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# STUDENT LIFE POLICIES

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## STUDENT LIFE POLICIES STATEMENT ON STUDENT RIGHTS AND RESPONSIBILITIES

### General Philosophy and Guidelines

Students are citizens and members of the University academic community. A citizen's rights and liberties under the Constitution must always be applied in light of the special characteristics of the environment in which the rights are to be exercised. Central to the special characteristics of the environment of a state supported university campus is the special authority of University officials designated by the Board of Regents to control, preserve, and manage University property and affairs and to maintain order and discipline. Therefore, the WKU Student Code of Conduct was established to ensure that disruptions to the University community are handled in an educational, fair, and dignified manner. The University expects students, parents, and the greater community to respect its rules and procedures governing the WKU community and will resist any unwarranted attempts to influence University policies and procedures.

The University demands high standards of personal conduct and encourages each student to maintain integrity through self-discipline. The University adopts rules and regulations that are necessary for the orderly, harmonious, and beneficial functioning of the University community. Accordingly, each student must respect the rights of others and should abide by the spirit as well as the letter of regulations of the University and laws of the community, state, and nation.

Any question of interpretation regarding the WKU Student Code of Conduct shall be referred to The Office of Judicial Affairs, 431 Potter Hall. The WKU Student Code of Conduct shall be reviewed every two years under the direction of the Director of Judicial Affairs.

### Maintenance of Student Records

The Office of Judicial Affairs maintains disciplinary records on students of Western Kentucky University. All student records maintained by the Office of Judicial Affairs are held in compliance with the Family Educational Rights and Privacy Act (FERPA). These records are kept under lock and in confidence in said office with access to these records being available only to the appropriate University officials. Non-Current records, more than five years old, shall be destroyed or expunged. Current disciplinary records which are pending or resulted in a suspension or expulsion shall be retained.

### Purpose of the Student Code of Conduct

Western Kentucky University developed a Student Code of Conduct in order to fulfill its mission and promote a positive environment for all members of the University community. As a member of the University community, a student is granted rights and responsibilities, which are defined within the Student Handbook. It is the responsibility of every student to become familiar with the WKU Student Code of Conduct and the rights and responsibilities of students. Ignorance of the WKU Student Code of Conduct is not acceptable justification for violation of any campus policies or procedures.

The regulations within the Student Code of Conduct are intended to govern the student conduct at Western Kentucky University. The University will take judicial action against a student for an off-campus offense only when the nature of the offense is such that, in the judgment of the Director of Judicial Affairs, the continued presence of the student on campus is likely to interfere with the educational process and the orderly operation of the University. Students who violate the law may incur penalties prescribed by civil and criminal authorities. However, the University reserves the right to review student incidents independent of action by civil and criminal authorities and apply the University judicial process as it serves the educational mission of WKU, a function separate and distinct from civil and criminal proceedings. The University may proceed with judicial action before a trial or postpone action until after a trial, depending on the circumstances of the case. Below are statements of policy regarding the rights, responsibilities, and code of conduct for Western Kentucky University. The policies or procedures of the Office of Judicial Affairs are designed to provide students with fair and equitable solutions of their involvement in the alleged misconduct.

### Rights

1. The right of respect for personal feelings, freedom from indignity, and to expect an education of the highest quality.
2. The right to speak on University property provided that his/her behavior does not infringe on the rights of others as further defined in the University policy on time, place, and manner of meetings, assemblies, and demonstrations.

## Student Life Policies

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3. The right of freedom to hear and participate in dialogue and to examine diverse views and ideas.
4. The right to participate in all areas and activities of the university, free from any form of discrimination, including harassment, on the basis of race, color, national or ethnic origin, religion, sex, disability, age, sexual orientation, or veteran status in accordance with applicable federal and state laws.
5. The right to engage, either individually or in association with others, in off-campus activities, exercising rights as a citizen. When so engaged, in a context in which the participant is identified as a student, there exists a responsibility to make clear that the student does not represent the University.
6. The right of due process in the judicial procedure in accordance with rules of procedures prescribed in the Student Code of Conduct.

### Rights of Student Organizations

Students associating into organizations may secure registration of the organizations provided they comply with the regulations for registration as stipulated in the regulations for student organizations.

Registered student organizations may use campus facilities, provided the facilities are used for the purpose contracted, subject to regulations of the University.

Registered student organizations may invite and hear speakers of their choice subject to the University's speaker's policy.

### Responsibilities

1. The responsibility of assuming the consequences of one's own actions.
2. The responsibility to insure that no student organization, constitution or other organizational document includes discriminatory clauses pertaining to race, creed, religion, color, sex, national origin, disability, or sexual orientation.
3. The responsibility to respect the rights and property of others, including other students, the faculty and the administration.
4. The responsibility to recognize that student actions reflect upon the individuals involved and upon the entire university community.
5. The responsibility for knowledge of and observance of established University policies presented in official University publications.

### Definitions

The term "University" means Western Kentucky University.

"**Student**" is defined as any individual who accepted an offer of admission as an undergraduate or professional graduate who has not yet graduated and is enrolled in courses at the University and persons who are or were enrolled in the current semester and registered for the next semester.

"**Behavior**" includes conduct and expression.

"**University official**" includes any administrator, faculty, staff, or any authorized individual to act on behalf of the University.

