WICHITA STATE UNIVERSITY

WSU Policies and Procedures

Student Code of Conduct Handbook

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I.

Purpose

The Student Code of Conduct Handbook ("Handbook") outlines how the University will proceed once it is made aware of allegations of misconduct by a Student, Student Group, or Student Organization. The Handbook also serves as a companion document to Policy 8.05 / Student Code of Conduct (/about/policy/ch_08/ch8_05.php) . The Student Conduct Process, as defined herein, is administered by the office of Student Conduct and Community Standards ("SCCS") in accordance with this Handbook. The Student Conduct Process is designed to investigate and resolve alleged student misconduct violations in a prompt, thorough, reliable, fair, and impartial manner.

II.

Philosophy

Wichita State University is a living, learning, and working community dedicated to the personal and academic growth of its students and serves as an educational, cultural, and economic driver for Kansas and the greater public good. The University also endeavors to provide Students with the necessary tools to engage in effective communication and to resolve conflicts appropriately.

Freedom of inquiry and freedom of expression are valued as critical components in the generation and transfer of knowledge to advance the University's mission. This Handbook is designed for the promotion and protection of an environment that encourages reasoned discourse, integrity, intellectual honesty, openness to constructive change, and respect for the rights and responsibilities of all individuals.

By choosing to become a member of the University Community, Students are expected to demonstrate respect for themselves and others and to conduct themselves in a manner that is consistent with the Kansas Board of Regents and Wichita State University rules and policies; and federal, state, and local laws. When choosing to become a part of the University Community, the Student must understand that they will be required to adhere to University Policy. Being a member of the University Community is a privilege, and the Student Conduct Process will determine if a Student's conduct warrants the revocation of that privilege.

III.

Jurisdiction

A.

Application

This policy applies to behavior that is committed:

1. by a University Student, Student Group, or Student Organization;
2. by an applicant who becomes a Student, for alleged violation(s) committed as part of the application process; or
3. by an individual who has transferred, graduated, been academically disqualified, or expelled from the University, for alleged violation(s) committed before separation from the University.

B.

Location and Manner

Behaviors subject to review under this policy include those which occur:

1. On University property; or
2. Off-campus, if:

    a. in connection with a University or University-recognized program or activity;
    b. in connection with any academic assignment, internship, co-op, practicum, field experience or trip, clinical experience, student teaching, research, or other academic activity;
    c. in connection with any activity sponsored, conducted, or authorized by, or affiliated with, any Student Group or Student Organization;
    d. involving a crime of violence (as defined by 18 U.S. Code §16);
    e. involving the manufacture, sale, or distribution of illegal drugs or controlled substances; and/or

        i. an offense that has as an element of the use, attempted use, or threatened use of physical force against the person or property of another, or
        ii. it is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

    f. in a manner that may pose an ongoing, obvious, and/or serious threat of harm to, or that may have the effect of creating a hostile living, learning, or working environment for, any member(s) of the University Community or their property.

3. The Handbook applies to behavior conducted online, via e-mail or through other electronic mediums. The University does not regularly search for this information but may take action if such information is brought to the attention of University Officials.
4. Alleged violations of sexual misconduct, relationship violence, or stalking that occur in connection with an alleged violation of the Student Code of Conduct will be resolved through the procedures prescribed in Policy 3.06 / Sexual Harassment, Discrimination and Retaliation for Employees, Students and Visitors.

IV.

Definitions

A. **Advisor** - an individual selected by a Complainant or Respondent to assist the Complainant or Respondent throughout the University process including, but not limited to, a parent, friend, faculty member, advocate, or legal counsel. An Advisor may advise and assist the Complainant or Respondent in preparation for any meetings, interviews, or hearings that may occur; accompany the Complainant or Respondent through all Student Conduct Process meetings, interviews, or hearings; or assist the Complainant or Respondent in preparing an appeal. An Advisor may not participate in the Student Conduct Process in any other capacity during the processing/adjudication of the same incident, including, but not limited to, serving as a Witness, Co-Complainant, or Co-Respondent. Advisors may not directly participate, speak, comment, or make any type of representation or argument on behalf of a Complainant or Respondent in any aspect of the Student Conduct Process including, but not limited to: meetings, interviews, or hearings. The availability of an Advisor to attend a Student Conduct Process meeting, interview, or hearing shall not unreasonably interfere with or delay the proceedings.
B. **Appellate Body** - a University group that has the authority to review appeal requests in accordance with the prescribed University procedures as detailed in the Handbook. Typically, the Appellate Body is made up of both Students and University staff members.
C. **Bad Conduct Standing** - a Student, Student Group, or Student Organization is considered in Bad Conduct Standing when they have been found in violation of a University Policy and are currently on Disciplinary Probation, Disciplinary Suspension, Disciplinary Dismissal, or Disciplinary Expulsion. While in Bad Conduct Standing the following restrictions may be placed on the Student, Student Group, or Student Organization: participation in student activities, representation of the University on athletic teams or in other

