



## **POLICY & PROCEDURE DOCUMENT**

NUMBER: 6.3000

DIVISION: Enrollment & Student Experience

TITLE: Student Code of Conduct

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### **I. Purpose and Scope**

The Student Code of Conduct provides the standards of behavior developed by the Western Kentucky University (WKU, or the University) Community for individual students and for student organizations during their enrollment and recognized status respectively. WKU adopts reasonable rules and regulations applicable to students and student organizations which are necessary for the orderly, harmonious, and beneficial learning environment of the whole WKU Community. The Student Code of Conduct is intended to ensure that conduct of an individual student or organization aligns with WKU's educational mission, its goals to prepare productive, engaged, and socially responsible citizen-leaders, and institutional core values.

The Student Code of Conduct summarizes fair and impartial procedures that are used to determine the responsible person or persons in the event it is determined that student misconduct has occurred. The Student Code of Conduct outlines the procedure for redress of misconduct and appropriate sanctions, if any, for a student or student organizations deemed in violation of the University standards of behavior. Throughout the entirety of this process, individual rights and due process are sustained and respected.

#### Conduct Authority

Ultimate authority to govern student conduct rests within the Western Kentucky University Board of Regents. The Board of Regents delegates this authority to the President of the University. Subsequently, the President delegates this authority to the Division of Enrollment & Student Experience through the Assistant Vice President & Dean of Students, to the Office of Student Conduct and the Office of Institutional Equity (Title IX).

The Office of Student Conduct assumes the responsibility to oversee the administration of the Student Code of Conduct. When appropriate, the Office of Student Conduct may delegate conduct authority to additional University officials (e.g., Housing and Residence Life staff) and

committees (e.g., University Disciplinary Committee) in keeping with University policies, rules, and regulations.

### Jurisdiction

The Student Code of Conduct applies to individual students, both undergraduate and graduate, and all student organizations of WKU. For the purposes of student conduct, the University considers an individual to be a student from the point at which a student is enrolled with the institution and thereafter throughout the student's enrollment. At all times, students have access to the [Student Code of Conduct](#). In addition, material copies of the Student Code of Conduct are contained in the Student Handbook and are available in the Office of Student Conduct and upon request.

The Student Code of Conduct and disciplinary authority of the University applies to behaviors of students and/or student organizations that occur on WKU premises, at University-sponsored activities and events, or in connection with a credit-bearing experience. Additionally, the Student Code of Conduct may, in the University's discretion, apply to off-campus conduct that causes a significant disruption to the educational mission of the University or presents a significant danger or threat of safety to themselves or others, such that if the conduct occurred on WKU premises, a possible outcome would be suspension or expulsion. For instance, conduct arising to this level, might include, but is not limited to, instances of drug trafficking or crimes of violence.

The conduct process outlined in this policy may proceed prior to, independent of, or concurrent with any civil or criminal proceedings. The administration of this policy is independent from any legal process and is not governed by the rules of evidence or civil or criminal procedure.

### Student Rights and Responsibilities

WKU develops the Student Code of Conduct to fulfill its mission, to ensure an environment conducive to learning, to establish high standards of integrity and conduct, and to safeguard students' personal freedoms. These personal freedoms imply particular responsibilities.

#### A. Student Rights

1. A student has the right to freedoms guaranteed by the Constitutions of the United States and the Commonwealth of Kentucky.
2. A student has the right to freedom of inquiry, freedom of speech, freedom of press, and freedom to peaceably assemble.
3. A student has the freedom to hear and participate in dialogue and examine diverse views and ideas.
4. A student has the right to engage, either individually or in association with others, in on-campus or off-campus organizations or activities.
5. A student has the freedom to engage in an environment dedicated to learning that is free from discrimination, harassment, or violence.
6. A student has the right to fair and impartial academic evaluation.

7. A student has the right to unbiased and impartial procedural due process in both academic and nonacademic conduct processes.
8. A student has the right to petition for redress of grievances.
9. A student has freedom from unreasonable searches and seizures from University personnel.
10. A student has the right to be informed in writing of University regulations governing academic and nonacademic conduct.
11. A student has the right to be informed in writing of alleged academic and nonacademic misconduct.
12. A student has the right to personal privacy and confidentiality of student records in accordance with applicable state and federal laws.

