



# BIG MUDDY URBAN FARM

## **RESIDENT CODE OF CONDUCT**

**Purpose:**

To outline policies and procedures to help promote growth and learning as residents interact with their environment and accept responsibility for decision-making.

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## SECTION 1: INTRODUCTION AND GENERAL INFORMATION

### a. Freedom of Expression

- i. The Residency creates an environment where civil discourse may occur free from discrimination, harassment, threats or intimidation. The pursuit of higher learning through civil discourse, both in and out of the learning environment, is encouraged and welcomed for all who attend the Residency. To that end, nothing in the Resident Code of Conduct shall infringe on rights guaranteed by the Constitution of the United States, federal or state law, or Big Muddy Urban Farm policy.
- ii. Each Member of the Residency Community is obligated to assume individual responsibility for the member's personal freedom and actions. As a Member of the Residency Community, residents enjoy the same freedoms of speech, peaceful assembly, and right of petition that all citizens enjoy. Resident and associated groups are responsible for making it clear that such expressions represent the views of the residents or associated group, and not of Big Muddy Urban Farm.

### b. Purpose

- i. The Resident Code of Conduct exists to assist in providing the best possible learning and living environment for all residents. Big Muddy Urban Farm upholds the shared values of excellence, caring, citizenship, fairness, respect, responsibility and trustworthiness as the foundation for a successful academic environment. As a tool, the Resident Code of Conduct helps promote growth and learning as residents interact with their environment and accept responsibility for decision-making. The Big Muddy Urban Farm Resident Code of Conduct educates residents about their responsibilities as members of an academic community and imposes sanctions when resident conduct puts the members of the community in jeopardy or when Big Muddy Urban Farm has a clear and distinct interest in addressing the resident behavior.
- ii. Each resident, as a Member of the Resident Community, is responsible for being familiar with the policies of Big Muddy Urban Farm, including the Resident Code of Conduct and local, state, and federal laws, since these reasonably guide behaviors. Residents at Big Muddy Urban Farm can access a copy of the

Resident Code of Conduct annually in the form of a link on Big Muddy Urban Farm's website. Hard copies and copies in alternative format are available upon request from the Executive Director.

### c. Authority

- i. The Resident Code of Conduct is not a code of criminal law; criminal law concepts, processes, and procedures do not apply to it. Big Muddy Urban Farm will take appropriate action when resident conduct runs contrary to the Big Muddy Urban Farm's mission or a clear and distinct Big Muddy Urban Farm interest, regardless of whether a criminal offense has occurred. Big Muddy Urban Farm reserves the right to take necessary and appropriate action to protect the health, safety and well-being of the Resident Community.
- ii. Residents and associated groups are subject to the provisions of local, state, and federal law and to all legal and judicial authorities as part of their responsibilities to the larger society. If a visitor or guest of a Big Muddy Urban Farm Resident or organization does not comply with Big Muddy Urban Farm policies, and/or with local, state, or federal law, the resident or organization may be subject to Resident Code of Conduct sanctions, as well as to the provisions of local, state, or federal law. Those who believe a crime has occurred should inform the Executive Director, and/or Big Muddy Urban Farm Board of Directors, and/or a local law enforcement agency. Proceedings under the Resident Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

### d. Jurisdiction

- i. The Resident Code of Conduct applies to the conduct of individual residents, both first year and second year, and all Big Muddy Urban Farm-affiliated resident organizations.
  1. Big Muddy Urban Farm retains conduct jurisdiction over residents who have yet to accept residency but are admitted to Big Muddy Urban Farm's Aspiring Farmer Residency educational program, and those who choose to take a leave of absence, withdraw, or have completed program requirements, for any misconduct that occurred post-admission but prior to acceptance, and/or prior to the resident taking leave, withdrawing, or completing program requirements. If sanctioned, a hold may be placed on the resident's ability to accept, re-accept, and/or complete program requirements, and all sanctions must be satisfied prior to the hold being

released. In the event of serious misconduct committed while still accepted but reported after the resident has completed program requirements, Big Muddy Urban Farm may invoke these procedures, and if the former resident is found responsible, Big Muddy Urban Farm may revoke that resident's certification of completion of program requirements.

2. The Resident Code of Conduct applies to behaviors that take place on any Big Muddy Urban Farm premises (as defined in this Resident Code of Conduct), at Big Muddy Urban Farm-sponsored events, and off of Big Muddy Urban Farm premises when a Resident Conduct Administrator determines that the off-premises conduct affects a clear and distinct Big Muddy Urban Farm interest. The term "off-campus" or "off-premises" includes anywhere that is not on Big Muddy Urban Farm premises. Specifically included within the Big Muddy Urban Farm's clear and distinct interest are violations that:
  - a. Involve conduct directed at other Members of the Resident Community or that significantly impinges upon the rights, property, or achievement of self or others, or significantly breaches the peace and/or causes social disorder;
  - b. Disrupt educational programs or activities or other functions of Big Muddy Urban Farm;
  - c. Occur during or at Big Muddy Urban Farm-sponsored events;
  - d. Occur during the events of an organization associated with Big Muddy Urban Farm including the events of a resident group, whether officially recognized or not ;
  - e. Occur during any program requirements such as field trips, farm tours, or resident teaching activities;
  - f. Occur during a remote assignment;
  - g. Occur during any activity supporting the pursuit of completing program requirements, such as research at another institution, or a professional practice assignment;
  - h. Cause or pose a threat of destruction to property belonging to Big Muddy Urban Farm or any Member of the Resident Community;
  - i. Pose a threat to the health and/or safety of a member of Big Muddy Urban Farm; or
  - j. Involve an activity for which a police report is filed and a summons or charge is issued, or an arrest for a crime.
3. The Resident Code of Conduct applies to behavior conducted online, via email or via any other electronic medium. Residents should be aware that online postings such as blogs, web postings, chats, and social networking sites are in the public sphere and are not private. These postings can subject a resident to allegations of Resident Code of Conduct violations if there is information that the Resident Code of Conduct was violated. While most online speech by residents not involving Big Muddy Urban

Farm networks or technology is protected as free expression and not subject to the Resident Code of Conduct, there are three notable exceptions:

- a. A true threat, defined as “a threat a reasonable person would interpret as a serious expression of intent to inflict bodily harm upon a specific individual;”
  - b. Speech posted online about Big Muddy Urban Farm or its community members that causes a substantial negative effect to Big Muddy Urban Farm living and/or learning environments;
  - c. Information indicating a crime has occurred.
4. Visitors to, and guests of, Big Muddy Urban Farm may seek resolution of violations of the Resident Code of Conduct committed against them by Big Muddy Urban Farm residents through the Executive Director. This process is described in Section 6.

