

<b>OGDEN-WEBER TECHNICAL COLLEGE</b>	Number  530.4	Effective Date 6/15/00 Revised 02/08/24 10/23/25 12/4/25	Page  1 of 6
<b>POLICY</b>	Approval: President's Cabinet		
Title  <b>STUDENT RIGHTS AND CODE OF CONDUCT</b>			

**1. PURPOSE AND SCOPE**

This policy provides standards for enrolled student rights, academic performance, academic dishonesty, code of conduct and, when applicable, due process for students facing disciplinary action while at Ogden-Weber Technical College.

**2. POLICY**

It is the policy of Ogden-Weber Technical College to establish consistent and transparent standards regarding student rights, academic performance, code of conduct, and violations of the code of conduct.

**3. DEFINITIONS**

**3.1. Title IX:** a federal civil rights law in the United States applied to any school or educational program receiving federal funding that protects persons against discrimination, sexual harassment, sexual assault/violence, dating violence, domestic violence, or stalking.

**3.2. Americans with Disabilities Act (ADA):** A federal civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including employment, education, transportation, and access to public and private spaces open to the public.

**3.3. Records:** any information or data collected, maintained, or used by Ogden-Weber Technical College or its agents.

**3.3.1. Student Records:** records that pertain to a specific student such as academic performance, enrollment history, disciplinary actions, advising notes, or communications related to progress and conduct.

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**3.3.2. Education Records:** as defined by FERPA, records directly related to a student and maintained by an educational agency or institution or by a party acting for the agency or institution. This may include the records defined in section 3.3.1. The College adheres to the six exceptions listed (34 C.F.R. 99.3 Education Records, and 20 U.S.C. 1232g(a)(4)).

**3.4. Complaint:** an alleged violation of institutional or programmatic policy, student rights, or applicable law reported by a student, employee, or third party.

**3.5. Grievance:** a formal written complaint from a student against Ogden-Weber Technical College involving an alleged violation of College policy or federal or state law.

**3.6. Appeal:** a request to change an administrative decision, policy, plan, or procedure.

**3.7. Retaliation:** any action including intimidation, threats of reprisal, harassment, or other materially adverse actions, or threats of such materially adverse actions, made by or against employees or students of the College designed to prevent or discourage someone from asserting a right granted by federal law or state regulations.

**3.8. Title IV:** authorization for institutions that meet specific eligibility requirements to administer federal student financial aid programs to help students access and afford education

**3.9. Satisfactory Academic Performance (SAP):** a measure used to determine if a student is progressing through their course or program at a satisfactory pace.

**3.9.1.** SAP is measured by the number of credits earned compared to the number of credits attempted.

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**3.9.2.** A student must complete 67% of the credits attempted in an academic period.

**3.10. Academic Period:** a 15-week period in which the student has an active schedule

**3.11. Enrollment Status:** The designation assigned to a student based on the number of credits they are earning per week

**3.11.1. Full-Time Student:** a student who is scheduled for 30 credits per academic year, or 15 credits per academic period, or 1 credit per week

**3.11.2. Part-Time Student:** a student who is scheduled for 15 credits per academic year, or 7.5 credits per academic period, or 1 credit every two weeks

**3.11.3. Limited-Time Student:** A student who is scheduled for 6 credits per academic year, or 3 credits per academic period, or 1 credit every 5 weeks. The limited option is a reduced schedule that is only available for high school students, apprenticeship students, or for students approved by their program Student Support Specialist for a temporary schedule adjustment.

**3.12. Code of Conduct:** a formal set of rules, standards, and expectations established by the College.

**3.13. Conduct:** responsible and respectful behavior expected from students in academic and professional settings.

**3.14. Academic Activity:** activities done by a student showing they are participating in a class to earn academic credit.

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- 3.15. Academic Integrity:** principles for schoolwork that ensure students are submitting, performing, or completing original work.
- 3.16. Academic Dishonesty:** when a student has violated academic integrity. Dishonest work includes cheating, fabrication, plagiarism, unauthorized exam access, unauthorized exam assistance, or misrepresentation.
- 3.17. Discrimination:** any act or practice resulting in inconsistent or unequal treatment of individuals or groups based on characteristics protected under federal law.
- 3.18. Weapons:** Any item that may be used to do bodily injury or damage to property, including but not limited to:
- 3.18.1.** firearms
  - 3.18.2.** knives
  - 3.18.3.** explosives
  - 3.18.4.** flammable materials
- 3.19. Hazing:** Any intentional, knowing, or reckless act committed by a person (whether individually or in collaboration with others) against another person regardless of the willingness of such other person to participate, that:
- 3.19.1.** Is committed in the course of an initiation into, an affiliation with, or the maintenance of a membership in a student organization; and
  - 3.19.2.** Causes or creates a risk, above the reasonable risk encountered in the course or the organization, of a physical or psychological injury.
- 3.20. Student Organization:** an organization at the College in which two or more of the members are students enrolled at the College as defined by the Higher Education Act of 1965.