"**University premises**" includes all land, buildings, and other property owned, leased, or supervised by the University, including adjacent streets and sidewalks.

"**Student organization**" means any group that has complied with the formal requirements and registration process of the University.

"**Director of Judicial Affairs**" means a University official approved to oversee the judicial process. This person is approved to impose sanctions to all cases heard administratively.

"**Judicial Affairs**" is the University Judicial System that oversees all student conduct.

### Student Code of Conduct

Following the procedures of due process, if the WKU Student Code of Conduct is violated, the responsible parties will go through the University's judicial process, which is intended to be a fair and educational experience. Any WKU student may be expelled, suspended, placed on probation or given a lesser sanction for one or more of the following causes:

1. **Dishonesty.** Dishonesty, such as cheating, plagiarism, misrepresenting of 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 is prohibited.

2. **Drugs.** Use, possession, production, manufacture, sale, possession with intent to sell, trafficking or distribution of narcotics, dangerous drugs or controlled substances, as defined in KRS Chapter 218A, including marijuana, drug related activities, including those involving drug paraphernalia, anabolic steroids, and non-prescription drugs except as expressly permitted by law is prohibited. The manufacture or distribution or attempted manufacture or distribution of narcotics, dangerous drugs, or controlled substances on or off University 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.
3. **Alcohol. Western Kentucky University complies with the alcohol regulations of the Commonwealth of Kentucky.** Violation of any federal, state and local laws governing the use and possession of alcoholic beverages, including off-campus. Examples may include but are not limited to Driving under the influence (DUI), being assessed as intoxicated in public (AI or PI) and underage consumption. The University prohibits the possession, furnishing or use of alcoholic beverages (including wine and beer) by student residents of campus housing and/or guests of students in residence halls. The University prohibits the use of rapid consumption devices or drinking games including, but not limited to, kegs, bong, funnels, and beer pong. Any student found in violation of the Alcohol Policy three times in any one-year period may be suspended from the University for a minimum of one semester.
4. **Sexual Misconduct.** Non-consensual sexual contact, including but not limited to sexual assault or abuse, rape, acquaintance rape, or sodomy. (Please refer to the Sexual Offense Policy)
5. **Weapons.** Possession or use of firearms, explosives (including fireworks), dangerous chemicals or other dangerous weapons or the brandishing of any weapon or any other object in a menacing or threatening manner on institutionally owned or controlled property is prohibited.

The owner of a private vehicle is prohibited from possession or storing a weapon in the vehicle 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.

**Exception** as provided in WKU's **POLICY & PROCEDURE DOCUMENT NUMBER: 0.2020, *Deadly Weapons/ Destructive Devices Policy*** ([http://www.wku.edu/policies/documents/weapons\\_0\\_2020.pdf](http://www.wku.edu/policies/documents/weapons_0_2020.pdf).)

Weapons may be defined as an object, instrument, device, or substance designed to inflict a wound, cause injury or incapacitate. Weapons may include, but are not limited to all firearms, pellet guns, stun guns, paintball guns, air guns, slingshots, martial arts devices, knives and clubs.

*The above information is provided solely for your convenience and is not intended to constitute a formal legal understanding or legal advice. If you have any additional questions on storing or transporting deadly weapons in a vehicle while on campus, including whether a particular means of storage or transportation would violate the Student Code of Conduct against weapons on campus pertaining to carrying a concealed deadly weapon, you may wish to consult the University Police Department.*

6. **Identification.** Refusal to provide proper identification upon request. 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, faculty, residence life staff, and other staff of the institution. The University may confiscate any ID card that has been misused, duplicated, or altered. Cards may be retained temporarily while their validity is checked. A student may possess only one ID card. Use of the ID card by any person other than the person to whom it was issued or use of the card under false pretenses is a violation of the Code of Conduct.
7. **Theft.** Theft and/or possession of stolen property. Such property may include, but is not limited to, parking decals, and personal or university property.
  - a. Theft of property having substantial value may result in serious disciplinary action for a first offense.
8. **Hazing.** Hazing refers to practices that are a part of initiation into an affiliation with any organization. Hazing is considered a serious violation of The Student Code of Conduct and is prohibited in all forms. This code of conduct is based on fair and equal treatment with consideration and respect for all students and applies to organizations and individuals alike. Any person receiving bodily injury by hazing or mistreatment shall have a right to sue, civilly, the person or persons guilty. Western Kentucky University defines hazing as any action, physical abuse or creation of a situation that recklessly or intentionally endangers the mental or physical health of a participant by any person. A participant is defined as a university student, or any pledge. A person is defined as a university student, member, alumnus, affiliate alumnus, guest of any campus organization, or other individuals.

### Physical Abuse:

- ❖ Forced or coerced use or consumption of liquor, drugs, or any other vile substance.
- ❖ Calisthenics (push-ups, sit-ups, jogging, runs, etc.)
- ❖ Paddling
- ❖ Line-ups

### Mental Abuse:

Harassment is defined by exacting degrading and disagreeable work, ridicule or abusive and humiliating conduct that tends to bring the reputation of the organization or University into disrepute. Any action that intentionally prevents students from fully participating in the academic process is also considered hazing.

