of the college or college-sponsored activity. Includes but is not limited to disorderly, lewd, indecent and obscene conduct.

**14. Misrepresentation**

Falsifying information or documentation given to College personnel. -This includes but is not limited to engaging in forgery, alteration, or misuse of any college records or documentation, college keys or keycards, or student or staff identification cards, disclosing any confidential information gained through student employment.

**15. Housing Violation**

Violation of IWCC Residence Life and Student Housing rules, guidelines, policies, and procedures. See Housing Contract and Handbook for more information.

**16. Retaliation**

Retaliating against anyone who reports or assists in making a complaint to the College regarding an alleged conduct or policy violations.

**17. Sexual Misconduct**

Behavior of a sexual nature that is non-consensual, committed by force or intimidation, or that is otherwise unwelcome. For definitions, examples, and information regarding the judicial process used to investigate these types of violations, see the Sexual Misconduct Policies and Procedures of the Code.

**18. Unlawful Acts**

Engaging in behavior or actions that violate Federal or State law, or any local ordinances while on the College campus or at any College sponsored or supervised activity may result in disciplinary action and may be reported to the proper authorities for legal action or possible arrest by law enforcement.

**B. Disciplinary Procedures**

Disciplinary Procedures are designed to provide consistency with how violations of the Code and other policies are approached. The Board of Directors of Iowa Western Community College encourages students, faculty and staff to resolve disputes informally in appropriate cases. When a case of student misconduct is being investigated either informally or formally, the following procedures are put in motion. To make a formal complaint of student misconduct of student misconduct, please contact the Office of Student Life and Student

Success. Any person may bring a complaint against a student under these procedures based on the student's alleged violation of one or more of the policies. All such reports shall be in writing.

### **1. Notice to Appear**

Depending on the nature of the complaint (formal or informal), A student may be ordered to appear before a Department Head, Coordinator, Director, Dean, Vice President, or designee, in connection with an alleged violation, by a written notice from the individual they are requested to appear before. An email sent to a student's Iowa Western email account can serve as written notice.

The notice shall direct the student to appear at a specified time and place not less than twenty-four (24) hours after the date and time of written notice, or the notice will request the student schedule a time to meet with the sender by a specific date; forum depends on the severity of the alleged violation. The notice shall briefly describe the alleged violation.

Failure to comply with a Notice to Appear constitutes a violation of the Student Code of Conduct and may result in additional disciplinary sanctions. If the student has not contacted the individual who requested the hearing, and/or does not appear at the hearing, the Vice President, or designee, may make a decision of responsibility or non-responsibility and the sanction.

### **2. Hearing Process**

When the student appears for his or her hearing, he or she will be read the section of the Code or policy they have violated. The student then has the opportunity to ask questions and to discuss the violation from their perspective. After completing discussion and any other process of the investigation of the charge, the designated college personnel shall provide the student with a written statement within five (5) school days from meeting date, which states the following:

- The nature of the violation.
- The sanction that will be imposed and its implications.
- The right to appeal the decision of the Vice President, or designee, according to the procedures listed in the Student Code of Conduct.

Any findings made through an informal hearing are based off the Preponderance of Evidence Rule. This means that the individual(s) deciding whether the student is responsible or not responsible must be 51% positive that their decision is correct and justified.

### **3. Sanctions**

Any student who is found responsible for violating the Code or other policies may be subject to any of the sanctions listed below. Sanctions are given as a method of remedying any Code violation while also educating the student.