leadership positions, eligibility to receive any University award or honorary recognition, entrance into University residence halls or other areas of campus, participation in a study abroad program, University computer and network usage, etc.

D. **Complainant** - any member of the University Community who was subject to alleged misconduct as described in any University Policy. There may be more than one Complainant for an incident.

E. **Conduct Administrator** - the Director of Student Conduct & Community Standards, or their designee, authorized to address a Student, Student Group, or Student Organization's concerns and/or behavior, investigate, conduct a hearing, and assign sanctions to Respondents if found in violation of University Policy.

F. **Employee** - an individual who provides services to the University on a regular basis in exchange for compensation and receives a W-2 for such services. This includes temporary and part-time Employees.

G. **Family Educational Rights and Privacy Act (FERPA)** - a federal law that, among other things, defines student educational records and regulates who may access those records and under what circumstances. The purpose of FERPA is to protect the privacy of student education records. FERPA applies to individuals and not to student groups or student organizations so long as an individual's personally identifiable information is not included in such student group or student organization records.

H. **Handbook** - the Student Code of Conduct Handbook.

I. **Hearing** - an Administrative Hearing and/or a Student Conduct Hearing Board Hearing.

J. **Hearing Board Advisor** - a staff member from SCCS designated to advise members of the Student Conduct Hearing Board during a hearing to ensure that policies and procedures are appropriately followed and that the hearing is prompt, fair, and impartial.

K. **Instructor** - any member of the University Community who has responsibility for classroom or other instructional activities, mentoring, or academic evaluation of a Student. This includes, but is not limited to, faculty members, instructors, lecturers, researchers, teaching assistants, research assistants, graduate assistants, lab assistants, course directors, and undergraduate teaching assistants.

L. **Process Outcomes** - may also be referred to as sanctions.

M. **Respondent** - any Student, Student Group, or Student Organization who has been reported for allegedly violating University policy. There may be more than one Respondent for an incident. In incidents involving Student Groups or Student Organizations, the president, director, team captain, or another member of the group's/organization's leadership will participate in the Student Conduct Process on behalf of the group or organization. Student Groups and Student Organizations may not be represented by non-students, alumni, inactive members, or coaches in the Student Conduct Process; however, such individuals may be selected by a Student Group or Student Organization to serve in the role of Advisor in the Student Conduct Process.

N. **Reporter** - any individual or group who reports alleged policy violations, and who is not otherwise defined by this policy as a Complainant, Witness, or Respondent.

O. **Staff Member** - any individual who is employed as an unclassified or University support staff member, student employee, or who is employed by a University affiliate.

P. **Student** - any individual who has been notified of admission to the University; is enrolled in, auditing, or participating in any University course or program; or has a continuing relationship with the University. An individual is considered a student until they notify the University they are no longer a student or the University informs them that they are no longer a student. An individual who has been suspended is still considered a student during the suspension period. Students who leave the University before a conduct complaint is resolved may be prohibited from future enrollment and/or accessing University records until the matter is resolved.

Q. **Student Code of Conduct** - Policy 8.05 / Student Code of Conduct in the WSU Policy and Procedures Manual.

R. **Student Code of Conduct Handbook** - a handbook that contains the University's policies related to the behavior and expectations of Students, Student Groups, and Student Organizations, and sets forth the Student Conduct Process for addressing violations of University Policy by Students, Student Groups, and Student Organizations.

S. **Student Conduct Process** - the process set forth in the Student Code of Conduct Handbook under which the University addresses allegations of violation of University Policy by a Student, Student Group, or Student Organization.