- ❖ Theft of any property
- ❖ Sleep Deprivation
- ❖ Forced Nudity
- ❖ Personal Servitude
- ❖ Forcing a violation of University policies and federal, state, or local laws

9. **Harassment.** Physical abuse, threatening comments, or intimidation of any person on University owned or controlled property or at University sponsored or supervised functions, or conduct which threatens or endangers the health or safety of any member of the University community or any other person or persons. Such conduct includes, but is not limited to stalking, cyber stalking, physical or cyber harassment, cyber bullying and any retaliation as a result of complaints or alleged misconduct.
10. **Unruly Conduct.** Conduct that is disorderly or lewd, any words or acts that result in physical altercation, fighting, and indecent or obscene conduct or expression. Behaviors that cause physical injury or threaten others, or interferes with any individual's rightful act. This responsibility also applies to events sponsored and supervised by recognized student organizations, on or off campus.
11. **Disrupting the Academic and or Judicial Process.** Interference or disruptive activity that impedes, impairs, or obstructs teaching, research, administration, judicial process, failing to comply with the sanctions imposed under the Student Conduct Code, or other University missions, processes, functions or other authorized activities including its public service function of other authorized activities on University premises or which inhibits full exercise of rights by others.
12. **Class Attendance and Classroom Conduct.** Regular classroom attendance is expected of all students. Although role may not be taken grades are based on the performance of assigned work and this may include class participation and attendance. A professor has the authority to determine acceptable classroom conduct for his or her students as long as those decisions do not infringe on the student's rights. Disruptive classroom behavior may also be considered unruly conduct (see item 10).
13. **Technology Use Ethics.** Any violation of the Technology Ethics Policy as created by the Department of Information and Technology is considered a violation of the Student Code of Conduct.
14. **Shared Responsibility for Violations.** Enticing, inciting others, abetting, conspiring, being an accessory, or passively witnessing/participating in any act prohibited by the student conduct code is prohibited.
15. **Requests or Orders.** Refusal to comply with directions, requests, or orders by University officials or law enforcement or failing to identify oneself when requested to do so. Upon the request of the student questioned, the authorized university official must show identification and state the source of his/her authority. Among those officials who may request a student's ID card are staff members from: Residence Life, Downing University Center, WKU Food Services, Faculty and Staff, Book Store as well as any staff member within the Division of Student Affairs.
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 of exterior residence halls doors or any door to any institutionally owned or controlled property. Students may not use University property for any activity prohibited by Federal, State or local laws.
17. **Destruction of Property.** Any act of vandalism, malicious, or unwarranted damage or destruction to any institutionally owned or controlled property.
18. **Recreational Mobility.** Skateboards, skates, and bicycles may be used on sidewalks for safe transportation purposes only. When using sidewalks, remember pedestrians have the right of way. They may not be used inside buildings or within 50 feet of building entrances. Motorized scooters, mopeds, motorcycles, and similarly motorized vehicles are not to be used on sidewalks or in pedestrian 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. On campus housing residents may only bring one motorized vehicle to campus.

Excessive speed, stunt riding, or any other use of skateboards, skates, bicycles, or motorized vehicles that may cause property damage and/or endanger self or others is prohibited. Bicycles should 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 use or misuse of recreational equipment may face prosecution through the University Judicial process and/or the legal process to recover damages.

19. **Obstruction of Access.** Obstruction or disruption, which interferes with the freedom of movement, either pedestrian or vehicular on institutionally owned or controlled property
20. **Traffic and Parking Regulations.** Traffic rules and regulations as published by the university, will be administered by The Office of Traffic and Parking. Students are required to obey these regulations as a condition of their enrollment. Any behavior that is of an unruly or disrespect to their authority will be deemed a violation of the Code of Conduct.
21. **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.
22. **Forgery.** Forgery, alteration or misuse of University documents, records including, but not limited to, electronic records, transactions and /or communications, or identification, including student identification cards.
23. **Gambling.** Participation in any form of illegal gambling is prohibited.
24. **Violation of Laws.** The commission of acts which constitute a violation of local, state and 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 judicial action.
25. **Violation of General Rules and Regulations.** 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.

#### **Alcohol & Drug Abuse Prevention and Intervention Session (Prime for Life)**

This creative discipline sanction is an extensive eight hour-long program intended to educate students about their risks for abusing alcohol and/or drugs. The program is designed to challenge common false beliefs that college students may have with regards to alcohol and drug use. **Students assigned this sanction will be required to pay \$85.00 for educational materials provided in this nationally recognized and certified program.** Successful completion of the program will provide students with useful information encouraging responsible and appropriate behavior when considering using alcohol or drugs. University policies regarding drug and alcohol use will also be addressed within the program.

#### **Judicial Actions/Sanctions**

**The following list describes University sanctions that may be administered as a result of violating the WKU Student Code of Conduct. Sanctions may be imposed only after a conference or hearing at which the student has had the opportunity to review alleged violations, review any evidence, and respond.**

Sanctions may be used independently or in combination depending on the particular circumstance of the violation. Chronic and/or multiple violations during the course of an individual student's college career may increase the severity of sanctions applied.