#### e. Standard for Determination of Responsibility

- i. The standard for determining responsibility for violations of the Resident Code of Conduct is preponderance of the evidence or “more likely than not.”  
Preponderance of the evidence means that from the information available (including the complaint, response, witness statements, physical evidence, Big Muddy Urban Farm documents and interview notes) the charged resident more likely than not violated the Resident Code of Conduct as charged.

## SECTION 2: STUDENT RIGHTS AND RESPONSIBILITIES

#### a. Equal Treatment

- i. Big Muddy Urban Farm has an obligation to apply its rules equally to all residents. This does not mean, however, that Big Muddy Urban Farm is required to refrain from engaging in the Resident Conduct process with some residents because there are others who cannot be identified, or who are not similarly charged. Procedural fairness incorporates adequate notice of the charges, the opportunity to respond to the charges, and the right of appeal.

#### b. Nondiscrimination

- i. For purposes of this policy, the following characteristics are considered protected and, to the extent permitted by applicable law, individuals and groups cannot and

will not be discriminated against based on these characteristics: race, color, religion, sex, gender, age, sexual orientation, pregnancy, national origin, physical or mental disability, veteran status, genetic information, gender identity, gender expression, or any other status protected under applicable federal, state, or local law.

### c. Freedom in the Learning Environment

- i. The learning environment is not an unstructured political forum; it is the center for study and understanding of subject matter for which program facilitators have a professional responsibility and institutional accountability. Control of the order and direction of fellowship, as well as control of the scope and treatment of the subject matter, must therefore immediately rest with the program facilitator(s). Program facilitators and residents must be free from disruption by residents or others who may be in disagreement with the manner in which the program facilitator member discharges their responsibilities. When in the program, residents have a reasonable expectation to:
  1. Be informed in reasonable detail at the beginning of each term concerning the nature of the program, the program expectations, the evaluative standards, and the grading system that will be used. residents are responsible for becoming familiar with these details and for asking the faculty member for clarification if they do not understand what the program requires.
  2. Take reasonable, yet respectful, exception to the data or views offered during the program and to reserve judgment about matters of opinion, without fear of penalty. Residents have a responsibility not to disrupt educational activity in expressing their views or in reacting to the views of others.
  3. Be protected against improper disclosure of information concerning their views, beliefs, political associations, or personal characteristics that facilitators acquire in the course of their professional relationship with residents. Residents have the responsibility not to disclose improperly such information about their fellow residents.
  4. Be protected against prejudiced or capricious academic evaluation. At the same time, residents are responsible for maintaining the standards of academic performance established for the residency.

### d. Good Standing

- i. The awarding of a certificate from Big Muddy Urban Farm is conditioned upon a resident's good standing with Big Muddy Urban Farm and satisfaction of all Big

Muddy Urban Farm program requirements. “Good standing” means the resident has resolved any behavioral misconduct and the resident complied with all sanctions imposed as a result of any misconduct. Big Muddy Urban Farm may deny the awarding of a certificate if the resident is dismissed from Big Muddy Urban Farm based on misconduct, or may revoke a degree awarded as stated in Section 1.D.1.

#### e. Communication with Big Muddy Urban Farm

- i. Big Muddy Urban Farm email is Big Muddy Urban Farm’s primary means of communication with residents. Residents are responsible for receiving and reading all communication delivered to their email address.

#### f. Responsibility for Guests

- i. Residents are responsible for the conduct of their guests and must use their best efforts to ensure that guests comply with the Resident Code of Conduct and other Big Muddy Urban Farm policies. This includes, but is not limited to, guests attending Big Muddy Urban Farm-sponsored events on or off Big Muddy Urban Farm premises, visitors to Big Muddy Urban Farm Residency Housing, or attendees of activities sponsored by recognized residents.

#### g. Political Activity

- i. The community of constituents supporting BMUF and using its services represent various political persuasions. BMUF is not identified with any political position and exists to serve its constituents without discrimination.
- ii. Residents shall not use the premises or time during working hours for political activity, including posting or distributing partisan political materials, circulating petitions on behalf of any candidate or political cause, presenting speeches, organizing political meetings, etc.
- iii. The right of Residents to take a public stand on political issues is respected and encouraged, but Residents shall take responsibility for making it clear when so doing that they act as individuals and not as representatives of BMUF. Residents shall act politically in a responsible manner, with due regard for their identification with BMUF and the possible effects of their action on the organization and its clients.

## h. Dress Code

- i. In serving the public, there is a need for BMUF to consistently project a professional appearance. Residents are expected to dress in attire that is professional and appropriate to the tasks of the particular position they hold.

## i. Electronic Mail

- i. Electronic mail includes all electronic mail messages created, sent and/or received by residents using the electronic mail and telephone voice mail system owned and Big Muddy Urban Farm provides and maintains an electronic mail system solely to assist in the conduct of the business of BMUF.
- ii. The electronic mail system hardware is BMUF property. Additionally, all messages composed, sent, or received at anytime on the BMUF electronic mail system are and remain the property of BMUF. They are not the private property of any resident.
- iii. The use of the electronic mail system is reserved solely for the conduct of the organization's business. It may not be used for personal business, nor be used to solicit or proselytize for commercial ventures, political causes, outside organizations, or other non-job-related solicitations. The electronic mail system is not to be used to create any offensive or disruptive messages, among which are any messages which contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin or disability.
- iv. Because the BMUF electronic mail system is solely for the purpose of conducting BMUF business, BMUF not only reserves the right to review, audit, intercept, access and disclose all messages created, received, or sent over the electronic mail system for any purpose, but serves notice it will regularly and periodically monitor individual usage of the electronic mail system.
- v. The confidentiality of any message should not be assumed. Even when a message is deleted, it is still possible to retrieve and read that message. Further, the use of passwords for security does not guarantee confidentiality. All passwords must be disclosed to the Executive Director or they are invalid and cannot be used.
- vi. No employee shall install a software program, use a pass code, access a file, or retrieve any stored information unless authorized to do so.