B. Rights of Student Organizations

1. Students associating into organizations may secure registration of the organization provided they comply with the regulations for registration as stipulated in the [Student Handbook](#).
2. Registered student organizations may use campus facilities, provided the facilities are used for the purposes contracted, subject to regulations of the University.
3. Registered student organizations may invite and hear speakers of their choice subject to the University's [Guidelines for Non-University Speakers](#).

C. Student Responsibilities

1. A student has responsibility for acquiring knowledge of established University policies and behavioral expectations for both academic and nonacademic conduct. Ignorance of the Student Code of Conduct is not a justification for violation of University policy or procedures.
2. A student has responsibility for adhering to University policies presented in official University publications.
3. A student has responsibility for participating in behaviors that align with the University's mission to assist students in being productive, engaged, and socially responsible citizen-leaders of a global society.
4. A student has responsibility to accept the consequences of one's actions.
5. A student has responsibility to respect the rights and inherent humanity and dignity of others.
6. A student has responsibility to respect the property of others.

7. A student has responsibility to recognize that actions reflect upon the individuals involved, and upon the entire university community.
8. A student has a responsibility to practice civility in accordance with principles of good citizenship.
9. A student has responsibility to ensure that no student organization, constitution, or other organizational materials, including posting on the Internet or social networking sites, contains discriminatory language or language that advocates discriminatory action.

## **II. Policy**

### Code of Conduct

Students who violate federal, state, or local law may incur penalties prescribed by civil and criminal authorities. Nevertheless, the University reserves the right to review student incidents independent of action by civil and criminal authorities and to apply the University student conduct process as it serves the educational mission of WKU, a function separate and distinct from civil and criminal proceedings.

Academic freedom, constructive criticism, and due process depend upon civility of behavior by all members of the University community toward all other persons in all circumstances. The University will not tolerate the use or threat of force, violence, coercion, intimidation, obstruction, duress, or disruption by any individual or group. Members of the University community found to be participants in such activities will be subject to immediate disciplinary action. Likewise, appropriate measures will be taken to stop and correct such activities by any non-member of the University community.

Following procedures of due process, allegations of misconduct will be subject to the conduct process which is designed to be an inherently fair, impartial educational experience. If the actions and behavior of a student are duly found to be the responsibility of the student and detrimental to the University mission, function, property, or well-being, the University will apply an appropriate disciplinary sanction.

Any WKU student may be given a reprimand, placed on probation, suspended from the institution, or expelled from the institution because of student misconduct. Additional conditions and/or restrictions may also be invoked as an outcome of misconduct. The following are examples of conduct that is in violation of this Student Code of Conduct:

#### A. Academic Misconduct

The University expects students to operate with the highest standards of integrity in all facets of the collegiate experience. Broadly defined, academic misconduct is any unethical self-serving action in the performance of academic work, deliberate or unintentional, that affords a student an unfair, unearned, or undeserved advantage.

The maintenance of academic integrity is of fundamental importance to the University. Thus, it should be clearly understood that acts of plagiarism or any other form of cheating will not be tolerated and that anyone committing such acts will be held accountable for violation of the Student Code of Conduct.

Students who commit any act of academic dishonesty may receive from the instructor a failing grade in that portion of the course work in which the act is detected or a failing grade in the course without possibility of withdrawal. The faculty member may also present the case to the Office of Student Conduct. Academic misconduct includes, but is not limited to:

1. Aiding and Abetting in an Academic Offense: Intentionally assisting another person to participate in any act of academic misconduct including cyber-academic misconduct.
2. Cheating: Knowingly engaging in acts involving dishonesty, deceit, deception, fraud, fabrication, or falsification in any academic work. Copying the work of others. Permitting others to complete assignments including the use of commercially produced research academic work.
3. Course Materials: Removing or defacing materials in the University library system that been placed on reserve.
4. Dishonesty: Knowingly furnishing false information to defraud or gain benefit.
5. Disturbances in the Classroom: Participating in behaviors in the classroom that prevent others from realizing the full benefit of the learning environment. Engaging in behaviors in the classroom to stifle academic freedom of speech.
6. Plagiarism: Engaging in an act or acts of thievery/stealing by using someone else's work and presenting this work as one's own.
7. Self-Plagiarism: Recycling work submitted for one assignment for another assignment without the faculty member's permission.