1. **Warning and/or Reprimand** - Official notice to a student that conduct or actions are in violation. The continuation of such conduct or actions may result in further judicial action.
2. **Creative Discipline** - A sanction which may be used in lieu of, or in combination with, sanctions numbered three through six below. Creative discipline will be consistent with the offense committed. In some cases, at the discretion of the hearing officer, a student found in violation may attend special educational seminars, classes, or workshops offered in the subject area of the violation or may be sanctioned in another way which is directly related to the violation. In these cases, the student must always submit written proof of completion of the sanction to the hearing officer. The University may also contact parents or legal guardians of students found in violation of policy concerning the possession of alcohol or controlled substances if the student is under 21.
3. **Disciplinary Agreement** - Behavior contract between the University and the student whereby the student agrees, in writing, to correct inappropriate behaviors.

4. **Restricted Use of Facilities** - Denial of on campus use of an automobile for a specified period of time, removal from a living group, or other privilege including the use of specific University facilities, consistent with the offense committed. Restricted use of facilities may be accompanied by other sanctions.
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. Reimbursement may be accompanied by other sanctions.
6. **Restricted University Participation** - Exclusion for a period of time from participating in extra-curricular activities including recognized student organizations and/or representing the University in any manner. Classroom attendance will be unaffected.
  - The following sanction may be imposed upon groups or organizations: Deactivation – Loss of all privileges, including University recognition, for a specified period of time.
7. **Disciplinary Probation** - A period of observation and review of conduct in which the student demonstrates compliance with the provisions of University regulations.

**Any student found in violation of the Student Code of Conduct while on disciplinary probation in the same semester of academic probation may be subject to immediate suspension or dismissal from the university.**
8. **Deferred Suspension** – In some cases, a sanction of suspension may be held in abeyance for a specified period. This means that if a student is found responsible for any violation during that period, he or she will be subject to the deferred sanction without further review, in addition to the disciplinary action appropriate to the new violation.
9. **Interim Suspension** – Exclusion for a period of time, prior to a disciplinary hearing, from the residence halls or campus (including classes) and all other college activities or privileges of a University student.
  - Interim suspension may be imposed only:
    - To ensure the safety and well-being of a member of the University community or preservation of University property;
    - To ensure the student's own physical or emotional safety and well-being; or
    - If the student poses a definite threat of disruption of or interference with the normal operations of the University.
10. **Suspension** - Exclusion for a period of time, generally from one term to one year. A separation from the university is a time away for a number of academic semesters or until certain conditions are met.
  - In certain circumstances, the Director of Judicial Affairs or the Vice President for Student Affairs may impose a University or residence hall suspension.
11. **Separation** – Dismissal from the University for at least one semester. Students separated from the University are eligible to apply for reinstatement to the University through the Office of Judicial Affairs. Readmission is not guaranteed.
12. **Expulsion** - Dismissal from the University for an indefinite period of time. Any student expelled may not, thereafter, be readmitted to the University except upon application to the Board of Regents through the President.

### Sanction Determination

The Office of Judicial Affairs will make the determination as to whether or not allegations of misconduct involve matters sufficiently serious to raise issues of suspension, separation or expulsion from the university. The following shall be considered:

1. The degree of willfulness or inadvertence;
2. The degree of injury or risk of injury to the accused or to another person, if any;
3. The extent of damage to property, if any;
4. The danger or risk of danger to the University community, if any; and
5. Any other factor or circumstance bearing reasonably upon mitigation or aggravation or the seriousness of the alleged offenses should it be established as a violation.



Within the Division of Student Affairs, direct supervisory jurisdiction of judicial matters involving violations of the Student Code of Conduct is assumed by the Office of Judicial Affairs. The Director of Judicial Affairs serves as the chief judicial officer for the university.

Any time a student is sanctioned or action is taken by the University for inappropriate behavior it is considered serious. Cases involving sanctions of warning, creative discipline, disciplinary agreement, restricted use of facilities, restitution, and disciplinary probation are usually not serious enough to warrant expulsion or suspension. Cases that involve incidents occurring within a residence hall may be heard by Housing and Residence Life and the Director of Judicial Affairs. With exception, all cases involving student arrests; drug violations resulting in arrest, sexual misconduct, physical assaults and unruly conduct will be heard by the Office of Judicial Affairs. Those cases that involve incidents occurring outside a residence hall, sexual assault or more egregious violations of the Student Code of Conduct will be heard by the Director of Judicial Affairs.

Alleged violations of the Student Code of Conduct will be heard through informal discussion, conferences, and hearings with the accused student. Any such decision is subject to final review by the Director of Judicial Affairs. A request for final review by the Vice President for Student Affairs must be made within three business days after initial sanctioning to the Office of Judicial Affairs. It is the responsibility of the Office of Judicial Affairs to coordinate the adjudication process among various adjudicating partners.

Direct supervisory jurisdiction is assumed by the Office of Judicial Affairs.