## j. Social Media

- i. In the rapidly expanding world of electronic communication, “social media” can mean many things. Social media includes all means of communication or posting information or content of any sort on the Internet, including to your own or someone else’s web log or blog, journal or diary, personal website, social networking or affinity website, web bulletin board or a chat room, whether or not associated or affiliated with BMUF, as well as any other form of electronic communication. The same principles and guidelines found throughout this Code of Conduct apply to your activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job and academic performance, the performance of fellow residents or otherwise adversely affects employees, clients, suppliers, volunteers, other people who work on behalf of BMUF or BMUF’s business interest may result in disciplinary action up to and including termination.

## k. Use of BMUF Resources

- i. BMUF resources are not to be used for personal purposes without reimbursing BMUF. As a matter of convenience, BMUF does offer use of photo copy, printing, facsimile, mail and overnight/next-day services, which may be used as long as prompt reimbursement of charges is made to BMUF.

## l. Confidentiality

- i. The Health Insurance Portability and Accountability Act of 1996 (HIPAA) is a federal law that includes protections for the privacy of client and employee health information that is Protected Health Information (PHI). PHI generally is information that relates to physical or mental health conditions. All PHI must be kept confidential in accordance with HIPAA policies and procedures.
- ii. In the process of performing work and/or study, residents may overhear statements or become aware of confidential information regarding clients, fellow residents, employees, or BMUF. To protect the rights of all involved, no resident shall, either during their residency or any time following exit of residency, discuss or reveal confidential information outside of work and/or study unless there is a written “Authorization of Disclosure” from the individual involved. Confidential

information is not to be discussed at work and/or study with fellow residents and employees unless required as a necessary part of the job with BMUF. Even casual conversation with fellow residents and employees may be overheard and thereby violates the right of privacy of others.

- iii. The effectiveness of BMUF's services and its regard in the community are dependent upon confidential relationships with people. All residents accept responsibility for maintaining the confidence of BMUF fellow residents, program participants, donor lists, and employee rosters outside BMUF. Maintaining confidential company information in specific categories of any Protected Health Information (PHI) of clients or employees, medical records, services or activities provided to clients, salary information, payroll and personnel information, financial information and legal information is required and this information should not be discussed with people outside BMUF unless it is necessary for daily operations.
- iv. Violations of this policy will result in corrective action, up to and including termination. In addition, legal action may be taken when allowed by law. Residents shall recognize that they may be individually liable to clients and to BMUF for damages resulting from a breach of the conditions of this Confidentiality Policy. This includes payment of attorney fees and all other expenses incurred by BMUF in defending claims that are determined to be without merit and arise from unauthorized disclosure.
- v. Any former resident who improperly reflects the services of BMUF by false or misleading representations of facts will be engaging in deceptive trade practices.
- vi. Any request to residents for work-related information from the news media, law enforcement officials, government agencies or lawyers is to be referred to the Executive Director. In the absence of the Executive Director, such inquiry will go to the Director of Communication.

#### m. Tobacco Use

- i. BMUF supports a healthy, smoke-free environment for fellow residents and employees. For the health of residents, BMUF attempts to maintain a tobacco free environment. Tobacco is prohibited in all buildings on premises owned and/or operated by BMUF, and in all vehicles and equipment owned and/or

operated by BMUF. Tobacco, though strongly discouraged, is permitted in designated outdoor areas adjacent to buildings.

## SECTION 3: DEFINITIONS

### a. Complainant

- i. The term “**Complainant**” refers to an individual who was subject to alleged misconduct described in the Resident Code of Conduct. There may be more than one complainant for an incident. In certain circumstances, the Executive Director or Big Muddy Urban Farm Officer may assume the role of complainant on behalf of Big Muddy Urban Farm.

### b. Facilitator

- i. The term “**Facilitator**” includes all persons whose specific assignments customarily are made for the purpose of conducting instruction, research, or public service as a principal activity (or activities).

### c. Hostile Environment

- i. A “**Hostile Environment**” is created if conduct is **so severe, pervasive, or persistent that it creates** an environment that would cause a reasonable person substantial emotional distress and undermine their ability to work, study, learn, or otherwise participate in Big Muddy Urban Farm programs or services, and actually does cause the harassed person(s) these difficulties. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the harassment is physical. A single or isolated incident of sex or gender-based harassment or discrimination may create a Hostile Environment if the incident is sufficiently severe.

### d. Member of Big Muddy Urban Farm Community

- i. The term “**Member of the Big Muddy Urban Farm Community**” includes any person who is:
  1. A Big Muddy Urban Farm Resident;
  2. A Big Muddy Urban Farm employee;
  3. A Big Muddy Urban Farm contractor or vendor;
  4. A Big Muddy Urban Farm affiliate or volunteer; or

5. Guests, to include but not limited to, event attendees, participants in Big Muddy Urban Farm-sponsored co-curricular or auxiliary programs, visitors and customers.
- ii. Determination of whether an individual is a member of the Big Muddy Urban Farm community may be decided by the Executive Director.

#### e. Policy

- i. The term "**Policy**" is defined as the written regulations, policies, and/or procedures of the Big Muddy Urban Farm or governing Big Muddy Urban Farm.

#### f. Protected Characteristics

- i. The term "**Protected Characteristics**" means personal characteristics or factors that cannot be targeted for discrimination or harassment. For purposes of the Resident Code of Conduct the following characteristics are considered protected and individuals cannot be discriminated against or harassed based on these characteristics: race, color, religion, sex, gender, age, sexual orientation, pregnancy, national origin, physical or mental disability, veteran status, genetic information, gender identity, gender expression or any other status protected under applicable federal, state, or local law.

#### g. Resident

- i. The term "**Resident**" means an individual who has applied for and been granted acceptance by Big Muddy Urban Farm. This definition includes an individual who has been suspended or who withdraws or completes program requirements while the Resident Code of Conduct process is ongoing. Resident status ceases when an individual completes program requirements or formally withdraws from Big Muddy Urban Farm (unless there is a pending Resident Conduct process ongoing at the time of completing program requirements or formal withdrawal), or an individual is dismissed, or expelled for any reason.