T. **Student Group** - any number of persons who are associated with the University and each other, but who have not registered, or are not required to register, as a Student Organization that conducts business or participates in University-related activities. Student Groups include, but are not limited to, Student Government Association, Student Activities Council, musical or theatrical ensembles, sport clubs, the University newspaper, or intercollegiate or independent varsity athletic teams.

U. **Student Organization** - any student-led organization that has been approved and is recognized by the Student Government Association.

V. **University** - Wichita State University (WSU) and its affiliates.

W. **University Business Day** - refers to any day the University is open for official business (usually Monday through Friday, not including University breaks or holidays).

X. **University Community** - includes but is not limited to the University and its Students, Student Groups, Student Organizations, Instructors and Employees, and the employees of University affiliates, and individuals participating in a University-sponsored program or activity.

Y. **University Official** - any individual employed by the University, acting within the scope of their employment including, but not limited to, Instructor, staff, resident assistants, peer academic leaders, intramural officials, law enforcement officers, or facility managers.

Z. **University Policy** - any written guidelines of the University or the Kansas Board of Regents as found in, but not limited to, the Kansas Board of Regents Policy Manual, WSU Policies and Procedures Manual, Student Code of Conduct Handbook, Housing and Residence Life Handbook, ICAA Manual, Graduate/Undergraduate Catalogs, Student Organization & Advisor Handbook, Library Facilities Policy, Traffic Regulations, and/or Intramural Sports Handbook.

AA. **University Premises** - University Premises includes University owned land, buildings and vehicles; buildings and land leased by the University from an affiliated corporation or a third party; and any other property controlled by the University that is set forth by agreement that the University may restrict access. University Premises may change from time to time, but they are designated annually in the University's Annual Security Report and on its website here.

AB. **Visitor** - refers to any person with an affiliation to Wichita State University who does not meet the definition of a member of the University Community and is involved in an incident.

AC. **Witness** - individual who is requested to participate in an investigation or a hearing because that individual may have information about the alleged misconduct. Witness names may be provided by the Complainant, Respondent, or others with knowledge of the matter.

V.

Complainant and Respondent Expectations

The following outlines what Complainants and Respondents should expect as they engage in the Student Conduct Process.

A. All Respondents will be entitled to the same rights in all investigations and resolution processes relating to reports of alleged violations of the Student Code of Conduct.

B. All Respondents will be presumed not to have violated the Student Code of Conduct unless it is proven that it is more likely than not that a violation has occurred.

C. All Respondents will be advised of their rights, in writing, during their first meeting with the Director of Student Conduct & Community Standards, or designee.

D. All Respondents have the right to:

1. Be notified of the alleged violation(s) of University policy;
2. Be provided advanced notice of all meetings in which they are requested or entitled to participate and be notified of the purpose of those meetings;
3. Be accompanied by an Advisor of the Respondent's choice throughout the investigation and resolution process;
4. Request reasonable accommodations from the Office of Student Accommodations and Testing or the Office of Human Resources (for employees) to ensure full and equitable participation in the investigation and resolution process;
5. Be informed of the available resolution options;
6. Be informed of campus and community resources available for support and assistance;
7. Submit information, including the names of Witnesses, for consideration in the investigation;
8. Be informed of all parties contacted to participate in the investigation and their relation to the alleged misconduct;
9. Review, after any required redaction, all information to be considered in determining the outcome of the case upon request by scheduling an appointment with the Director of Student Conduct & Community Standards or designee;
10. May provide a statement or respond to questions during the investigation and resolution process;
11. Submit a written impact statement to be considered before an outcome is reached;
12. Request the Vice President for Student Affairs or their designee to consider removing the individual responsible for investigating or resolving an alleged violation from a case based on actual or perceived bias; and
13. Request one appeal within the University's process.

E. Any Respondent may elect to waive any of the aforementioned expectations so long as the waiver is communicated in writing.

VI.

Prohibited Conduct

As members of the university community all students, student groups, and student organizations are expected to display respect for the rights of themselves and others and to be accountable for their behavior choices.