**B. Nonacademic Misconduct/Prohibited Conduct**

1. Aiding and Abetting Misconduct: Intentionally enticing, inciting others, conspiring, or assisting another person or persons to participate in any act of misconduct, being an accessory, or passively witnessing others participating in any act of misconduct, is a violation of the Student Code of Conduct.
2. Alcohol: Violation of any federal, state, and/or local law governing the use and possession of alcoholic beverages. Additionally, the University prohibits the possession, furnishing, or use of alcoholic beverages by student residents of campus housing and/or guests of students in campus housing.
  - a. The University prohibits the use of rapid consumption devices or drinking games, including, but not limited to, keg stand, beer pong, funnels, or similar games and devices.
  - b. Any student found in violation of the alcohol policy three times in one calendar year, from the date of the first infraction, may be suspended from the University for a minimum of one semester.

3. Contumacy/Refusal to Comply: Actions involving insubordination, refusal to comply with reasonable directions of a University official, or failure to comply with sanctions imposed if found in violation of the Student Code of Conduct.
4. Destruction of Property: Any act of vandalism, malicious, or unwarranted damage or destruction to any institutionally owned or controlled property.
5. Dishonesty: Behaviors such as cheating, plagiarism, misrepresenting oneself or an organization, knowingly furnishing false information to the University, or omitting relevant or necessary information to gain a benefit, to injure, or to defraud the University.
6. Disrupting the Academic Process or Student Conduct Process: Interference or disruptive activity or behavior that impedes, impairs, or obstructs teaching, research, administration, disciplinary procedures, or other University processes, functions, or other authorized activities including its public service function or other authorized activities on University premises or which inhibits full exercise of rights by others.
7. Drones/Unmanned Aircraft System: Operation of any Unmanned Aircraft System (UAS), including model aircraft (e.g., hobby or recreational use), is strictly prohibited over Western Kentucky University property without prior written approval from WKU. [University Policy # 8.1050: WKU Unmanned Aircraft System Policy.](#)
8. Drugs: Use, possession, production, manufacture, sale, possession with intent to sell, trafficking, or distribution of narcotics, dangerous drugs, or controlled substances, as defined by KRS Chapter 218A. Specific violations related to this code include, but are not limited to, marijuana, drug paraphernalia, anabolic steroids, dispensing prescription, or prescription drug not prescribed to the student, driving while impaired by any drug, whether it be legal or illegal, and drug related activities used to induce an altered state are strictly prohibited. The manufacture (or attempted manufacture) or distribution of narcotics, dangerous drugs, or controlled substances on or off Campus property is prohibited.
  - a. Any student with a violation of the Drug Policy while enrolled at the institution may be removed from student housing and/or suspended from the University. Any student who is found to be manufacturing or distributing drugs on or off campus may be suspended or expelled from the University.
9. Firearms/Weapons: Possession, concealed or otherwise, use or storage of firearms, explosives, dangerous chemicals, or other dangerous weapons is strictly prohibited on any property owned, leased, operated, or controlled by Western Kentucky University, including student housing.
  - a. The owner of a private vehicle is prohibited from possession or storing a weapon while it is operated or parked on University property, including University parking areas, either on campus or at any off-campus facility owned, leased, or operated by the University, subject to the exceptions noted in [University Policy # 0.2021: Deadly Weapons/ Destructive Devices.](#)
10. Forgery: Forgery, alteration, or misuse of University documents, records including, but not limited to, electronic records, vehicular parking permits, transactions and/or communications, or identification (including student identification cards).