#### h. Resident Group

- i. The term "**Resident Group**" means a number of individuals who are associated with Big Muddy Urban Farm and each other by a resident.

## i. Resident Conduct Process

- i. **“Resident Conduct Process”** includes all steps of any process(es) in the Resident Code of Conduct used to address resident behavior and/or misconduct. A Resident Conduct Process is initiated at the time a complaint is received and concludes when the matter is closed.

## j. Big Muddy Urban Farm Community

- i. The term **“Big Muddy Urban Farm Community”** includes Big Muddy Urban Farm, any individual who is a resident, staff member, facilitator, employee, affiliate, volunteer, guest, customer, invitee, or other person associated with Big Muddy Urban Farm.

## k. Residency Housing

- i. The term **“Residency Housing”** includes any other unit owned or leased by Big Muddy Urban Farm for housing residents.

## l. Big Muddy Urban Farm Official

- i. The term **“Big Muddy Urban Farm Official”** includes:
  1. Any person employed by Big Muddy Urban Farm performing assigned administrative or professional responsibilities.
  2. Any resident who is assigned or appointed as a formal member of a Big Muddy Urban Farm Conduct Body.
  3. Any person designated as a Big Muddy Urban Farm Board of Director

## m. Big Muddy Urban Farm Premises

- i. The term **“Big Muddy Urban Farm Premises”** includes all land, buildings, facilities, and other property in the possession of, or owned, used, leased, or controlled by the Big Muddy Urban Farm including, but not limited to, items such as adjacent streets and sidewalks, vehicles, computers, web sites, and Big Muddy Urban Farm-owned and/or operated computer networks, including wireless internet access.

## SECTION 4: VIOLATIONS

Any resident found to have committed, or attempted to commit, any of the following behaviors may be found in violation of, and is subject to sanctions as outlined in the Resident Code of Conduct:

### a. Abuse of Computer Facilities and Resources

- i. The actual and/or attempted mistreatment, misuse, or disruption of any Big Muddy Urban Farm computer resources, including but not limited to, those of offices and communal spaces. Such behavior includes, but is not limited to, possessing passwords without proper authorization, spreading computer viruses, hacking into computer systems, downloading or sending unauthorized or illegal materials, allowing unauthorized users to access Big Muddy Urban Farm electronic resources and/or viewing sites that contain abusive, obscene, profane, sexually oriented, threatening, offensive or illegal material.

### b. Abuse of Self or Others

- i. Physical abuse, threats, intimidation, and/or other behavior which threatens or endangers the health or safety of any person, including one's self.

### c. Abuse of Resident Conduct Process

- i. Abuse of the Resident Conduct Process may include, but is not limited to:
  1. Failure to obey any notice from a Conduct Body or from a Big Muddy Urban Farm Official to appear for any required meeting;
  2. Willful falsification, distortion, or misrepresentation of information during a Resident Conduct Process;
  3. Disruption or interference with a Conduct proceeding or a Resident Conduct Process;
  4. Filing fraudulent charges or initiating a Resident Conduct Process in bad faith;
  5. Attempting to discourage an individual's proper participation in, or use of, the Residency Conduct Process;
  6. Attempting to influence the impartiality of a member of the Resident Conduct Process prior to, and/or during the course of, any Resident Conduct Process;
  7. Harassment (verbal, physical, and/or through use of electronic resources or technology) and/or intimidation of a member of a Resident Conduct Body or Resident Conduct Administrator prior to, during, and/or after any Resident Conduct Process;

8. Verbal, physical, or technological harassment, intimidation, and/or retaliation against a person for their exercise of rights under the Resident Code of Conduct or participation in the Resident Conduct Process as a complainant, respondent, or witness;
9. Failure to comply with any sanction(s) imposed in a Resident Conduct Process;
10. Influencing or attempting to influence another person to commit an abuse of the Resident Conduct Process.

#### d. Academic Misconduct

- i. Cheating, plagiarism, or other forms of academic dishonesty, attempting or committing any of these acts, or assisting another resident in attempting to commit, or committing, an act of academic dishonesty.

#### e. Act of Dishonesty

- i. An act of dishonesty may include, but is not limited to:
  1. Providing false information to any Big Muddy Urban Farm employee or Big Muddy Urban Farm Official;
  2. Providing false information on any Big Muddy Urban Farm document;
  3. Providing false information on documents submitted to the Big Muddy Urban Farm in support of an application for admission;
  4. Forgery, alteration, or misuse of any instrument of identification whether issued by Big Muddy Urban Farm or by any state or federal agency, and/or any Big Muddy Urban Farm document or record.

#### f. Alcohol

1. Any use, possession, or distribution of alcoholic beverages in violation of Nebraska state law, including but not limited to:
  - a) Underage possession or consumption of alcoholic beverages by an individual before the individual's twenty-first birthday;
  - b) Distribution/sale of an alcoholic beverage to any individual before the individual's twenty-first birthday;
  - c) Driving under the influence of alcohol and/or another substance.  
Operation of a motor vehicle while impaired, or with a blood alcohol or breath alcohol level at or above the legal limit; or
  - d) Public intoxication.

## g. Arson and Fire Safety

- i. Any violation of local, state, federal, or Big Muddy Urban Farm fire policy, including but not limited to:
  - 1. Intentionally or recklessly causing a fire which damages Big Muddy Urban Farm property or personal property, or which causes injury to a person;
  - 2. Failure to evacuate a Big Muddy Urban Farm-controlled building during a fire alarm, unless directed to stay in an area of evacuation assistance by a Big Muddy Urban Farm official;
  - 3. Improper use of Big Muddy Urban Farm fire safety equipment; or
  - 4. Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on Big Muddy Urban Farm premises.

## h. Bribery and/or Extortion

- i. Bribery, attempted bribery, acceptance of a bribe, and/or failure to report a bribe. Bribery includes, but is not limited to, offering money and/or some other form of payment including gifts to a Member of the Big Muddy Urban Farm Community in order to influence any educational or administrative process or to influence any Big Muddy Urban Farm event. Extortion includes, but is not limited to, getting or attempting to get money and/or anything of value by violence, threats, and/or misuse of authority.