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#### 4. **REFERENCES**

- Part 86 of the Education Department General Administrative Regulations (EDGAR) 34 CFR part 74-86, 97-99, Drug-Free School and Communities Act (DFSCA), and Drug-Free Schools and Campuses Regulations
- Utah Indoor Clean Air Act
- Utah Code, Title 26B, Chapter 6, Section 802 – Utah Health and Human Services Code, Rights and Privileges of a Person with a Disability
- Utah Code, Title 76, Chapter 10, Offenses Against Public Health, Safety, Welfare, and Morals, Section 105
- Utah Code, Title 53G, Chapter 9, Part 6, Section 601-602, Bullying, Hazing, and Cyber-bullying Utah Board of Higher Education policy #R765-256 - Student Disciplinary Processes
- Utah Board of Higher Education policy #R510 - Tuition
- Utah Board of High Education policy # R765-264 Student Religious Accommodations
- Utah Board of Higher Education policy #R262 – Student Safety
- Ogden-Weber Technical College Parking policy (#500.12)
- Ogden-Weber Technical College Smoking policy (#520.59)
- Ogden-Weber Technical College Academic Performance policy (#530.2)
- Ogden-Weber Technical College Student Records policy (#530.1)
- Ogden Weber Technical College Student Complaints and Grievances policy (#520.8)
- Ogden-Weber Technical College Schedule Changes, Leave of Absence, and Other Leave policy (#530.6)
- Ogden-Weber Technical College Student Tuition, Fees, and Refunds policy (#530.9)
- Ogden-Weber Technical College Title IX Sexual Harassment, Sexual Violence, and Related Conduct Violations policy (#520.08)
- Ogden-Weber Technical College Student ADA Accommodations

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- Requests policy (#530.12)
- Ogden-Weber Technical College Information Technology Acceptable Use policy (#540.19)
- Utah Code, Title 53B, Chapter 27 Campus Individual Rights Act
- Civil Rights Act of 1964, Title VI
- Civil Rights Act of 1964, Title VII
- Rehabilitation Act of 1973, Section 504
- The Age Discrimination Act of 1975
- Vocational Amendments of 1976
- Family Educational Rights and Privacy Act (FERPA), (20 U.S.C. § 1232g; 34 C.F.R. Part 99)
- H.R 5646- Stop Campus Hazing Act
- Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), 20 U.S.C 1092
- Utah Code Section 76-5-107.5 Prohibition of "Hazing"
- Ogden-Weber Technical College Campus Hazing Transparency Report

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## 1. Student Rights

The College shall make reasonable efforts to provide:

- 1.1 a safe campus and learning environments compliant with Title IX regulations and supportive of student learning, growth, and success
- 1.2 accommodations and support services for students who qualify under the Americans with Disabilities Act (ADA) to ensure equal access to education
- 1.3 access to Title IV funds based on the student's SAP and enrollment status
- 1.4 ability to request religious accommodations
- 1.5 privacy and confidentiality of student and academic records
- 1.6 access to College information and services, policies, and program requirements
- 1.7 ability to submit complaints, grievances, and appeals
- 1.8 protections against retaliation for filing complaints, grievances, or appeals
- 1.9 protections against discrimination allowing for consistent and equal access to education
- 1.10 Campus-wide hazing prevention and awareness programs and strategies for both students and employees. These programs and strategies will be implemented in the new student orientation, staff training, and annual training for all student organizations.

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## **2. Student Code of Conduct**

The Student Code of Conduct applies to all enrolled students. Students shall:

- 2.1.** Conduct themselves in a manner that promotes a safe campus, supports the learning environment, is respectful to all individuals, and protects individual rights.
- 2.2.** Comply with the academic performance, conduct, attendance, and professional and ethical employment standards outlined by the program or institution.
- 2.3.** Maintain academic activity and satisfactory academic performance (SAP) based on their enrollment status.
- 2.4.** Comply with the expectations of academic integrity.
- 2.5.** Comply with any local, state, or federal laws governing the use or unlawful possession of weapons while on College property or at College-sponsored activities.
- 2.6.** Comply with any local, state, or federal laws governing the unlawful use, possession, or distribution of controlled substances including medical marijuana.
- 2.7.** Comply with all College policies and applicable local, state, or federal laws.
- 2.8.** Not engage in hazing of any kind. Students may report hazing through the complaints and grievances process or through the Campus Incident Report. Hazing incidents shall be investigated through the same process as other violations of the Student Code of Conduct.

## **3. Violations of the Student Code of Conduct**

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- 3.1. Violations of the Student Code of Conduct may result in disciplinary action, legal consequences, and/or dismissal.
- 3.2. Any College employee may ask any individual to leave their classroom or the campus if they are disruptive, threatening, showing violent behavior, or pose a risk to themselves or others.