It is a violation of the student code of conduct for any student, student group, or student organization to engage in behavior that aids, attempts, assists, promotes, condones, encourages, requires, conceals, or facilitates any act prohibited by university policy, including this handbook. Allowing, permitting, or providing an opportunity for a visitor to violate university policy is also prohibited. Lack of familiarity with university policy, intoxication or impairment from alcohol, drugs, or other substances shall not be an excuse or a defense to a violation of university policy. Unless specifically noted in the policy definition, intent is not a required element to establish a university policy violation. The sccs will consider the legitimacy of an individual's explanation when determining appropriate sanctioning.

Conduct prohibited by university policy 3.06 / Sexual Harassment, Discrimination and Retaliation For Employees, Students and Visitors (/about/policy/ch_03/ch3_06.php) ; and 3.19 / Prohibition of Retaliation (/about/policy/ch_03/ch3_19.php) shall be received, investigated and resolved pursuant to those university policies and university policy 3.47 / Discrimination Review Procedures For Students, Employees And Visitors (/about/policy/ch_03/ch3_47.php) , as applicable. Additional allegations of misconduct, that are not governed by these university policies but are included in the same underlying conduct, may be resolved by the student conduct process outlined in this handbook.

Violations of the student code of conduct may also result in a further review and/or investigation under other university policies. Some examples of these university policies include, but are not limited to, policies 3.06 / Sexual Harassment, Discrimination And Retaliation For Employees, Students And Visitors (/about/policy/ch_03/ch3_06.php) , 3.19 / Prohibition of Retaliation (/about/policy/ch_03/ch3_19.php) , and 3.47 / Discrimination Review Procedures For Students, Employees And Visitors (/about/policy/ch_03/ch3_47.php) .

The following list describes actions that detract from the effectiveness of the university community and are prohibited, but does not include constitutionally protected activity:

A.

Academic Integrity

engaging in prohibited conduct as described by Policy 2.17 / Student Academic Integrity (/about/policy/ch_02/ch2_17.php)

B.

Alcohol, Drugs, & Other Substances

1. ***Underage Possession and/or Consumption of Alcohol*** - underage possession and/or consumption of alcohol.
2. ***Unauthorized Possession and/or Consumption of Alcohol*** - possession and/or consumption of alcohol except as expressly permitted by law and University Policy.
3. ***Unauthorized and/or Unlawful Distribution, Sale, and/or Service of Alcohol*** - engaging in the distribution, sale, and/or service of alcohol, regardless of age, except as expressly permitted by law and University Policy.
4. ***Possession of Common Source Container(s)*** - possessing common source alcoholic beverage container(s) or common source drug containers including, but not limited to, bongs, kegs, mini-kegs, coolers, beer balls, trashcans, and tubs.
5. ***Social Host*** - permitting any individual or group to consume alcohol or possess/use drugs and/or other substances in a space owned, occupied, or controlled by the host, except as expressly permitted by law and University Policy.
6. ***Excessive and/or Rapid Consumption*** - engaging in any behavior which encourages, facilitates, or constitutes excessive and/or rapid alcohol consumption including, but not limited to, keg stands, alcohol luges, beer bongs, beer/water pong, and other drinking games.
7. ***Manufacturing and/or Producing Alcohol*** - engaging in the manufacture or production of any alcoholic beverage including, but not limited to, cereal malt beverage (beer), wine, moonshine, and liquor except as expressly permitted by law and University Policy.
8. ***Open Container*** - possession of an open alcohol container in or on a vehicle (e.g. automobile, motorcycle, bicycle, skateboard, scooter, Segway, hoverboard, tractor, etc.), in open spaces, or public except as expressly permitted by law and University Policy.
9. ***Unauthorized Possession, Use, and/or Misuse of Drugs and/or Other Substances*** - unauthorized possession, use, and/or misuse of drugs and/or other substances which may alter a Student's mental state or impair a Student's behavior including, but not limited to, marijuana and marijuana byproducts (such as CBD Oil with more than 5% THC), cocaine, heroin, lysergic acid (LSD), MDMA, steroids, amphetamines, prescription medication, and/or over the counter medication.
10. ***Unauthorized Possession and/or Use of Drug Paraphernalia*** - engaging in the possession and/or use of drug paraphernalia (i.e. any equipment, product, or material that is for making, using, or concealing drugs and/or other substances) including, but not limited to, pipe(s), bong(s), grinder(s), rolling paper(s), or a scale.
11. ***Unauthorized Manufacture, Sale, and/or Distribution of Drugs and/or Other Substances*** - engaging in the unauthorized manufacture, sale, and/or distribution of drugs and/or other substances which may alter a student's mental state or impair a student's behavior including, but not limited to, marijuana, cocaine, heroin, lysergic acid (LSD), MDMA, steroids, amphetamines, prescription medication, and/or over the counter medication.
12. ***Driving While Impaired*** - control or operation of a vehicle (e.g. automobile, motorcycle, bicycle, skateboard, scooter, Segway, hoverboard, tractor, etc.) while impaired by alcohol, drugs, or another substance.
13. ***Public Intoxication*** - being impaired by alcohol or another substance to the point where one's behavior adversely affects or could affect, the regular operations of members of the University Community.