11. Fraud: Knowingly passing a worthless check, money order, or fraudulent use of credit cards, including attempts to obtain any item of value under false pretenses or falsification of official university documents is prohibited.
12. Gambling: Participation in any form of illegal gambling is prohibited.
13. Harassment: Any physical abuse, mental abuse, verbal abuse, threatening or intimidating behaviors of any person on University owned or controlled property if: (1) tolerance of, or participation in, the offensive conduct explicitly or implicitly becomes a condition of employment or participation in a university course, program, or activity; or (2) the conduct is sufficiently severe, pervasive, or persistent to interfere with an individual's work, academic, or program participation; or (3) the conduct creates an environment that a reasonable person would consider intimidating, hostile, or offensive. Such conduct includes, but is not limited to, stalking, cyber-stalking, cyber-bullying/harassment, and retaliation as a result of complaints or alleged misconduct.
14. Hazing: Practices or actions that are part of initiation into/or affiliation with any organization involving mental abuse, physical abuse, or creation of a situation that recklessly or intentionally endangers the mental or physical health of a participant by any person is prohibited. A participant is defined as a University student, pledge, or individual participating in an intake process. A person is defined as a university student, member, alumnus, affiliate alumnus, guest of any campus organization, or other individuals.
15. Identification Refusal: Refusal to provide proper identification upon request is prohibited. Students are expected to carry their valid student identification at all times and to present it upon request by University officials including, but not limited to, University Police, administrators, faculty, housing and residence life staff, and other staff of the institution. The University may confiscate any identification card that has been misused, duplicated, or altered. Cards may be retained temporarily while their validity is verified. A student may possess only one identification card. Use of an identification card by any person other than the person to whom it was issued or use of the card under false pretense is a violation of the Student Code of Conduct.
16. Misuse of Property: Unauthorized entry or use of institutional facilities and property; unauthorized possession or duplication of university keys, parking decals, or access cards; tampering with fire equipment; or propping open exterior residence hall doors or any door to any institutionally owned or operated property. Students may not use University property for any activity prohibited by federal, state, or local law.
17. Class Nonattendance: Registration in a course obligates the student to be regular and punctual in class attendance. Faculty may establish specific course requirements for attendance, and those requirements are usually specified on the course syllabus. Students who cease attending classes are expected to report to the Office of the Registrar to initiate withdrawal procedures. Withdrawal deadlines are published each semester in the Registration Guide.
18. Obstruction of Access: Obstruction or disruption, which interferes with the freedom of movement, either pedestrian or vehicular, on institutionally owned or operated property.

19. Recreational Mobility: Skateboards, motorized boards, skates, and bicycles may be used on sidewalks for safe transportation purposes only. When using sidewalks, pedestrians have the right of way. Recreational mobility items are not to be used inside buildings or within 50 feet of building entrances. Motorized scooters, mopeds, motorcycles, and similar motorized vehicles are not to be used on sidewalks or in pedestrian vehicular traffic areas. Motorcycles, scooters, mopeds, and other motorized vehicles must park in parking lots in designated cycle parking areas. Registration with WKU Parking and Transportation Services department is required for all motorized vehicles. Motorized boards or motorized skateboards are not permitted within residence halls.
- a. Excessive speed, stunt riding, or any other use of skateboards, skates, bicycles, or motorized vehicles, motorized skateboards, or boards that may cause property damage and/or endanger self or others is prohibited.
  - b. Bicycles are only to be parked at any of the bicycle racks established throughout campus. Bicycles chained to trees, fences, handrails, etc. may be impounded. Users may not ride on stairways, patios, dock areas, benches, picnic tables, or irregular surfaces. Any person causing damage to University property through the use or misuse of recreational equipment may face adjudication through the University Student Code of Conduct process and/or the legal process to recover damages.
20. Relationship Violence: Abuse or violence between partners or former partners involving one or more of the following elements: (1) battering that causes bodily injury; (2) purposely or knowingly causing reasonable apprehension of bodily injury; (3) emotional abuse creating apprehension of bodily injury or property damage; (4) repeated telephonic, electronic, or other forms of communication (anonymously or directly) made with the intent to intimidate, terrify, harass, or threaten.
21. Retaliation: Actions taken by an accused individual or third party against any person because that person opposed any practices forbidden under this policy, or because that person filed a complaint, testified, assisted, or participated in any manner in an investigation or proceeding under this policy. Retaliation includes intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual's complaint or participation in an investigation. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this policy.
22. Stalking: Repeatedly following, harassing, threatening, or intimidating another by telephone, mail, electronic communication, social media, or any other action, device, or method that purposely or knowingly causes substantial emotional distress or reasonable fear of bodily injury or death.
23. Sexual Assault/Sexual Misconduct: Defined as actual or attempted sexual contact with another person without that person's consent. Sexual assault includes, but is not limited to, the following: (1) intentional and unwelcome touching, coercing, or an attempt to coerce and force; (2) involvement in any sexual contact when the victim is unable to consent; (3) forcing another individual to touch a person's intimate parts (defined as genital area, groin, inner thigh, buttocks, or breasts); (4) sexual intercourse without consent, including acts commonly referred to as rape. [University Policy # 0.2070: Sex and Gender-Based Discrimination, Harassment, and Retaliation](#)