- **Reprimand:** Written censure by the College. This written warning serves to remind the student that further violation of the Code may result in more serious sanctions.
- **Academic Penalty:** Depending on the seriousness of the offense, the student may receive an “F” or a numerical value of zero on the subject paper, test, assignment, etc., an “F” in the course, or suspension or expulsion from the College.
- **Restitution or Fine:** Restitution is a reimbursement for damage to or misappropriation of Iowa Western Community College property. Written notice will be sent to the student requiring restitution when the student has damaged or misappropriated Iowa Western Community College property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages. A fine is a punitive charge placed on the student’s account as a sanction not necessarily directly connected to any damage or misappropriation of property.
- **Disciplinary Probation:** A warning indicating that further violations may result in more severe sanctions such as suspension. Disciplinary probation may be imposed for any length of time up to two years and the student shall be automatically removed from probation when the imposed period expires.
- **Education or Service:** Assignment of educational or community/college service opportunities, classes, or projects. If there are fees or costs associated with the assigned educational or service sanction, the student may be required to pay those fees or costs.
- **Suspension of Rights or Privileges:** An elastic penalty which may impose limitations or restrictions to fit the particular case. Examples are No Contact Orders, Building Ban, etc.
- **Hold on Records and Registration:** Imposed upon a student who fails to pay a debt owed to the College or who has a disciplinary case pending final disposition. The penalty terminates on payments of the debt or final disposition of the case.
- **Suspension from the College:** Suspension can be imposed in such a manner that a student can be dismissed from a class, specific number of classes, program, classes that take place in a specific physical location, student organization, or activity of the College. The privilege of readmission may depend on the

fulfillment of certain conditions imposed by the College and/or the program. A suspended student may be prohibited from appearing on campus, at attendance centers, at off-campus classes, or at any activity sponsored by the College.

- **Eviction:** Eviction from the privilege of living in campus housing facilities may also include restrictions or denial of visiting privileges.
- **Expulsion from the College:** Once expelled from the College the student may not at any time be considered for readmission.

#### **4. Interim Suspension**

The Vice President of Student Services, Vice President of Academic Affairs, the appropriate Dean or the Director of Residence Life, or designee shall have the authority to immediately suspend any student on a temporary basis, when in the opinion of any of these officials:

1. The student is alleged to have violated any provision of the Student Code of Conduct.
2. The presence of the student poses a continuing danger to persons and/or property, and/or who is an ongoing threat of disrupting the academic process.

A temporary suspension can include suspension from a class, a specific number of classes, a program, classes that take place in a specific physical location, an activity, athletic participation, housing and Residence Life, or the College.

A temporary suspension shall be followed by appropriate notice and an informal hearing before the appropriate Vice President or Dean as soon as possible. Depending upon the circumstances, the temporary suspension may be continued until the completion of these procedures. Please note, the Interim Suspension Policy, includes eviction from a housing facility.

#### **5. Disciplinary Removal**

The Vice President of Student Services, Vice President of Academic Affairs, or appropriate Dean may enact immediate temporary removal of a student from a class, office, attendance center, clinical site, or other College related facility for disciplinary and safety reasons. These include, but are not limited to:

- Any attempt to threaten by words or actions which causes concern for the health and safety of others.
- Possession, use, manufacturing, distribution, or in the presence of alcohol, illegal drugs, synthetic substances and other controlled substances on campus.
- Destruction or theft of college property or another person's personal property.
- Any activities causing a major disruption or disturbance as pertaining to the Code.

### **C. Appeal Procedures**

A student who receives a sanction under the Student Code of Conduct may request, in writing within three (3) school days of the sanctions being given, that the charge be reviewed a second time through the process of an appeal. If the original complaint was made formally, the appeal will be processed by the Dean of Student Life and Student Success, who will act as the appeal officer. If the original complaint was made informally, the appropriate Dean will process the appeal and act as the appeal officer. Should the Dean be unavailable to act as the appeals officer, the appropriate Vice President will assume the duty. Any appeals taking place through Residence Life will be sent to the Assistant Director of Residence Life. If the Assistant Director of Residence Life is unavailable or unable to serve as the appeals officer, then the Director of Residence Life will assume the duty.

The student's written request should include a full description of the reason(s) for the appeal and all pertinent information the student wishes to present to support the appeal, as the appealing student is not guaranteed an in-person meeting with the appeals officer. The appeals officer shall initiate a review of the appeal within three (3) school days from receiving the request. Within five (5) school days after the investigation, the appeals officer may either:

- Dismiss the allegation as unfounded.
- Modify the sanction given.
- Agree with the sanction imposed.
- Request a formal Judicial Review Board hearing for disposition of the charge.