C.

Damage and/or Destruction of Property

engaging in the intentional, unintentional, reckless, and/or unauthorized defacement, damage, or destruction of University property or the property of another. This includes all acts of vandalism.

D.

Disruptive Behavior

1. ***Failure to Comply*** - failure to comply with the reasonable directive or request (including appearing for meetings or Student Conduct Hearings) of a University Official, law enforcement officer, emergency responder, or any protective order including, but not limited to, Protection from Abuse or Stalking Orders, No Contact Orders, No Trespass Notices, building or campus ban/restriction, or removal from campus housing facilities.
2. ***Interference with a University Process or Procedure*** - behavior that disrupts, disturbs, impairs, interferes with, or obstructs the orderly conduct, processes, and functions of the University or the rights of other members of the University community.
3. ***Academic Environment Disruption*** - behavior that disrupts, disturbs, impairs, or interferes with the orderly conduct, processes, and functions within a classroom, laboratory, or other academic environments. This includes interfering with the academic mission of the University, interfering with other Students' ability to benefit from the educational program, or interfering with an Instructor's ability to carry out the normal educational functions of any academic environment.
4. ***University Event Disruption*** - behavior that disrupts, disturbs, impairs, or interferes with the orderly conduct and processes involved in a University event. University events include, but are not limited to, meetings, concerts, speakers, film screenings, theatre or musical performances, Convocation, and Commencement.
5. ***Disruptive Behavior*** - behavior that the person knows or should have known will disturb, alarm, anger, or provoke others or constitutes a breach of the peace, including, but not limited to, unauthorized or unlawful assembly, or engaging in public fighting.

E.

Fire and General Safety

1. ***Breaking the Plane*** - throwing, dropping, or releasing any object or substance out or off of a University building or vehicle without express authorization by a University Official. This includes, but is not limited to, balconies, railings, roofs, or windows.
2. ***Failure to Follow Emergency Procedures*** - failure to follow emergency procedures during an actual emergency or drill including, but not limited to, evacuating during a fire emergency or drill, failure to move to the designated shelter during a tornado emergency or drill, or failure to notify the University of a fire explosion, chemical spill, or other safety hazards.
3. ***Falsely Reporting an Emergency*** - making a false report regarding an emergency including, but not limited to, a bomb threat, a fire, or other emergencies.
4. ***Fire, Explosion, or Other Safety Hazard*** - intentionally or recklessly causing a fire, explosion, blocking emergency exits, or other safety hazards.
5. ***Fireworks, Hazardous Chemicals, or Explosives*** - unauthorized possession of or use of fireworks, hazardous chemicals, or explosives.
6. ***Misuse of Emergency Equipment*** - tampering with, damaging, disabling, interfering with, or misusing emergency equipment including, but not limited to, fire alarms, fire doors, fire extinguishers, fire sprinklers, fire hoses, the Shocker Alert system, or an emergency call box.
7. ***Doors*** - intentionally propping doors to any university-owned building(s) or vehicle(s).

F.