24. Theft: Stealing, theft, and/or possession of stolen property are prohibited. Such property may include, but is not limited to, parking decals, personal property belonging to others, or university property.
25. Technology Use: Any violation of [University Policy # 5.5023: Information Technology Acceptable Use Policy](#) is considered a violation of the Student Code of Conduct.
26. Tobacco: Any violation of [University Policy # 0.2110: Tobacco-Free Campus Policy](#) is considered a violation of the Student Code of Conduct.
27. Traffic and Parking Regulations: Students are required to adhere to regulations established by [Parking and Transportation Services](#). Failure to do so is a violation of the Student Code of Conduct.
28. Unruly Conduct: Disorderly, abusive, or inappropriate behavior, any physical altercation, fighting, lewd, indecent, or obscene conduct or expression on University owned or operated property, or at University supervised and/or sponsored functions are considered violations of the Student Code of Conduct. This provision also applies to events sponsored and/or supervised by recognized student organizations.
29. Violations of Laws: the commission of acts, which constitute a violation of local, state, and/or federal laws. The University will review any conduct reported by members of the University community, law enforcement personnel, or citizens as being in violation of the law. Any student convicted of a criminal offense is subject to university action.
30. Violation of General Rules and Regulations: The commission of acts, which constitute a violation of any University policy, guideline, campus rule or regulation of conduct, which adversely affects the student's suitability as a member of the University community.

### **III. Procedure**

#### Investigation and Procedure

The Office of Student Conduct, and designees, shall be responsible for investigating reports of alleged violation(s) of the Student Code of Conduct. Alleged violations of [University Policy # 0.2070: Sex and Gender-Based Discrimination, Harassment, and Retaliation](#), will be governed by the institutional policies and investigatory procedures outlined in said policy.

#### A. Due Process

A student or student organization who is alleged to be in violation of the Student Code of Conduct is entitled to fair, impartial management of the Student Code of Conduct process. This right includes the following:

1. To receive notification of allegations in writing for any alleged violation of the Student Code of Conduct, including details of the facts upon which the alleged violation is based.
2. To be present and respond to allegations in a meaningful way during all phases of the disciplinary process.
3. To receive periodic status updates during all phases of the investigation.

4. To have a support person(s) present at any phase of the disciplinary process provided that the support person does not violate the privacy rights of another student or substantially delay the disciplinary process.
5. To the presumption that a respondent is not responsible for the alleged violation of the Student Code of Conduct until the University has established every element of the alleged violation. This presumption will not be construed to mean that a complainant or witness has presented false testimony or evidence.
6. To receive notification of the outcome of the disciplinary process.
7. To be informed of the right to appeal a decision finding the student responsible for a violation.

Additional rights are afforded students/student organizations when a violation of the Student Code of Conduct is punishable by suspension or expulsion from the University or termination of campus housing. These rights including the following:

1. The student/student organization will be provided written notice of:
  - a. The rights of the Complainant and Respondent as set forth in the Student Code of Conduct, KRS 164.370, and applicable law; and
  - b. The date, time, and location of each phase of the disciplinary process at least:
    - i. Three (3) business days prior to any scheduled event at which the participant is expected to appear, including any meeting or interview that serves an investigative purpose; and
    - ii. Ten (10) business days prior to any disciplinary hearing.
2. A Complainant or Respondent may be represented by counsel, at the participant's expense, at each material phase of the disciplinary process. Upon receipt of written notification of representation, the University shall direct all correspondence related to the disciplinary process to both counsel and to the Complainant or Respondent.
3. A Complainant or Respondent will be granted reasonable access to all documents and evidence relevant to the alleged violation of the Student Code of Conduct and the University's investigation, but not to include privileged documents or internal communication that is not intended to be introduced at any hearing.

Notice will be deemed given, in writing, to a student or student organization through hard copy mail to the local address on file with the University and/or via official University email to the student's email account (or to the student(s) registered as officers of a student organization).

#### B. Standard of Proof

The standard of proof for a Student Code of Conduct conference (whether administrative or University Disciplinary Committee, see section D. below) will be the preponderance of evidence.

For a student to be found responsible for violation of the Student Code of Conduct, the information presented must indicate that it is more likely than not that the violation occurred.

### C. Conduct Conference

A student responding to an alleged violation of the Student Code of Conduct will attend a conduct conference with a Student Conduct administrator or designee.