**Off-Campus Jurisdiction**

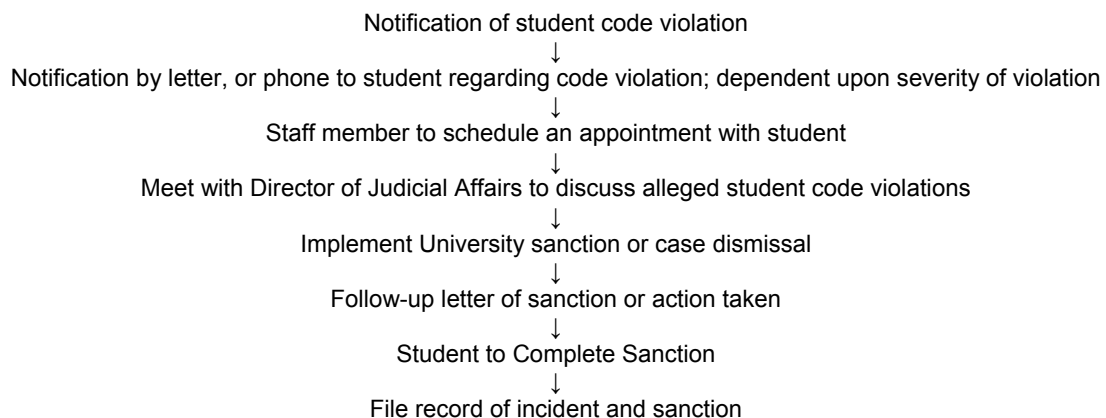
While the institution does not desire to act as a policing authority for the activities of the student off University property, and while it cannot serve as a sentencing authority for a student's violation of federal, state or local law, the University may take appropriate action in situations involving misconduct that violates the WKU Student Code of Conduct. When actions or incidents occur off campus, such conduct may call into question the student's continued membership in the educational community either because the student grossly violated elementary standards of behavior required for the maintenance of the educational community or because the student's continued presence would adversely affect the pursuit of educational goals of others.

It is the position of the Office of Judicial Affairs that among the violations of misconduct considered to be of an especially serious nature are those that represent a threat to the safety and health of members of the University Community. These include involvement with narcotics, dangerous drugs, and/or controlled substances, violence or threat of violence, non-consensual sexual contact, and the possession of firearms or the brandishing of any object in threatening manner. A student found in possession of a firearm or any other weapon or the brandishing of any object in a menacing or threatening manner will be referred to the Office of Judicial Affairs for the sole purpose of determining either suspension or expulsion.

Notwithstanding the above, the President of the University is authorized and has empowered the Office of Judicial Affairs to suspend (separate) any student if it is indicated that under the circumstances the accused student's continued presence on campus during the interim period awaiting a hearing before the University Disciplinary Committee is inimical to the best interests of the University. Any such suspension (separation) shall be for a period of not more than one semester. The student shall be furnished written notice of the actions and the reasons therefore. The notice shall also advise the student that the accusation of misconduct shall be referred to the University Disciplinary Committee upon his or her return.

**Procedures Followed in Disciplinary Cases:**

**Student Conduct Hearing Flowchart**



In enforcing student conduct regulations, the University follows fair procedures in keeping with democratic practices and due process requirements. Judicial action will not be taken without providing the student with notice of the charges in advance to allow a reasonable period of time to prepare for the conference or hearing. Preliminary conferences with the student on any alleged violation or misconduct may occur immediately for the purpose of ascertaining the nature and extent of the problem. Because the focus is on the education of students, student hearings are conducted as informal inquiries and do not follow formalized courtroom procedures. Decisions at such hearings will be based solely upon the information produced therein. Based on the preponderance of the evidence, the level of student responsibility and/or involvement shall be determined by the institution.

In any case where the violation of University policy involves conduct that would constitute a public criminal offense upon prosecution and conviction, the burden will be satisfied by either:

- (a) The accused student's admission of responsibility to the committee, or
- (b) Information in the record, if the student denies responsibility, that a preponderance of evidence indicates responsibility.

A university disciplinary committee has been established by action of the Board of Regents of Western Kentucky University in accordance with the Kentucky Revised Statutes that authorize the Board of Regents to invest the faculty/staff or a committee of the faculty/staff with the power to suspend or expel any student for severe violations of the WKU Student Conduct Code or a gross disregard for the rights of others in the campus community. Therefore, this Committee will consider all cases involving sanctions of suspension, deferred suspension, and expulsion. In every case, the person suspended or expelled may appeal through the Vice President for Student Affairs if he or she meet the conditions for appeal.

The Committee is comprised of thirteen members, six faculty, three staff, and four students, who are appointed by the President of the University. Faculty terms are three years and are staggered so that the term of one third of the membership expires each year.

At least seven members of the Committee will be present before any official action is taken. Any decision will be made by a majority of those Committee members present. The Committee is to be notified of a meeting by the Director of Judicial Affairs or members of his staff immediately upon determination of the necessity for such a meeting.

Committee hearings are conducted in two parts. In the first part, only information that bears on whether or not the student has engaged in specified violations or misconduct may be presented. If the Committee finds no violation or misconduct, the finding is recorded and the proceeding is concluded.