## i. Creation of Health and/or Safety Hazards

- i. Creation of a health and safety hazard for any Member of the Big Muddy Urban Farm Community. Examples of health and safety hazards include, but are not limited to:
  - 1. Participating in a dangerous prank;
  - 2. Hanging out of or climbing on windows, balconies, or roofs; or
  - 3. Any other conduct that creates an unreasonable risk of harm to a person or property.

## j. Destruction/Damage or Misuse of Property

- i. Destruction, damage, or misuse of Big Muddy Urban Farm or private property, or property belonging to a Member of the Big Muddy Urban Farm Community.

## k. Discrimination

- i. When an individual or group of individuals is treated adversely (for example, denied rights, benefits, equitable treatment, or access to facilities or groups open to all others) based on protected characteristics.

## I. Disorderly Conduct

- i. Disorderly conduct may include, but is not limited to:
  - 1. Conduct that a reasonable person would find offensive such as disorderly, disruptive, lewd, indecent, obscene, and/or profane behavior;
  - 2. Disturbing the peace, disrupting, obstructing (or assisting or encouraging another person to do so) any Big Muddy Urban Farm activity, including but not limited to, teaching, research, administration, athletic, and recreation events, guest speakers and other presentations, cultural events;
  - 3. Any behavior that has a substantial negative effect on a Big Muddy Urban Farm living and/or learning environments and/or interferes with the rights of other another Member of the Big Muddy Urban Farm Community; or
  - 4. Intentional or reckless obstruction that unreasonably interferes with freedom of movement for either pedestrians or vehicles on Big Muddy Urban Farm premises or at Big Muddy Urban Farm-sponsored or supervised functions

## m. Official Orders

- i. Failure to comply with directions of a Big Muddy Urban Farm Official or a law enforcement officer acting in the performance of their duties and/or failure to accurately identify oneself to a Big Muddy Urban Farm Official or a law enforcement officer when requested to do so.

## n. Drugs

- i. Unlawful possession, manufacture, distribution, use, or sale of any controlled or illegal substance, drugs (designer or synthetic), drug paraphernalia (including but not limited to a bong, bowl, hookah, homemade smoking device, pipe), or possession or use of a prescription drug by an individual it was not issued to, or distributing/selling a prescription drug to a person for whom it is not prescribed. A violation may occur if the odor of an illegal or controlled substance or drug is present when more than one individual can reasonably trace it to a specific individual or location.

## o. Failure to Act to Protect Health and Safety

- i. Complicity with, or failure of, any resident, or resident group, to appropriately address a known or obvious violation of the Resident Code of Conduct, or of state or federal law, that poses a risk to the health and safety of any person.

## p. Fiscal Misconduct

- i. A Fiscal Misconduct violation may include, but is not limited to:
  - 1. Falsification of Big Muddy Urban Farm or residency financial records;

2. Any purchase and/or financial transaction made without appropriate reorganization membership and/or institutional approval, including, but not limited to, long-distance calls, copier use, signature of contracts, travel expenses, and rentals;
3. Failure to relinquish reorganized resident organization financial records to officers/advisors, and/or Big Muddy Urban Farm officials;
4. Failure to uphold the financial obligations and agreements entered into on the part of an individual or resident organization;
5. Writing a non-sufficient funds (NSF) check to Big Muddy Urban Farm or a recognized resident organization;
6. Forgery; and
7. Embezzlement.

#### q. Firearm/Weapon

- i. A Firearm/Weapon violation includes, but is not limited to, the possession, storing, wearing, carrying, transporting, or use of any firearm, explosive device of any kind, weapon, or anything used to threaten, harm or disrupt Big Muddy Urban Farm community (including dangerous chemicals, switchblade knives, knives with blades over 3 inches, and realistic replicas of weapons), on Big Muddy Urban Farm premises, including vehicles parked on Big Muddy Urban Farm premises.

#### r. Group Offense

- i. A Group Offense violation may include, but is not limited to, actions by any Resident Group, organization, society, club, or similarly organized group, and the coordinated actions of three or more people, whether or not those people belong to a formally recognized group, that result in one or more violations of policy or law. Repeated individual violations of the Resident Code of Conduct may constitute a group offense if there is a nexus between the behavior and an activity or location in control of the group (for example, multiple alcohol or drug-related medical transports from, or arrests made at, a group-controlled property or as a consequence of a group-sponsored event over the course of a semester).

#### s. Harassment

- i. Harassment is unwelcome conduct (verbal, written, visual, physical, or electronic) that is so severe, pervasive, and offensive, it substantially interferes with the ability of an individual to work, learn, live, participate in, or benefit from the services, activities, or privileges provided by Big Muddy Urban Farm. Discriminatory Harassment is unwelcome conduct (verbal, written, visual,

physical, or electronic) against another individual based upon a protected category that is so severe, pervasive, and offensive, it substantially interferes with the ability of an individual to work, learn, live, participate in, or benefit from the services, activities, or privileges provided by Big Muddy Urban Farm.

- ii. Only one instance is necessary to be considered harassment. Harassment may include but is not limited to:
  - 1. Verbal abuse or hostile behavior such as insulting, name calling, teasing, mocking, degrading or ridiculing another person or group (this may include comments distributed via, or published on, the internet);
  - 2. Conduct that is physically offensive, harmful, threatening or humiliating such as impeding or blocking movement, leering or staring;
  - 3. Unwelcome or inappropriate physical contact such as kissing, hugging, pinching, patting, groping; or
  - 4. Physical assault or stalking;

#### t. Hazing

- i. A violation may include, but is not limited to, any activity expected of someone joining a group(or maintaining full status in a group) or any pastime or amusement engaged in with respect to such group, that causes, or is likely to cause a risk of mental, emotional, and/or physical harm, regardless of a person's willingness to participate. Hazing activities may include, but are not limited to, abuse of alcohol during new member activities, striking another person (whether by use of any object or one's body), creation of excessive fatigue, physical and/or psychological shock, morally degrading or humiliating games, or other activities that create a risk of physical or mental harm. Apathy or acquiescence in the presence of hazing is not a neutral act; it is a violation of the resident Code of Conduct.
- ii. This includes, but is not limited to, any situation which:
  - 1. Creates a risk of physical injury or emotional harm or threat to the health and safety of any individual or group;
  - 2. Involves harassment of any individual or group;
  - 3. Involves humiliation, degradation, and/or ridicule that is severe and/or pervasive, and/or offensive.
  - 4. Involves or includes the willful destruction or removal of public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in a group;
  - 5. Interferes with, or attempts to interfere with, an individual's academic pursuits;
  - 6. Causes, pressures or requires a resident to violate the law.