In cases which may result in the suspension or expulsion of a student(s), the conduct conference will be heard by the University Disciplinary Committee, see Section D. below.

These conferences will allow the student(s) in question to receive an overview of their rights and responsibilities afforded to every participant in a conduct process. Additionally, the student(s) will be provided a review of the source of complaint which indicates name(s) of the referral agent(s) and provides a narrative description of the events which substantiated the notification. The student(s) will have the opportunity to provide their statement surrounding the incident in question and present any information/evidence which supports their statement. Decision as to the responsibility of alleged violations of the Student Code of Conduct will be based upon the information gathered through conduct conference.

Incidents which invoke alleged violations of [University Policy # 0.2040: Discrimination and Harassment](#) or [University Policy # 0.2070: Sex and Gender-Based Discrimination, Harassment, and Retaliation](#), will follow the processes outlined in the respective policy.

In cases which may result in suspension, expulsion, or termination of housing:

1. notification of the date, time, and place of the conduct conference will be provided to the student(s) at least ten (10) business days prior to the hearing.
2. The student(s) shall receive reasonable and continued access to the administrative file (redacted if the disclosure of evidence is otherwise prohibited by law), beginning seven (7) business days prior to the conduct conference.
3. All documentation and evidence must be in the file three (3) days prior to the conduct conference hearing or may not be admissible except upon the discretion of the conduct administrator or University Disciplinary Committee.
4. During a conduct conference hearing, a participant (or in defined cases, their counsel) may:
  - a. Make opening and closing statements.
  - b. Present relevant statements, documentation, and/or evidence.
  - c. Cross-examine testimony personally (or through counsel), according to guidelines established by KRS 164.370.

Due to the delicate nature of the conduct conference and because of the need to protect confidential records and the involved parties, hearings will otherwise be closed.

Pursuant to state law, the administrator/University Disciplinary Committee shall exclude individuals who investigate or presides over alternative dispute resolution from adjudication, where appropriate.

#### D. University Discipline Committee

The University Discipline Committee is established by action of the Board of Regents of Western Kentucky University in accordance with the Kentucky Revised Statutes which authorize the Board of Regents to invest the faculty/staff or a committee of faculty and staff with the responsibility to review student disciplinary matters that may result in suspension or expulsion of any student for severe violations of the WKU Student Code of Conduct or a gross disregard for the rights and safety of others in the university community. This Committee will consider all cases involving sanctions reaching a level of suspension or expulsion. In every case, the person suspended or expelled may appeal if they meet the appellate threshold.

#### E. Informal Conduct Procedures

A student who is alleged to be in violation of the Student Code of Conduct involving a violation which would result in sanctions which do not include: suspension, separation, expulsion, or removal from campus housing may be adjudicated through an informal conduct procedure. This informal conduct procedure is provided as a courtesy to students and to support the educational aspects of the conduct process. The informal procedure may not include the same procedural rights provided through the formal student conduct process but shall still reasonably respect a student's rights to timeliness, standards of proof, right to a conference, and right to an appeal. A student may, at any time, request that the informal procedure be waived in favor of the formal proceedings.

#### F. Interim Measures

The Office of Student Conduct will evaluate and consider mechanism for remedies which address both individual and community safety. In these cases, interim measures may be enacted including, but not limited to, implementation of no contact orders, academic support, adjustment to academic schedules or living arrangements, and/or interim suspension of the student from the University.

In instances where a student(s) in question may be found in violation of the Student Code of Conduct with an outcome that may result in suspension, expulsion, and/or termination of residence in campus housing, these interim measures may be implemented during the investigation to ensure the physical safety of members of the University community. Within twenty-four (24) hours of implementing one of these interim measures, a student will receive written notice that explains the University's reasons for enacting the interim measure. A student will have the opportunity to participate in an Interim Measures Hearing within three (3) business days of the written notice, unless otherwise waived by the student. The hearing will be conducted with a third-party administrator (not involved in the investigation) to determine whether there is substantial evidence that the student poses a risk to the physical safety of a member of the campus community and that the interim measure is appropriate to mitigate that risk.

#### IV. Outcomes of Violation(s) of the Student Code of Conduct

The following list describes University sanctions, conditions, and restrictions that may be administered as a result of violating the WKU Student Code of Conduct. These may be prescribed independently or in combination depending upon the particular circumstances of the violation. Chronic and/or multiple violations during the course of a student's college career at WKU may increase the severity of outcomes applied.