**4. Due Process**

- 4.1. Students subject to disciplinary action that may result in a suspension of 10 calendar days or more are entitled to due process pursuant to Utah Admin Code R765-256-4, 5 and Utah Code Ann. 53B-27-603. This includes timely written notice of the alleged violation, an opportunity to respond, and the right to appeal decisions through the institution's formal appeals process.
- 4.2. The College shall provide the accused student and victim written notice of their rights by means routinely used for official communications with individual students as soon as practicable but no later than seven days before the student disciplinary proceeding, unless exigent circumstances reasonably justify proceeding without providing such notice. These rights include:
  - 4.2.1 The accused student is entitled to a student disciplinary hearing to contest the charges against them; and
  - 4.2.2 notice that the accused student is entitled to a presumption of innocence that will remain until either:
    - 4.2.2.1 the accused student acknowledges responsibility for the alleged violation; or
    - 4.2.2.2 the College has established every element of the alleged violation at a student disciplinary proceeding.

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- 4.3** The College shall provide access to any material evidence in the institution's possession to the accused student and victim, unless the material is subject to legal privilege, not later than one week before the day the proceeding begins.
- 4.3.1** The College may not rely upon evidence that is the accused student's or victim's personal medical record, mental health record, therapy note, or journal in a proceeding without the consent of the accused student or victim.
- 4.3.2** Any evidence presented is confidential and may not be used as evidence in a subsequent proceeding nor be used or disclosed to a third-party for any purpose other than for the proceeding.
- 4.4** An accused student or victim has a right to legal representation or a non-attorney advocate at a student disciplinary proceeding, at the student's expense.
- 4.4.1** The College shall allow the accused student's or victim's advisors:
- 4.4.1.1** the giving of opening and closing statements;
- 4.4.1.2** the examination and cross-examination of witnesses;
- 4.4.1.3** the introducing of relevant evidence; and
- 4.4.1.4** the providing of support, guidance, or advice to an accused student or victim.
- 4.5** Students subject to disciplinary action for incidents involving academic dishonesty are not entitled to due process as outlined in the Utah Administrative Code (R765-256-4(2)) or the Utah Code Ann. (53B-27-602(11)(b)).
- 4.2.** Pursuant to Utah Code Ann. 53B-27-607 a student may bring a

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cause of action in violation of this part to the attorney general's office.

## **5 Appeals**

**5.1** Students dissatisfied with a decision may appeal the decision within 10 calendar days. Appeals shall be submitted through the College's Appeal Form.

**5.2** Appeals shall be reviewed and addressed by a vice president or president.

**5.3** A student appealing a decision shall either:

**5.3.1** give new information that was not available before,  
or

**5.3.2** show that the College did not follow its own policies during the original process.

### **5.4 Student Responsibilities and Protection**

**5.4.1** A student shall be available to answer questions.

**5.4.2** A student shall continue to follow institutional and program codes of conduct during the appeal process. Violations may result in additional disciplinary action.

**5.4.3** A student who has filed a complaint or appeal shall not be retaliated against.

### **5.5 Appeal Dismissal**

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**5.5.1** An appeal may be dismissed if a student does not submit the appeal within the 10-calendar day window, there is no new information to present, or the appeal is unfounded.

**5.6 Other Review and Relief**

Students who feel their rights have been violated by the institution retain the right to contact:

**5.6.1 The Utah System of Higher Education (USHE)**  
The Gateway  
60 South 400 West  
Salt Lake City, UT 84101 1-801-646-4784

**5.6.2 The Commission of the Council on Occupational Education (COE)**  
The Council on Occupational Education  
7840 Roswell Road, Building 300  
Suite 325, Atlanta, GA 3050  
Phone: Toll-free (800) 917-2081, Ext 21 Website:  
[www.council.org](http://www.council.org)

**5.6.3 The Office of Civil Rights (OCR), for grievances relating to discrimination**  
US Department of Education  
Cesar E. Chavez Memorial Building  
1244 Speer Boulevard Suite 130  
Denver, CO 80204-3582  
Phone: (303) 844-5695  
Email: [OCR.Denver@ed.gov](mailto:OCR.Denver@ed.gov)

**5.6.4 Utah Attorney General’s Office at**

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Office of the Attorney General  
Utah State Capitol Complex  
350 N State Street, Suite 230  
SLC, UT 84114-2320

**5.6.5 The Federal Student Aid Office of Ombudsman (for financial aid complaints)**  
Website: <https://studentaid.gov/feedback-center/>

**6 Title IX Related Issues**

**6.1.** Incidents involving discrimination, sexual harassment, sexual assault, dating violence, domestic violence, or stalking shall be addressed with applicable Title IX policies and procedures.