#### u. Physical Assault

- i. A physical assault may include, but is not limited to:

1. Intentional and/or unwanted physical contact;
2. Use of violence and/or fighting; and
3. Attempt to harm another person.

## v. Sexual Misconduct

- i. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment. Sexual misconduct may include, but is not limited to:
  1. Sexual pranks, or repeated sexual teasing, jokes, or innuendo, in person or via e-mail;
  2. Verbal abuse of a sexual nature;
  3. Touching or grabbing of a sexual nature;
  4. Repeatedly standing too close to or brushing up against a person;
  5. Repeatedly asking a person to socialize when they have said no or have indicated he or she is not interested
  6. Giving gifts or leaving objects that are sexually suggestive;
  7. Repeatedly making sexually suggestive gestures;
  8. Making or posting sexually demeaning or offensive pictures, cartoons or other materials in the workplace;
  9. unwelcome conduct of a sexual nature that affects the learning environment.
  10. A victim of sexual harassment can be a man or a woman. The victim can be of the same sex as the harasser.

## w. Non-Gender/Sex-Based Stalking

- i. Non-gender/sex-based stalking is a course of conduct directed at a specific person that would cause a reasonable person to feel fear or substantial emotional distress. For the purpose of this section, a pattern of behavior is defined as two or more incidents. Stalking behavior may include, but is not limited to:
  1. Non-consensual communication including, in-person communication, telephone calls, voice messages, text messages, email messages, social networking site postings, instant messages, postings of pictures or information on websites, written letters or notes, gifts, or any other communications that are undesired and/or place another person in fear;
  2. Following, pursuing, waiting, or showing up uninvited at a workplace, place of residence, learning environment, or other locations frequented by the person being targeted by the behaviors;
  3. Surveillance and other types of observation, whether by physical proximity or electronic means;
  4. Trespassing;
  5. Vandalism;
  6. Non-consensual touching;

7. Direct physical and/or verbal threats against a person being targeted or that person's friends, family members, or animals;
8. Gathering of information about a person from that person's family, friends, co-workers, or classmates;
9. Manipulating and controlling behaviors such as threats to harm oneself or threats to harm someone close to the target of the behaviors; or
10. Defamation and slander of the person being targeted.

#### x. Theft

- i. Taking or attempting to take another's property—personal, public or institutional—without express permission. Includes, but is not limited to, the intentional or unauthorized taking of goods, services, and other valuables.

#### y. Trespass

- i. Trespass occurs when a person enters or remains on Big Muddy Urban Farm Premises after an authorized Big Muddy Urban Farm Official or law enforcement officer notifies that person orally or in writing that the person's entry or presence is prohibited and therefore the person is excluded from Big Muddy Urban Farm Premises or location specified by the Big Muddy Urban Farm Official or law enforcement officer. A Trespass violation includes knowingly entering, or remaining in or on, Big Muddy Urban Farm premises, or any portion thereof, after being notified of the exclusion. A person excluded by a Big Muddy Urban Farm Official is not licensed, invited, or otherwise privileged to enter or remain on the identified portion of the Big Muddy Urban Farm Premises unless given prior written permission by the Big Muddy Urban Farm Official who excluded the person or other Big Muddy Urban Farm Official as designated by the Executive Director.

#### z. Unauthorized Entry

- i. Any unauthorized entry, including physical or electronic, either actual or attempted, into any facility, building, or computer system or network owned, used, leased, or controlled by Big Muddy Urban Farm. This includes unauthorized possession, duplication, or use of keys or access cards for any facility, building, or computer system or network owned, used, leased, or controlled by Big Muddy Urban Farm.

## aa. Unauthorized Use of Recording Devices

- i. Use of any device, electronic or not, to make a record of any person without that person's prior knowledge or effective consent, when such a record is of a private conversation or of a person at a time and place where that person would have a reasonable expectation of privacy, and such record or image is likely to cause injury or distress.

## bb. Violation of Big Muddy Urban Farm Policy and/or Law

- i. Violating any Big Muddy Urban Farm policy, rule, regulation, requirement, directive or contract, whether published electronically or in hard copy, and/or violating any local, state or federal law.

# SECTION 6: MISCONDUCT COMPLAINTS AND PROCEDURES

## a. Complaints and Processing

- i. Big Muddy Urban Farm Board of Directors or the Executive Director may act as a Complainant and/or Co-Complainant against a resident(s) when there is no other Complainant able to participate and/or willing to participate but the infraction is sufficient for further disciplinary review. As the Resident Code of Conduct applies to residents on and off Big Muddy Urban Farm premises, resident actions resulting in potential violations may be brought forward by police or through arrest records available to the office of the Executive Director.
- ii. Disciplinary actions may take the form of oral or written counseling or termination. The resident's facilitator, in consultation with the Executive Director, shall identify the appropriate disciplinary action based upon the severity of the infraction or performance issue and the impact upon BMUF. Consultation with the Executive Director must be sought when sanctions are being considered.
- iii. In the case of written counseling, an in-person interview will be conducted and written notification provided to the resident. The written documentation will outline:
  1. The infraction, concern or area of performance that needs improvement;
  2. The standards that must be met to successfully resolve the policy violation(s) or performance issues; and
  3. The type of disciplinary action, up to and including termination being taken
  4. The resident shall be asked to sign the counseling notification to acknowledge receipt. If the resident refuses to sign the document, this shall be noted by the

supervisor. The resident may submit a written statement responding to issues addressed in the counseling notification document. A copy of the notification document will be given to the employee and a copy of the document and any written response from the employee will be placed in the personnel file. The employee may also utilize the Appeal process outlined in section VIII of these policies.