The appeals officer will determine if the following constitute reason for a Judicial Review Board hearing:

- The student's due process rights were substantially violated in the hearing process.
- There was not substantial evidence to support the decisions reached.
- There is new material evidence that could not have been discovered at the time of the hearing.
- The sanctions imposed were too severe or not appropriate for the violation.
- The appeals officer is unable to come to a decision regarding the appeal and desires a rehearing to ensure a fair and complete process.

(Traffic and parking sanctions may only be appealed through the Parking Violation Appeal Process. See the IWCC and Parking Regulations for information regarding the Traffic and Parking Violation Appeal Process.)

#### **1. Judicial Review Board**

The Judicial Review Board shall hear and receive evidence to determine whether a violation of student regulations has occurred and determine an appropriate sanction. The Judicial Review Board, appointed by the President, includes three (3) student representatives, two (2) student alternates, three (3) faculty/staff members and two

(2) campus student services professionals. A quorum shall consist of four (4) or more members of which two (2) must be students.

The notice of hearing shall be sent by certified mail or delivered personally to the student. The Chairperson of the Judicial Review Board and the Vice President of Student Services, or designees, shall set the time and place for the Review Board's hearing, the notice of which will be included in the "Notice of Charge," with a copy to the charging party.

The charging party bears the burden of showing by a preponderance of evidence that a student regulation was violated. The chairperson may exclude irrelevant, immaterial, or unduly repetitive evidence. A finding by the Judicial Review Board shall be based on the kind of evidence which reasonably prudent persons are accustomed to rely in the conduct of their serious affairs. Objections to evidentiary offers may be made and shall be noted in the record.

The Judicial Review Board's decision as to whether a student conduct regulation was violated and the appropriate sanction, if any, will be conveyed by the chairperson to the student in person or by certified mail within two (2) school days after the hearing is concluded. This letter will include the reasoning by which the decision was reached, the sanction imposed, and the right to appeal. The action shall be effective upon the mailing of the notification. A copy of the letter will be placed in the student's file.

## **2. Student Rights at Judicial Review Board Hearing**

The student charged has the following rights at a hearing:

- To present his or her side of the story.
- To present witnesses and evidence on his or her behalf.
- To cross-examine witnesses presenting evidence against the student.

To be accompanied but not represented by an advisor or Legal Counsel at the student's expense as is stated in Section 4.

Throughout the process, the student should work with the Vice President of Student Services, or designee, who will assure that the student understands his or her rights and the procedures involved.

## **3. Judicial Review Board Appeal**

The student may request a review of the Judicial Review Board's decision by making such a request in writing within five (5) school days of receiving notification of the Board's decision to the Iowa Western Community College President. The President will review the Judicial Review Board's decision and respond to the student, in writing, within five (5) school days from the date the request was filed. The President's decision is final.

#### **4. Advisors or Legal Counsel Representing Students in Academic or Disciplinary Hearings**

Iowa Western Community College is making this statement available to advisors and legal counsel who have been retained by students charged with violations of the Code of the College so that the roles and purposes of these proceedings will be clear to all participants. Please note two advisors are permitted for the charged party.

The hearings conducted by the College Judicial Review Board, as well as other hearing boards, committees and judicial officers, are not quasi-judicial proceedings. Therefore, advisors/counsel may be present to advise clients but may not actively participate by questioning witnesses, cross-examining witnesses, or other participants not formally addressing the board. Advisors/counsel may not answer questions posed to the charged student on their behalf. The role of the attorney is to advise and assist his/her client student. The presiding officer of the board will determine whether offered evidence is admissible, but the Rules of Evidence will not be applied. Both written and oral testimony may be used. The standard for admission of evidence is that "which reasonable prudent persons are accustomed to rely on in the conduct of their serious affairs." Determination standard is preponderance of the evidence. Students who are involved in these hearings will be provided with the complete policy and procedure statement of the College.