##### A. Sanctions

The following are examples of disciplinary sanctions that may be imposed. This list is not to be considered exhaustive. Any sanction(s) imposed shall bear reasonable relation to the nature of the violation and may include one or more of the following::

1. Warning and/or Reprimand: Official notice that a student is in violation of the Student Code of Conduct, and that the continuation of such conduct may result in further disciplinary action.
2. Housing Probation: A period to monitor and review a student's conduct as it directly relates to their ability to continue to reside in on-campus residential living. During housing probation, the student must demonstrate compliance with [Hilltopics: Handbook for Residence Hall Living](#) and the WKU Student Code of Conduct. Continued deviation and/or disruptive behavior while on housing probation may result in removal from and/or inability to reside in on-campus housing. This may be imposed for a specified period. Housing Probation may be used as an educational outcome where the student's behavior has been determined to be detrimental to the core mission of the University.
3. Disciplinary Probation: A period of monitoring and review of student conduct in which the student demonstrates compliance with the provisions of University policy and regulations. A student found in subsequent violation of the Student Code of Conduct while on Disciplinary Probation (and/or a student on academic probation and placed on Disciplinary Probation) may be subject to immediate suspension or expulsion.
4. Deferred Suspension: In some cases, a sanction of suspension may be held in abeyance for a specified period. A student found responsible for a subsequent violation of the Student Code of Conduct may face immediate Suspension, in addition to the disciplinary action invoked by the subsequent violation.
5. Suspension: A separation or exclusion from the University for a defined period of time, generally from one term to one year, until certain time and/or conditions are met.
6. Separation: Dismissal from the University for at least one term. Students separated from the University are eligible to apply for reinstatement to the University after this period. Readmission is not guaranteed.
7. Expulsion: Dismissal from the University for an indefinite period. Any student expelled may not, thereafter, be readmitted to WKU except upon application to the Board of Regents through the University President.

## B. Conditions

Disciplinary Conditions may include one or more of the following:

1. **Conduct Hold:** A student(s) ability to access, change, or alter course registration and/or admission status may be restricted for a specified period.
2. **Creative Discipline:** A condition that may be used in lieu of, or in combination with, sanctions. Creative discipline will be consistent with the offense committed and is intended to be an educational process. In some cases, at the discretion of the conduct administrator, a student found in violation may attend special educational seminars, classes, or workshops offered in the subject area of the violation or that are directly related to the violation. In these cases, the student(s) must submit written proof of completion to the Office of Student Conduct.
3. **Parental Contact:** The University may contact parents or legal guardians of students found in violation of policy concerning the possession of alcohol or controlled substances if the student is less than 21 years of age.
4. **Disciplinary Agreement:** Behavioral contract between the University and the student(s) whereby the student agrees, in writing, to correct inappropriate behaviors.
5. **Restitution:** Reimbursement by transfer of property or service to the University or a member of the University community in an amount not in excess of the damage or loss incurred.

## C. Restrictions

Disciplinary restrictions may include one or more of the following:

1. **Restricted Use of Facilities:** Denial of on-campus use of an automobile for a specified period, removal from a Living Learning Community, or other privileges including the use of specific University facilities consistent with the offense committed.
2. **Restricted University Participation:** Restricted or barred from participating in extra-curricular activities including recognized student organizations and/or representing the University in any manner. For conduct involving student organizations, this may include the loss of privileges, including University recognition, for a specified period. Classroom attendance is not included in this restriction.

## D. Administrative Withdrawal

A request for an administrative withdrawal is initiated by the University because of a disciplinary situation when, in the professional judgement of a health care provider, psychologist, and/or university administrator, there is reason to believe a student is a substantial threat to him/herself or interferes with the welfare of other members of the University, the education process, or the orderly operations of the University. The Vice President for Enrollment & Student Experience or the Associate Vice President for Academic Affairs, or their respective designees, will notify the student of the involuntary withdrawal, and the University Registrar will be directed to withdraw the student from all classes in which the student is currently enrolled and cancel registration that has occurred for any future terms. The Office of the Registrar will notify the student's instructors of

the withdrawal, and “W” grades will be recorded for the term in progress. A student who is administratively withdrawn will have a registration hold placed by the Vice President for Enrollment & Student Experience or the Associate Vice President for Academic Affairs to prevent the student from being readmitted or re-enrolled unless cleared by the appropriate administrator or their respective designee. A student may file a written appeal of an involuntary withdrawal through the office that administered the withdrawal. Tuition refund appeals for administrative withdrawals are handled in a separate procedure, and instructions may be obtained from the Bursar’s Office.