## SECTION 7: INTERIM ACTIONS AND CONDUCT SANCTIONS

### a. Interim Actions

- i. The Executive Director or designee may take immediate action (“Interim Action”) when necessary to secure the health and/or safety of a Member of the Big Muddy Urban Farm Community and/or to address an alleged violation of the Resident Code of Conduct.
  - i. Interim action may include, but is not limited to:
    - a. Immediate suspension from Big Muddy Urban Farm;
    - b. Loss of privileges, which may include restrictions from or to a specific area of the Big Muddy Urban Farm’s premises;
    - c. Immediate removal from a residency house;
    - d. A hold being placed upon a residents records;
    - e. Referral for a medical or psychological evaluation at the resident’s expense;
    - f. Referral for a medical or psychological evaluation at the resident’s expense;
    - g. Any other remedy warranted under the circumstances to protect the health and safety of persons, and/or Residency operations or property, and/or the Residency community.
  - ii. At the time that the interim action is imposed, the Executive Director will:
    - a. Inform the Respondent of the interim actions
    - b. Inform the Respondent of the reason for the interim actions; and
    - c. Inform the Respondent that a meeting will take place to review the Interim Sanction(s).
  - iii. Interim Action Meeting Procedures:
    - a. As soon as is practical (but no later than ten (10) business days from the date the Respondent is informed that an Interim Action is imposed), a meeting will take place with Executive Director or designee to review the Interim Action;
    - b. The Respondent will have an opportunity to demonstrate to the Executive Director why the condition(s) specified in the Interim Action should not continue;
    - c. An advisor of the Respondent’s choosing may accompany the Respondent to the meeting as a support person; however, the advisor is not permitted to actively or directly participate in the meeting.

- iv. Based on a reasonable evaluation of the information presented by Respondent at the meeting, the Executive Director or designee will notify the resident within forty-eight (48) hours of the meeting of the decision to:
  - a. Remove the Interim Actions and take no further Resident Conduct action;
  - b. Remove the Interim Actions but proceed to a Conduct Board hearing regarding the Respondent's conduct as prescribed in the Resident Code of Conduct;
  - c. Sustain the Interim Actions until such time as a conclusive decision regarding the Respondent's conduct may be confirmed.

## b. Conduct Sanctions

- i. Resident Conduct sanctions are imposed for the purposes of restoring the standards of the Big Muddy Urban Farm Community, educating residents about the seriousness of their actions, promoting positive growth, and maintaining the safety of the residents involved and of the Big Muddy Urban Farm Community. Failure to comply with sanctions imposed by a Conduct Body's decision within the specified time period(s) may result in further and immediate sanctions. Big Muddy Urban Farm will consider as an aggravating factor in determining sanctions any violation of law or of this Resident Code of Conduct where the Respondent intentionally selected the person and/or target of the violation based on actual or perceived age, race, color, religion, disability, gender, sexual orientation, gender identity, gender expression, national origin, ancestry, disability, or veteran status. More than one of the following sanctions listed may be imposed for any single violation of the Resident Code of Conduct.
  - i. **Warning:** A written notice that the Respondent is violating or has violated Big Muddy Urban Farm policy and that additional infractions of the Resident Code of Conduct could result in further sanctions.
  - ii. **Educational Sanctions:** The Conduct Body may impose educational sanctions including reflection papers, educational modules and/or projects designed to assist the Respondent in reflecting on their decision making. Some educational sanctions will incur a user fee which will be disclosed to the Respondent at the time the sanction is imposed.
  - iii. **Resident Conduct Probation:** A resident may be placed on Resident Conduct Probation ("Probation") following a violation of the Resident Code of Conduct. Probation is for a designated period of time. Probation may be assigned in conjunction with other sanctions or stand alone as the only sanction for a violation. Additional violations while on Probation may include the additional imposition of more severe Resident Conduct sanctions.
  - iv. **Restitution:** Monetary payment required to be made by Respondent to reimburse for repair or replacement of damage, or misappropriated property, and/or to reimburse for medical or other expenses incurred by a third party as a direct result of misconduct.
  - v. **Big Muddy Urban Farm Service Hours:** Work assignments, service to Big Muddy Urban Farm, or other related discretionary assignments.
  - vi. **Fines:** Monetary penalty required to be paid by Respondent which is imposed for a violation of the Resident Code of Conduct.

- vii. **Loss of Privileges:** Action prohibiting a Respondent from participating in certain activities or enjoying certain privileges for a prescribed period of time. Loss of privileges may include, but is not limited to:
  - 1. Removal from Big Muddy Urban Farm Housing;
  - 2. Loss of Big Muddy Urban Farm employment;
  - 3. Exclusion from all or specific Big Muddy Urban Farm premises.
- viii. **Residency Housing Suspension:** Removal of the Respondent from Residency Housing for a definite period of time, after which the Respondent is eligible to return. Conditions for readmission may be specified.
- ix. **Residency Housing Expulsion:** Permanent removal of the Respondent from Residency Housing which may include a prohibition against the Respondent making future application for Residency Housing.
- x. **Big Muddy Urban Farm Suspension:** Action terminating the Respondent's participation in Big Muddy Urban Farm programs for a prescribed period of time. Conditions for readmission may be specified by the Conduct Body. Following a suspension, the Respondent is readmitted on Residency Conduct Probation for the duration of the Respondent's enrollment at Big Muddy Urban Farm.
- xi. **Big Muddy Urban Farm Expulsion:** Action terminating the Respondent's relationship with Big Muddy Urban Farm. This action separates the Respondent from Big Muddy Urban Farm permanently for all current and future residency seasons. An expelled resident is ineligible for readmission to Big Muddy Urban Farm.
- xii. **Group and/or Organization Sanctions:** Sanctions for groups may result in permanent or temporary suspension of the group from Big Muddy Urban Farm, loss of recognition or charter, social probation, or other actions deemed appropriate by Big Muddy Urban Farm. An individual involved in a group offense and/or sanction can also be subject to additional individual charges and sanctions. Any resident group and/or organization may be subject to the following sanctions:
  - 1. Those sanctions listed above;
  - 2. Loss of selected rights and privileges for a specified period of time;
  - 3. Deactivation and/or loss of privileges, including loss of Big Muddy Urban Farm recognition, for a specified period of time.
- xiii. **Revocation of Admission and/or Certificate Degree:** Admission to Big Muddy Urban Farm or a certificate awarded by Big Muddy Urban Farm may be revoked for fraud, misrepresentation, or other violations of Big Muddy Urban Farm standards in obtaining the admission or degree, or for other serious violations committed by a resident prior to completing program requirements.
- xiv. **Withholding Certificate:** Big Muddy Urban Farm may withhold awarding a certificate otherwise earned by a Respondent until the completion of the Resident Conduct Process as set forth in the Resident Code of Conduct, including the Respondent's completion of all sanctions imposed, if any.
- xv. **Program Dismissal:** At the discretion of Executive Director, a resident may be dismissed from the Aspiring Farmer Residency program for one or two quarters.