#### **D. Sexual Misconduct Policies and Procedures**

Members of Iowa Western Community College, guests and visitors have the right to be free of gender and sex-based discrimination, which will be referred to as Sexual Misconduct for the purposes of this document. Iowa Western Community College is committed to having a positive learning and working environment for its students and employees and will not tolerate Sexual Misconduct. It is the policy of Iowa Western Community College to comply with Iowa Code Chapters 708 and 709 of the Title XVI Criminal Laws and Procedures and with Title IX of the Educational Amendments of 1972.

Iowa Western Community College conducts a number of programs aimed at preventing sexual misconduct and making the community aware of the potential of such crimes. These programs include providing nightly security patrols of the campus, providing security escorts, inspecting the campus for potentially dangerous areas, and inspecting campus lighting and shrubbery. In addition, educational programs focused on sexual misconduct prevention, protection and awareness are provided throughout each academic year.

As used henceforth in this document, the following terms and their prescribed meanings apply:

- **Reporting Party:** the individual(s) who has made the report of Sexual Misconduct.
- **Responding Party:** the individual(s) who the report of Sexual Misconduct is filed against.
- **Survivor:** the individual(s) who was the victim of Sexual Misconduct; this individual can be the same person as the Reporting Party.

The following sections discuss Iowa Western Community College's expectations, policies and procedures concerning sexual misconduct. Any student engaging in behavior or actions that are considered sexual misconduct is subject to disciplinary action. Reports of sexual misconduct are investigated by the Title IX Investigators, with the supervision of the Title IX Coordinator.

## **1. Sexual Misconduct**

Sexual Misconduct is a broad term encompassing any behavior of a sexual nature that is non-consensual, committed by force or intimidation, or that is otherwise unwelcome. The term includes sexual assault, sexual exploitation, sexual intimidation, sexual harassment and domestic and dating violence, as those behaviors are described later in this section.

Sexual intimacy or sexual acts or behavior of any kind require that all participants give Affirmative Consent. Affirmative Consent between two or more people is defined as an affirmative agreement through clear actions or words to engage in each specific sexual activity. The person giving the Affirmative Consent must act freely, voluntarily, and with an understanding of his or her actions when giving the Affirmative Consent. Lack of protest or resistance does not constitute Affirmative Consent, nor does silence mean Affirmative Consent has been given. Relying solely on non-verbal communication can lead to misunderstanding. Persons who want to engage in the sexual activity are responsible for obtaining Affirmative Consent, it should never be assumed. A prior relationship or prior sexual activity is not sufficient to demonstrate Affirmative Consent.

Affirmative Consent must be present throughout the sexual activity at any time, a participant can communicate that he or she no longer consents to continuing the activity. Additionally, Affirmative Consent to one type of sexual activity is not sufficient to demonstrate Affirmative Consent to all sexual activities. If there is confusion as to whether anyone has given Affirmative Consent or continues to give Affirmative Consent to sexual activity, it is essential that the participants stop the activity until the confusion can be clearly resolved.

In addition, under Iowa law the following people are unable to give Affirmative Consent:

- Persons who are asleep or unconscious.
- Persons who are impaired due to the influence of drugs, alcohol, or medication.
- Persons who are unable to communicate consent due to a mental or physical condition.
- Generally, minors under the age of 16.

Sexual Misconduct may vary in its severity and consists of a range of behavior or attempted behavior. It can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual Misconduct can occur between members of the same or opposite sex and can also occur while individuals are fully clothed. Sexual misconduct includes, but is not limited to, the following examples of prohibited conduct:

### **1.1 Sexual Assault**

Sexual assault is an extreme form of sexual misconduct and represents a range of actions from forcible rape to nonphysical forms of pressure that compel individuals to engage in sexual activity against their will. In Iowa, the terms "rape" and "sexual assault" fall under the legal definition of "sexual abuse," which includes any sex act done by force or against the will of another. Examples of sexual assault under this policy include, but are not limited to, the following behaviors when Affirmative Consent is not present:

- Sexual intercourse
- Oral sex
- Rape or attempted rape
- Penetration of an orifice with any object
- Touching of the genitals, buttocks, breast, or other body part
- Through any method of making someone else touch one's genitals, buttocks, breast, or other body part, or bodily fluid
- Inducing consent through drugs or alcohol
- Engaging in sexual activity with a person who is unable to provide consent due to the influence of drugs, alcohol, or other condition

### **1.2 Sexual Exploitation**

Sexual exploitation involves taking non-consensual sexual advantage of another person. Examples can include, but are not limited to the following behaviors:

- Electronic recording, photographing, or transmitting intimate or sexual utterances, sounds, or images without knowledge and consent of all parties.
- Voyeurism (sexual interest in spying on others).
- Distributing intimate or sexual information about another person without consent

### **1.3 Sexual Intimidation and Stalking**

Sexual intimidation involves implicit and/or explicit threats to another person that you will commit a sex act against them, or engaging in indecent exposure. Stalking involves any course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress. Sexual intimidation and stalking includes cyber-stalking or threatening via e-mail, social media, text message, or other electronic communications.

#### **1.4 Sexual Harassment**

Sexual harassment can include unwelcome behavior (verbal, written, or physical) that is directed at someone because of that person's sex or gender, and that meets either of the following criteria:

1. Submission or consent to the behavior is believed to carry consequences for the student's education or employment.
  - Examples can include, but are not limited to, pressure to engage in sexual behavior to further the student's education or employment; real or perceived threat that rejecting the behavior would carry a negative consequence for the student.
2. The behavior has the purpose or effect of substantially interfering with the student's education or employment by creating an intimidating, hostile, or demeaning environment.
  - Examples can include, but are not limited to, persistent efforts to develop a sexual relationship; unwelcome commentary about an individual's body or sexual activities; unwanted sexual attention; repeated and unwelcome sexually-oriented teasing, joking or flirting; verbal abuse of a sexual nature. Comments or communications could be verbal, written or electronic.

Determination as to whether the alleged conduct constitutes sexual harassment should take into consideration all of the circumstances, including the context in which the alleged incidents occurred.

#### **1.5 Domestic and Dating Violence**

Domestic violence includes violent acts committed by the survivor's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law. Dating violence involves violence by a person who has been in a romantic or intimate relationship with the survivor, as gauged by the length, type and frequency of interaction within the relationship.

### **2. Privacy and Confidentiality**

The survivor of Sexual Misconduct has the option to, or not to, notify and seek assistance from law enforcement and College personnel, and will not face retaliation for either decision. The College encourages the reporting of all incidents of Sexual Misconduct. To the extent possible, the College will protect the privacy of all parties to a complaint of Sexual Misconduct.

If the College receives a report of Sexual Misconduct, it will be treated in a confidential manner. At the same time, information will be shared as necessary over the course of an investigation with people who need to know such as the Title IX investigators, witnesses, disciplinary officers, and the Responding Party. When the

College, through a report to College personnel, becomes aware of an incident of Sexual Misconduct that occurred on-campus and there is a potential for bodily harm or danger to members of the campus community, College administrators must issue a timely warning to the campus. While the College will provide enough information to safeguard the campus community, a survivor student's name or other personally identifying information will not be disclosed.

The College does not file police reports on behalf of the Reporting Party(s), Responding Party(s), or survivors(s). It is up to each individual student to determine whether or not they would like to involve the police. The College does encourage students to file police reports for incidents of sexual offenses so that the full extent of the law may be exercised.

### **3. Mandated Reporting**

Under federal law, if a student make a report about Sexual Misconduct to a College personnel (e.g., officials within Student Services, Deans, Campus Security, Faculty members, etc.), the College has an obligation to investigate the complaint. If a student wanted to make an anonymous complaint to College personnel, they would need to seek out the Mental Health Practitioner. That is the only employee on this College campus who is able to report the incident to the Title IX Coordinators without releasing the name(s) of the individual(s) who made the initial report. If a student would like to make a confidential report that will not lead to an investigation, they should seek advocate resources off-campus. For referrals to off-campus resources, students can contact the Mental Health Practitioner.