If the finding is that the student has, in fact, engaged in a violation or misconduct, the Committee shall, in the second part of the proceeding, hear and consider any information bearing upon circumstances of extenuation or mitigation. After this part is concluded, the Committee shall determine the appropriate sanction. The Committee will function in accordance with the following procedures:

### **Preliminary Procedures**

1. Director of Judicial Affairs or his/her designee shall have notified the student or students in writing as to the time and place of the hearing to be held by the university disciplinary committee and of the nature of the problem or charge and the information against the student or students.
2. Notification to the student (s) shall be made at least three days before the hearing is to be held. The student will meet the Director of Judicial Affairs or his/her designee to discuss the hearing process and sign a hearing checklist form. In the student's absence, a written report of the facts of the case and all related documents will be presented and reviewed by the University Disciplinary Committee and a decision will be made as to whether or not a violation of misconduct occurred and an appropriate sanction will be levied at that time.
3. The Director of Judicial Affairs and other persons on the staff shall provide the committee with a written report of the facts of the case.
4. If so desired, the student(s) may be accompanied at the hearing by a member of the faculty, staff, fellow student, or any third party approved by the University. Written approval must be secured two working days prior to the hearing.
5. Persons accompanying the student may advise but not represent and may not address the Committee in any fashion without permission from the Chairperson.
6. Due to the delicate nature of the hearing and because of the need to protect confidential records and the alleged victim, these meetings shall be otherwise closed.



### **Hearing Procedures**

1. The Chairperson will begin the meeting by citing reasons for the call. Information bearing on whether or not a violation or misconduct has occurred will be given by the Director of Judicial Affairs or an appointed representative of the Director of Judicial Affairs.
2. The student will be given an opportunity to state the case and to present pertinent information for defense.
3. The Chairperson will call for discussion in a question and answer exchange on whether or not a violation or misconduct has occurred.
4. The Committee will make a decision in an executive session on whether or not a violation or misconduct has occurred.
5. The decision of the Committee will be reported to the student and the student's representative in a private session. If the decision is that a violation or misconduct has occurred, the Committee will then hear and consider information bearing upon the circumstances of extenuation or mitigation. The Committee will then apply sanctions in closed session. If the Committee finds that a violation or misconduct did not occur, the Committee meeting will conclude without application of sanction.
6. A record of the session proceedings will be retained by the University.

### **Conditions for Appeal**

The University understands the need to have a corrective process in place to address circumstances should the University Disciplinary Committee err. One or all of the follow conditions must be met in order for an appeal to be considered. An appeal should be set forth by the accused:

1. To determine whether the original hearing was conducted fairly and in accordance with the Office of Judicial Affairs sanction determination and procedures.
2. To determine whether the decision reached regarding the accused student was based on substantial information to determine the preponderance of evidence and/or the level of responsibility.
3. To determine whether any sanctions imposed by the University Disciplinary Committee were appropriate and not unduly harsh for violation/s set forth in the Student Code of Conduct.

The appeal will be reviewed and determined by the Director of Judicial Affairs. If one of the aforementioned conditions is proven, the appeal will be forwarded to the VPSA. If all of the aforementioned conditions are proven, the appeal will be forwarded to the President and the Board of Regents for review. If one of the three conditions for appeals is not met, the decision of the University Disciplinary Committee will be upheld and the accused expected to comply immediately.

### **Procedures for Appeal through the President to the Board of Regents**

1. Any student desiring to appeal a decision of the University Disciplinary Committee for review by the Board of Regents shall do so by filing a written statement of notice of intent to appeal with the President of the University. No appeal will be considered unless such notice is received in the VPSA office within five days, excluding holidays or weekends, following notification of the Committee's decision.
2. Ordinarily, the student suspended or expelled by the University Disciplinary Committee will be allowed to continue in status pending the results of the appeal.
3. The student shall include for the Board's consideration on appeal a written statement of the reasons why the student thinks the decision is erroneous, unfair or too harsh. The VPSA will submit a brief written statement of response. The student's statement shall be submitted within ten calendar days from the date on which the student is furnished a copy of the transcript of the Committee's proceedings.
4. Only information contained within the record of the proceedings of the University Disciplinary Committee will be reviewed on appeal. No information will be considered that was not furnished to the University Disciplinary Committee. The student may, within the ten-day period, instead submit any pertinent information, newly discovered or initially withheld for good cause, to the University Disciplinary Committee with a request for another hearing or reconsideration by the Committee.
5. When an appeal is filed, the entire record of the University Disciplinary Committee's proceedings and its decision, the student's appeal statement, and the VPSA response shall be forwarded to the Office of the President.

6. The President, at his discretion, may review the record before transmitting it for Board consideration. The President is authorized to modify the decision of the University Disciplinary Committee in any manner found appropriate that serves the welfare of the student and the best interest of the University.
7. If the President does not review the decision, or after review does not modify it, the President shall transmit a copy of the record to each member of the Board of Regents for consideration as herein provided.
8. A subcommittee of the Board of Regents will serve as the official body to consider the appeal and render a decision on behalf of the Board of Regents.
9. The Committee may meet at times and places deemed by it to be necessary to provide a timely and expeditious consideration of appeals.
10. The Committee is authorized on behalf of the full Board to review the University Disciplinary Committee's record, the student's written appeal, and the VPSA response. The committee shall determine:
  - A. Whether the decision was made in accordance with the provisions of and the procedural safeguards specified in the Statement of Student Rights and Responsibilities; or
  - B. Whether, in its view of the entire information before it, the decision is erroneous; or
  - C. Whether, in its view of the entire case, the welfare of the student or the best interest of the University will be served by applying no sanction or a lesser sanction or providing that the sanction shall commence on a date different from that specified by the University Disciplinary Committee.