Harm and Endangerment

1. ***Physical Violence*** - engaging in behavior that intentionally or recklessly causes physical harm including, but not limited to, scratching, biting, pulling, throwing objects, pushing, shoving, punching, slapping, spitting, pinching, kicking, or holding another against their will.
2. ***Threats*** - engaging in behavior that causes a reasonable expectation of damage to property, or injury to the health, safety, or well-being of any individual, student group, or student organization. This behavior includes implied threats or acts that cause another individual a reasonable fear of harm (including physical intimidation). Threats may occur via written, electronic, verbal, or any other form of communication.
3. ***Harassment*** - engaging in behavior that is severe, pervasive, or persistent to a degree that it interferes with a reasonable person's ability to work, learn, live, participate in, or benefit from the services, activities, or privileges provided by the University. Harassment may occur via written, electronic, verbal, or any other form of communication; or through physical presence; and includes, but is not limited to, bullying, cyberbullying, intimidation, or coercion.
4. ***Endangerment*** - engaging in behavior that endangers the health, safety, or well-being of any individual, Student Group, or Student Organization by posing a risk of physical or emotional harm and/or creating hazardous conditions.

5. ***Harm or Endangerment of Animals*** - engaging in behavior that threatens or endangers the health or safety of any animal except as permitted by law or University Policy.

G.

Hazing

1. Any act or action which has the potential to endanger the mental or physical health or safety of any individual as it relates to an individual's initiation, admission into, or affiliation with any student group or organization. It is not necessary that a person's initiation or continued membership is contingent upon participation in the activity, or that the activity was sanctioned or approved by the Student Group or Student Organization, for a charge of hazing to be upheld. It shall not constitute an excuse or defense to the charge of hazing that the participants took part voluntarily, gave consent to the conduct, voluntarily assumed the risks or hardship of the activity, or that no injury was suffered or sustained. The actions of alumni, active, new, and/or prospective members of a Student Group or Student Organization may be considered hazing. Hazing is not confined to the Student Group or Student Organization with which the individual subjected to the hazing is associated. Allegations of hazing are considered under the reasonable person standard. Hazing includes:

    a. acts that endanger the physical health or safety of an individual including, but not limited to, whipping; beating; paddling; caning; forced calisthenics; forced consumption of alcohol, drugs, food, or any other substances; exposure to the elements; sleep deprivation; kidnapping; abandonment; forced or coerced poor hygiene; mutilation or alteration of parts of the body; or causing, coercing, or otherwise inducing another person to perform sexual acts;
    b. acts that endanger the mental health or safety of an individual including, but not limited to, personal servitude; forced or coerced exclusion from social contact; forced or coerced wearing of apparel which is conspicuous, out of character, and/or inappropriate; line-ups and berating; morally degrading behavior; or conduct that demeans, disgraces, degrades, humiliates, or embarrasses an individual;
    c. acts that interfere with an individual's academic attendance or performance or other obligations including, but not limited to, religious or employment responsibilities; and/or
    d. acts that explicitly or implicitly encourage or require participation in activities that would constitute a violation of law or University Policy.

H.

Keys/Unauthorized Entry

1. ***Unauthorized Entry*** - engaging in the misuse of access privileges or unauthorized access or entry to any property, building, vehicle, structure, or facility.
2. ***Unauthorized Keys*** - engaging in unauthorized possession, duplication, or use of keys or access cards (including WSU IDs and other forms of identification) or codes for any property, building, vehicle, structure, or facility.

I.

Misrepresentation

1. ***False or Misleading Information*** - deliberately or purposefully providing false or misleading verbal or written information to any individual, or purposefully omitting facts which are material to the purpose for which the information is provided.
2. ***Falsification*** - forging, altering, or misusing any document, record, account, computer account, or instrument of identification.
3. ***Misrepresenting Self, the University, or Another*** - acting as an agent of the University or other individuals without authorization.
4. ***Fraudulent Identification*** - manufacturing, distributing, delivering, selling, providing, purchasing, using, or possessing any form of fraudulent identification.

J.

Misuse of Computers and/or Communication Technology

1. ***Misuse of Computers or other Technology*** - engaging in unauthorized access, use, modification, destruction, disclosure, or taking of data, programs, or supporting documentation maintained by a University or University-affiliate computer, computer system, account, computer network, phone, tablet, or causing an authorized user to be denied system, computer, account, or network access.

2. ***Misuse of Communication Technology*** - using communication technology to interrupt the normal operations of any individual, group, organization, or the University, including, but not limited to persistent contact with a University Official or other entity via communication technology.

3. ***Unacceptable Use*** - a violation of Policy 19.01 / Acceptable Use and/or Policy 19.05 / University Information Technology Resources and Email or any other policy referenced therein.