### **4. Community Support Services**

Iowa Western Community College encourages students who are the survivor of sexual misconduct to seek medical and counseling services. Survivors may contact Iowa Western's Mental Health Practitioner located in Ashley Hall, 170 or by calling 712-256-8057. The Mental Health Practitioner can provide short term support and refer survivors to outside agencies that can provide additional counseling and resources.

Iowa Western Community College also encourages students who are survivors to make a formal police report of the sexual violence they experienced, especially in more severe cases. Reporting the incident to police may help in ensuring that the individual that caused them harm will be prosecuted to the full extent of the law. Making a report to the police is entirely up to the survivor and the College understands that not all survivors would like to make formal reports to the police.

### **5. How to Report Sexual Misconduct**

Iowa Western Community College encourages students to report all incidents of Sexual Misconduct to the police. A guiding principal in the reporting of sexual offenses is to avoid re-victimizing the sexual offense survivor by forcing the person into any plan of action. Survivors of sexual offenses may contact any one of several College departments or community services for assistance. The following resources provide immediate aid or on-going consultation for survivors of sexual offenses:

## **REPORTING NUMBERS:**

Council Bluffs Police Department	911
Mental Health Practitioner	(712) 256-8057
Director of Residence Life	(712) 325-3487
Assistant Director of Residence Life	(712) 388-6849
Dean of Student Life and Student Success	(712) 325-3207
Coordinator of Student Conduct and Civility	(712) 325-3728
Director of Student Support and Outreach	(712) 329-4750
IWCC Council Bluffs Campus Security	(402) 659-4939 (text or call) or 8000 from any campus phone
IWCC Security Supervisor	(712) 325-3727
Sexual Assault Program	(712) 328-0266
24-Hour Rape Crisis Line	(712) 328-0266
Any Hospital or Medical Facility	

### **6. Sexual Misconduct Investigation Procedure**

All reported offenses of Sexual Misconduct will be processed through the College's investigation procedures, which are discussed in detail below. These procedures differ from those listed in the Code due to the nature of the offenses and the requirements set forth by the Department of Education through Title IX and VAWA.

#### **6.1 Investigation Time Frame**

Investigations vary depending on the nature of the alleged sexual misconduct, but will not last longer than 60 school days unless there are extenuating circumstances, such as College breaks.

#### **6.2 Assigning an Investigator**

The Assistant Director of Residence Life will be the lead investigator for incidents of sexual misconduct that occur within the Residence Life. The Coordinator of Student Conduct and Civility will be the lead investigator for incidents of Sexual Misconduct that occur on campus outside of Residence Life, and off campus when the incident involves two students. Lead investigators will be assisted by at least one other Title IX investigator for best practice purposes.

#### **6.3 Notice to Appear**

A written notice of the investigation, allegations against the Responding Party and a request to be interviewed will be sent to both the Reporting Party and Responding Party. Written requests to be interviewed will also be sent to any witnesses identified throughout the investigation.

#### **6.4 Cooperation**

All College personnel are required to cooperate with the Sexual Misconduct investigation process. Students identified as having involvement with the

investigation process do not have to participate, but are still expected to abide by the Retaliation policy.

### **6.5 Interview**

Interviews will be conducted by the lead investigator and will be monitored by an assisting investigator. At the beginning of all interviews the lead investigator will explain Sexual Misconduct investigation process, including the confidentiality and retaliation policies. Questions asked of the interviewees will vary, but should be focused on determining the truth and gathering of evidence.

### **6.6 Standard of Review**

The College uses the Preponderance of Evidence Rule to resolve complaints of Sexual Misconduct, which indicates that the College personnel determining the outcome must be 51% positive that their decision is correct and justified.

### **6.7 Review of Evidence**

Any evidence that is brought forward throughout the investigation, including witnesses, will be reviewed by the lead investigator. Evidence that is seen as pertinent to the investigation will be considered as a determining factor. The lead investigator does retain the ability to determine whether or not evidence presented is relevant to the investigation.