In addition to its consideration of the student's written statement, the Committee may upon its own motion, arrange for a personal appearance in conference with the student for the purpose of inquiring into circumstances of extenuation or mitigation. Otherwise, the review will be based upon the written record.

Upon concluding its review, the Committee may sustain, reverse, modify or return for further consideration the decision of the University Disciplinary Committee. The decision of the Disciplinary Appeals Committee shall be filed with the Secretary of the Board, and the Secretary of the Board will furnish a copy of the decision to each member of the Board of Regents. The full Board may, at its sole discretion and upon its own initiative, decide to consider the appeal en banc at its next meeting. Applications from the student for full Board en banc review are not entertained. Appropriate written notice to that effect shall be furnished the student at the time the student receives a copy of the Committee's determination, which shall constitute the final decision unless the full Board takes the action provided above.

### **Policies and Procedures for Dealing with Students Displaying Disruptive Behavior Due to Emotional Disturbance**

**Demonstration of Physical Harm** - Any student who demonstrates intent to seriously harm himself/herself or otherwise poses a danger causing psychological or physical harm to self will be referred to the Chair of the Campus Partners Team or his/her designee for referral to the Counseling and Testing Center.

The intent of the following policies and procedures is to support an appropriate living and learning environment at Western Kentucky University for faculty, staff, and students. Incidents of disruptive behavior brought on by emotional disturbances will be assessed and treated with care for their effects upon the student displaying the behavior and the total University community.

Western Kentucky University recognizes the fact that emergencies may arise due to what appears to be a student displaying disruptive behavior due to emotional disturbances. Such emergencies may create a threat to the student or others, and must be evaluated by competent medical professionals. When emergencies of this nature occur, they are reported to the Office of the Vice President for Student Affairs and The Office of Judicial Affairs.

Demonstration of psychological or physical harm, or disruptive behavior caused by manifestations of a serious psychological problem include, but are not limited to:

- instances where a student engages in, or threatens to engage in, inappropriate behavior that poses a danger of causing physical harm to self or others, or inappropriate behavior that demonstrates a student's inability to care for self, and/or
- instances of inappropriate behavior that would cause significant property damage, or would directly and substantially impede the lawful activities of others, or that substantially interferes with or impedes the educational

experiences of others, or would interfere with the educational process and the orderly operation of the University; and/or

- instances where a student engages in inappropriate behavior where a contributing factor is failure to follow a prescribed medical or psychological treatment plan; and/or

- instances of inappropriate behavior that causes a chronic, inordinate use of university resources including, but not limited to, staff time, psychological services, medical services, and/or emergency services, thereby resulting in an undue burden to the University.

When it has been reported or it is determined by the Vice President for Student Affairs or his/her designee that a student has allegedly participated in one or more of these behaviors, the student will be required to present himself or herself within one business day, to the Director of Counseling and Testing or his/her designee.

If the circumstances indicate that an evaluation is in the best interest of the student and the University, the Vice President for Student Affairs or the Director of Judicial Affairs shall coordinate this evaluation with the Director of Counseling Services. Based on the request made by the Vice President for Student Affairs, the student may be admitted to one of the local hospitals for treatment.

The Counseling Director will coordinate with the hospital for future treatment. After consultation with the Counseling Director and the review of past behavior of the student, the Vice President for Student Affairs will determine if withdrawal procedures should be initiated if the student presents a danger to others. The purpose of these procedures would be to remove the student from campus housing and/or from the University for the care of the student and the University.

The student will be notified in writing by the Vice President for Student Affairs or his/her designee to appear for a meeting.

The Office of Judicial Affairs is responsible for the University disciplinary process. This policy does not preclude a student's removal from the University, or any unit, class, or program, for disciplinary reasons in accordance with WKU's Student Code of Conduct. The Office of Judicial Affairs or the Vice President for Student Affairs and the Counseling and Testing Service and Health Services, with appropriate releases, may consult to determine whether a student accused of violating the University's Student Code of Conduct should be diverted from the disciplinary process to these procedures. Conversely, these departments, with appropriate releases, may consult to determine whether a student referred for consideration for a medical withdrawal might be more appropriately handled through the student disciplinary process. A student who is withdrawn from the university, under the provisions of this policy, has the opportunity for one appeal.

Medical Withdrawal should not be imposed when judicial, academic, or other responses are readily available and the student's situation can be addressed through those avenues. Furthermore, when possible and appropriate, efforts will be made to persuade the student to voluntarily withdraw and to follow a course of treatment needed to resume student status. Forced medical withdrawals are reserved for students who present a danger to others

#### **A. Behavioral Evaluation Requirements**

When a student's behavior is sufficiently disruptive due to emotional disturbances to cause University staff members to question whether or not the student can benefit from the educational programs at Western Kentucky University, or if the student poses a potential danger to himself/herself or others, the University will require an evaluation. The evaluation will be conducted by the Counseling and Testing Center or an appropriate professional outside the University who shall serve in an advisory capacity to the University. When necessary, the cost of this required evaluation shall be the responsibility of the University. Should a student desire a second evaluation or an evaluation by a professional of his/her choice other than that provided by the University, then the student shall bear the cost of the evaluation.