Executive Director may also request that a resident be dismissed from the class for the remainder of the quarter.

## SECTION 8: APPEALS

- a. There are two types of disagreements:
  - i. Grievance - a dispute between Resident and BMUF
  - ii. Intra-resident difficulties - difficulties occurring between and among residents. It is recognized that the grievance procedures cover actions that are relatively definable in nature. The everyday tensions of residents working together are somewhat less definable and normally more readily resolved by informal discussion than by the more formal written grievance procedures.
  
- b. Formal Appeal – Grievance
  - i. When an employee has a grievance, every effort shall be made to clarify the problem and deal constructively with the difficulties. The following procedure shall be followed:
    1. The aggrieved resident shall send a concise statement of the grievance to the resident's facilitator, requesting an opportunity to discuss the grievance. The facilitator shall confer with the resident within three working days after such conference has been requested. If the facilitator is out of the office, the conference shall be held within three working days after the facilitator's return. The facilitator shall give a decision in writing within a maximum of five working days after the initial conference.
    2. If the resident does not concur with the facilitator's decision, the employee may request that the matter be appealed to the Executive Director. Appeal to the Executive Director shall be made in writing by the supervisor within three working days of the time the employee notifies the supervisor of dissatisfaction with the decision, and shall contain the original statement of grievance and two summaries of the conference between the facilitator and the employee, one written by the facilitator and one written by the resident. A copy of the facilitator's summary shall be given to the resident making the complaint and a copy of the resident's summary shall be given to the facilitator.
    3. The Executive Director shall begin discussing the matter with the resident individually, the facilitator individually, and the resident and facilitator jointly within three working days after receiving the appeal. If the Executive Director is out of the office, the conferences shall be held within three working days after the Executive Director's return. A written decision from the Executive Director shall be given to the resident and facilitator within five working days following the completion of the conferences.
    4. From initiation of the grievance process, the resident using the appeal process must do so within five working days of the notification of each level of action taken. The resident may request up to a two (2) week (10 working days) extension in filing an appeal, providing a written request for an extension is submitted within five working days.
    5. Failure to appeal within the time limits constitutes a forfeiture of the appeal process.
    6. Nothing herein shall require the BMUF representative reviewing the grievance at any level to revise, modify, or otherwise overturn any earlier decision of BMUF and where the Executive Director is the BMUF representative, the Executive Director's decision shall be final and cannot be appealed.
    7. If the subject of the complaint is the Executive Director, the employee shall contact the President of the Board of Directors.
  
- c. Informal Appeal – Intra-Staff Difficulties
  - i. When a resident encounters difficulty in working with another resident, the following procedures shall be utilized:
    1. Facilitator-Resident Difficulties

- a) When difficulties arise between the facilitator and resident, the parties involved shall first attempt to clarify and deal with the problem in a conference. If either resident feels that the problem has not been satisfactorily resolved, the resident may request a conference with the Executive Director.
2. Peer Difficulties
  - a) Two residents who are experiencing difficulty working with one another shall make every effort to discuss the difficulty with each other and attempt to resolve the problem. If either resident is dissatisfied with the results of these discussions, a conference with the residents' facilitator shall be requested. If the difficulty still remains unresolved, a conference with the Executive Director shall be requested.

## SECTION 9: RESIDENT CONDUCT RECORDS

### a. Maintenance of Record

- i. A record of any behavioral or academic sanction imposed through the Resident Code of Conduct process is maintained in the Executive Director. No notation of behavioral or sanction is made on a resident's transcript except in the following circumstances: 1) when a resident is suspended or expelled from Big Muddy Urban Farm for behavioral misconduct; or 2) when the resident's certificate is revoked. In a case of expulsion, suspension, or revocation, the entry on the transcript of the resident shall merely state: "Dismissed from Big Muddy Urban Farm for Behavioral Misconduct" or "Degree/Certificate Revoked for Behavioral Misconduct" and the date of such action. Notices of dismissal or revocation shall not be removed from the resident's academic transcript. All Resident Conduct records will be destroyed after a period of seven (7) years from the date of the sanction(s), unless a sanction includes expulsion. In instances involving expulsion, Resident Conduct records are kept indefinitely. Resident Conduct records are confidential.

### b. Release of Records

- i. A resident may request a copy of his/her own Resident Conduct record at his/her own reasonable expense by making a written request to the Executive Director.
  1. Personally-identifiable resident information besides that of the requesting resident is redacted to protect resident privacy.
- ii. Big Muddy Urban Farm may not communicate a resident's Resident Conduct record to any person or agency outside Big Muddy Urban Farm without the prior written consent of the resident, except as required or permitted by law. Exceptions include:
  - a. Release to another educational institution, upon request, where the resident seeks to enroll in the other educational institution, as allowed by FERPA (20 U.S.C. § 1232(g), 34 CFR pt. 99).
  - b. Release to law enforcement and other entities with a "need to know" in the event of emergency or threat of harm to self or other, as allowed by FERPA (20 U.S.C. § 1232(g), 34 CFR pt. 99).

### c. Release of Resident Conduct Records Involving Crimes of Violence

- i. Big Muddy Urban Farm may inform the Complainant of the outcome of any conduct proceeding involving certain crimes as allowed by FERPA (20 U.S.C. § 1232(g), 34 CFR pt. 99).

## SECTION 10: INTERPRETATION AND REVISION

### a. Interpretation

- i. Any question of interpretation regarding the Resident Code of Conduct will be referred to the Executive Director or her/his designee for final determination.

### b. Revision

- i. The Resident Code of Conduct is subject to change. In general, the Resident Code of Conduct will undergo a review once every three years to determine if significant changes need to be made. The Review Committee will include at least one representative each from resident, the staff, and the board. The review may be made sooner at the discretion of the Executive Director. Big Muddy Urban Farm is responsible for notifying residents when significant changes are made to Big Muddy Urban Farm Policy and residents are responsible for being aware of changes after notification is provided.