The College strongly encourages survivors to preserve evidence, even if he or she is not sure a report to police or College administration personnel will be made. Evidence might include clothing, bed sheets, text messages, social media interaction, or other items or communication related to the sexual misconduct. Physical items can be placed into plastic or paper bags for storage and electronic records such as texts or emails can be saved or captured via screenshot.

### **6.8 Notice of Findings**

A notice of the findings will be sent to the Reporting Party and Responding Party upon the completion of the investigation. This notice will inform the Reporting Party and Responding Party of the decision made, highlight the important factors in why the decision was made, and detail out any sanctions that may be assigned. All notices will also include information regarding the appeals procedure.

## **7. Appeals**

Appeals Sanction(s) will be implemented and remain in effect during the appeal process.

Appeals may be made *only* on the following grounds and *only* within three school days of receipt of the decision regarding sanction(s):

- The student's due process rights were substantially violated in the hearing process.
- There was not substantial evidence to support the decisions reached.
- There is new material evidence that could not have been discovered at the time of the hearing.
- The sanctions imposed were too severe or not appropriate for the violation.

The sanction(s) may be appealed by either the Reporting Party or the Responding party on the grounds listed above, in writing, to the Vice President of Student Services. Appeals must be submitted within three (3) school days of the sanctions being given.

Both the Reporting Party and Responding Party shall receive the appeal decision in writing within seven days after the appeal has been submitted.

The Vice President may:

- Dismiss the allegation as unfounded.
- Modify the sanction given.
- Agree with the sanction imposed.
- Request a formal Judicial Review Board hearing for disposition of the charge.
- The appeals officer is unable to come to a decision regarding the appeal and desires a rehearing to ensure a fair and complete process.

## **8. Accommodations and Safety Measures**

To ensure the safety of the Reporting Party and Responding Party throughout the Sexual Misconduct Investigation and Appeals Procedures, the College will take steps to provide accommodations and safety measures when necessary. Appropriate actions may include but are not limited to:

- Housing reassignments
- Class reassignments
- No Contact Order
- Limitation on extracurricular or athletic activities

## **9. Retaliation**

All individuals involved with a Sexual Misconduct investigation (investigators, coordinators, students, College personnel), are strictly prohibited from retaliating against anyone involved with the investigation. Accommodations and safety measures taken during the investigation do not qualify as retaliation because they are viewed as necessary to diminishing a hostile environment. Individuals found retaliating are considered in violation of the Code and will be subject to disciplinary action up to and including expulsion.

## **10. False Reporting**

Knowingly making false allegations of Sexual Misconduct or providing evidence with the knowledge that it is false is considered a violation of the Code and will subject the student to disciplinary action up to and including expulsion.

## **11. Resources**

Listed below are links to several organizations that will provide more insight into the various policies that influence the College's Sexual Misconduct policies:

- Department of Education: Questions and Answers on Title IX and Sexual Violence: <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>
- Dear Colleague Letter (College Procedure, Preponderance of Evidence): <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html>
- Clery Center for Campus Security: <http://clerycenter.org/>
- Reauthorization of the Violence Against Women Act (VAWA): <http://clerycenter.org/article/vawa-amendments-clery>  
[https://www.whitehouse.gov/sites/default/files/docs/vawa\\_factsheet.pdf](https://www.whitehouse.gov/sites/default/files/docs/vawa_factsheet.pdf)
- Family Educational Rights and Privacy Act (FERPA): <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

## **E. DISCIPLINARY RECORDS**

If disciplinary action is taken against a student under the procedures outlined above and a sanction is imposed, a record of the action will be kept by the Dean of Student Life and Student Success. Record of non-academic disciplinary sanctions will not, however, appear on the responsible student's transcript, but a copy may be maintained in the student's file.

Disciplinary actions are part of the education records of the student and consequently, are not available for public disclosure or discussion. The College will not disclose information outside the College relating to the student's nonacademic disciplinary record, except as allowed by law or when prior written permission from the student has been received.