A student choosing to leave the University prior to receiving the evaluation will be withdrawn from the University under the University policy governing withdrawals. In accordance with the University Student Record Policy, the VPSA or his/her designee, may inform the student's parents, spouse, or some other member of the family regarding concerns of the student's safety or the safety of others.

Should the student choose not to meet for an evaluation, a conference of appropriate staff shall be convened to determine what action should be taken. If a dependent student refuses an evaluation, his/her parents or immediate family may be informed, when appropriate, of the refusal to meet with the appropriate professional. When appropriate and on a "need to know" basis, certain University officials and staff, such as residence hall staff, the student's academic dean, or other University personnel, shall be notified of the concern about the student and the student's refusal to withdraw or to be evaluated by an appropriate person.

In the event that the student complies with the request for evaluation, then one of six actions will follow based upon the results of the evaluation:

1. The student will remain enrolled at the University with no treatment;
2. the student will remain enrolled at the University with treatment and be allowed to remain in on-campus living;
3. The student will remain enrolled at the University with treatment but not be allowed to live in a residence hall or other University owned or controlled property; and/or he or she may be restricted from other areas of campus as appropriate;
4. The student may withdraw from the University voluntarily;
5. Administrative withdrawal; or
6. Medical withdrawal

### **B. Enrollment Options**

#### **I. Remaining Enrolled at the University with no Treatment**

Based upon the results of the evaluation and solely at the discretion of the University, the student may be allowed to remain enrolled at the University with no treatment. Any behavior problems will be corrected by the student immediately. A period of time may be designated during which the student's behavior is under review by the Office of Judicial Affairs.

#### **II. Remaining Enrolled at the University with Treatment and Remaining in On-Campus Living**

Based upon the results of the evaluation, the University has the right to require the student to meet certain conditions of treatment. The cost of any treatment (such as counseling/therapy) required of the student shall be the student's/parents' responsibility.

A Behavioral Agreement or a probation period may be established with the student. Solely at the discretion of the University, a student may have his or her behavior under review for a period of time while undergoing treatment. The University will require that any behavior problem be corrected and/or terminated and/or that corrective medical or therapeutic action be taken.

#### **III. Remaining Enrolled at the University with a Facilities Restriction**

At times, the students who remain enrolled at the University and in treatment may be required to leave University residence hall and/or be restricted from using other University facilities. Requiring a student to leave the environment of a university residence hall and to live at home or in a more appropriate place while seeking treatment and, (in some cases, carrying reduced course loads) as a commuting student may be appropriate. Furthermore, the behavior of the student may be sufficiently disturbed and disturbing in a residence hall environment to make it essential that the family or others assume responsibility for the student's care; yet, the student's classroom behavior is sufficiently controlled and that he/she can be permitted to continue class work at a reduced load level. The student's behavior will be under review by the Office of Judicial Affairs during this time to insure appropriate conduct.

The intention of this policy is to provide another option for the student so that the student can receive treatment and still maintain an appropriate level of course work.

If the student agrees to engage in counseling as required and to leave the University residence hall voluntarily, the Director of Housing and Residence Life, or his/her designee, is informed and will implement the withdrawal from the residence hall. If the student is required to engage in counseling and/or to leave the residence hall and is unwilling to do so, the VPSA or his/her designee will implement involuntary withdrawal from the residence hall or the University as provided in the Administrative Withdrawal section.

#### **IV. Voluntary Withdrawal from the University for Disruptive Emotional Health Reasons**

A voluntary withdrawal is defined as one in which the recommendation to withdraw a student for disruptive behavior related to emotional disturbance has been made by the Director of Counseling and Testing or his/her designee, or an off-campus evaluator, and the student concurs with the withdrawal recommendation. The professional staff is concerned with attempting to insure continued therapeutic help for the student outside the University community; therefore, the student's parents, spouse, or some other member of the family may be informed of the withdrawal and the need for arrangements for additional therapeutic care.

Normally, the VPSA or his/her designee will reach a decision about withdrawal in discussions with the student and the student's family. The decision is then conveyed to the Office of Judicial Affairs to authorize preparation of the University withdrawal form.

**Academic Offenses**—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 risks punishment of a serious nature.

A student who believes a faculty member has dealt unfairly with him/her in a course involving academic offenses; such as plagiarism, cheating, or academic dishonesty, may seek relief through the Student Complaint Procedure. Questions about the complaint procedure should be directed to the Student Ombuds Officer at (270) 745-6169.

- **Academic Dishonesty**—Students who commit any act of academic dishonesty may receive from the instructor a failing grade in that portion of the coursework 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 Judicial Affairs for disciplinary sanctions.
- **Plagiarism**—To represent written work taken from another source as one's own is plagiarism. Plagiarism is a serious offense. The academic work of a student must be his/her own. One must give any author credit for source material borrowed from him/her. To lift content directly from a source without giving credit is a flagrant act. To present a borrowed passage without reference to the source after having changed a few words is also plagiarism.
- **Cheating**—No student shall receive or give assistance not authorized by the instructor in taking an examination or in the preparation of an essay, laboratory report, problem assignment, or other project that is submitted for purposes of grade determination.
- **Other Type of Academic Dishonesty**—Other types of academic offenses, such as the theft or sale of tests, should be reported to the Office of Judicial Affairs at (270) 745-5429 for judicial sanction.