## **V. Appeal**

The decision of the original conduct administrator or committee may be appealed as set forth below. An appeal must be submitted, in accordance with sections V.A-B below, within five (5) business days of receiving the written decision or outcome of violation of the Student Code of Conduct.

### **A. Grounds for Appeal**

Appeals of the outcome of a student conduct process must be based upon one, or more, of the following criteria:

1. Whether the conduct hearing or conference was conducted fairly and in accordance with the procedures outlined in the Student Code of Conduct.
2. Whether there was sufficient evidence presented during the conduct hearing or conference process to establish, by a preponderance of the evidence, that a violation of the Student Code of Conduct occurred.
3. Whether sanctions imposed were appropriate in light of the nature of the violation.
4. Whether there is new information that was not known to the person requesting the review at the time of the conduct hearing or conference, and that, if presented at the conduct hearing or conference, would more likely than not have altered the decision.

### **B. Appeal Review Designee**

A student who wishes to file an appeal based upon one or more of the above criteria must do so, in writing, to the appropriate reviewer described herein:

1. Students who wish to appeal an outcome of removal/denial of student housing by the Assistant Director of Student Behavior and Conduct in Housing and Residence Life must submit an appeal to the Assistant Vice President of Student Engagement & Executive Director of Housing and Residence Life. Further appeal may be made to the Vice President of Enrollment and Student Experience, or designee, for final decision.
2. Students who wish to appeal the outcome of a conduct process conducted by Residence Life staff, not covered by (a) above, must submit a written appeal to the Assistant Director of Residence Life. Further appeal may be made to the Director of Residence Life or the Executive Director of Housing & Residence Life for final decision.

3. Students who wish to appeal the outcome of the Office of Student Conduct's decision must submit an appeal to the Assistant Vice President of Student Life & Dean of Students. This decision may be further appealed to the Vice President of Enrollment and Student Experience. The decision of the Vice President is final.
4. Students who wish to appeal an outcome of the University Disciplinary Committee must submit an appeal to the Vice President of Enrollment and Student Experience. If the Vice President upholds the outcome, further appeal may be made to the President. In the event the President considers the outcome to be inconsistent with the principles and standards of conduct of the University community, the President may request that the case be reopened and reheard by the University Disciplinary Committee. If the President upholds the outcome of suspension, expulsion, or termination from University housing, students have the right to appeal to the Board of Regents, or its designee. The decision of the Board of Regents, or designee, is final.

For each instance of a further appeal, said appeal must be submitted to the appropriate secondary or tertiary appeals officer within five (5) business days of receiving the written decision or outcome.

A participant who has the final order overturned for an appeal of suspension, expulsion, or denial of student housing/loss of network access may be entitled to actual damages from the University, including reasonable attorney's fees and court costs (where applicable, [KRS 164.370, Kentucky Campus Due Process Protection Act](#)).

#### C. Academic Misconduct Appeal

A student who believes they have been dealt with unfairly by a faculty member in the course of an academic misconduct outcome may seek relief through the Student Complaint Procedure by contacting the Assistant Vice President of Student Life & Dean of Students Office to initiate this process.

### **VI. Kentucky Campus Due Process Protection Act**

The Code of Conduct is intended to comply with [KRS 164.370, Kentucky Campus Due Process Protection Act](#), and other applicable laws. Parties are afforded the rights contained specifically in the Act.

### **VII. Related University Policies**

[University Policy # 0.2021: Deadly Weapons/ Destructive Devices](#)

[University Policy # 0.2040: Discrimination and Harassment](#)

[University Policy # 0.2070: Sex and Gender-Based Discrimination, Harassment, and Retaliation](#)

[University Policy # 0.2110: Tobacco-Free Campus Policy](#)

[University Policy # 5.5023: Information Technology Acceptable Use Policy](#)

**VIII. Reason for Revision**

The Western Kentucky University Student Code of Conduct will be reviewed annually. Revision and amendment to the Student Code of Conduct may occur at any time as Federal, State, local laws, and institutional policies may require change.

July 01, 2023