4. ***Violation of Copyright Law*** - engaging in unauthorized use or possession of copyrighted material including, but not limited to, downloading, distributing, or facilitating others to be able to access copyrighted music, films, software, or other materials; unauthorized use of copyrighted graphics, logos, or names; or any other violation of copyright law.

K.

Relationship Violence

engaging in relationship violence as described by Policy 3.06 / Sexual Harassment, Discrimination and Retaliation for Employees, Students and Visitors. Any alleged violation of this policy will be directed to the Office of Civil Rights, Title IX & ADA Compliance.

L.

Retaliation

engaging in, or causing another to engage in, adverse action or threat of adverse action against any individual or group involved in the complaint, investigation, and/or resolution of an allegation of a violation of University Policy; including any individual who attempts to intervene or prevent behavior prohibited by this policy. Retaliation can be committed by anyone. Retaliation can take many forms including threats, intimidation, pressuring, continued harassment, violence, or other forms of harm to others.

M.

Sexual Misconduct

engaging in sexual misconduct as described by Policy 3.06 / Sexual Harassment, Discrimination and Retaliation for Employees, Students and Visitors. Any alleged violation of this policy will be directed to the Office of Civil Rights, Title IX & ADA Compliance.

N.

Solicitation

engaging in unauthorized canvassing or solicitation including, but not limited to, the following: sending advertisements or recruitment materials via Blackboard, listservs, or other forms of communication not intended for canvassing or solicitation; or placing flyers under and/or on doors in University facilities, or on vehicles parked on University Premises.

O.

Stalking

engaging in stalking as described by Policy 3.06 / Sexual Harassment, Discrimination and Retaliation for Employees, Students and Visitors. Any alleged violation of this policy will be directed to the Office of Civil Rights, Title IX & ADA Compliance.

P.

Theft

engaging in the taking, misappropriation, or possession of University property or the property of another including anything of value, goods, services, funds, and/or other valuables or possession of property that can be reasonably determined to have been stolen.

Q.

Tobacco Use and Smoking

engaging in the use of any tobacco product or device including, but not limited to, cigarettes, cigars, e-cigarettes, vaping, hookah, or chewing tobacco within University property or vehicles as defined by Policy 11.11 / Tobacco Free Campus.

R.

Unauthorized and/or Unlawful Gambling

conducting, organizing, or participating in any gambling activity except as expressly permitted by law and University policy.

S.

Unpiloted Aerial Systems

engaging in the unauthorized use of any unpiloted aerial system on University premises or at University-related activities except as expressly permitted by law and University Policy. Authorization for use of an unpiloted aerial system must be obtained from the University Police Department.

T.

Violation of Law or University Policy

1. ***Violation of Law*** - behavior that would constitute a violation of any federal, state, and/or local law; city or county ordinance; or when in another state or country, the laws of that state or country.

2. ***Violation of University Policy*** - behavior that would constitute a violation of any University Policy, rule, or regulation including, but not limited to, those found in the Student Code of Conduct Handbook, Housing and Residence Life Handbook, Graduate/Undergraduate Catalogs, Student Organization & Advisor Handbook, WSU Policies and Procedures Manual, ICAA Manual, Library Facilities Policy, Board of Regents policies, Traffic Regulations, and/or Intramural Sports Handbook.

U.

Weapons

engaging in the possession, use, sale, distribution, or display of any firearm, replica firearm, ammunition, weapon, replica weapon, or similar device unless expressly permitted by law and/or University policy. This includes the use of any object or material to cause or threaten physical harm. For a listing of prohibited weapons refer to Policy 11.19 / Prohibiting Weapons on University Property.

VII.

Responsible Action Protocol

The University considers the health and safety of members of the University Community and its Visitors to be a top priority. The University recognizes a Student's concern for potential disciplinary action related to use or possession of alcohol, drugs, and/or other substances may hinder their actions in response to an emergency or medical situation. To alleviate those concerns and ensure that Students and their Visitors receive prompt, appropriate care, the University has adopted the following Responsible Action Protocol:

A. Students are urged to contact emergency officials by calling the University Police Department at (316) 978-3450 or 911 to report the incident, to remain with the individual(s) needing emergency treatment and cooperate with emergency officials, so long as it is safe to do so and to meet with appropriate University Officials after the incident and cooperate with any University investigation.

B. Students who seek emergency or medical assistance, including, but not limited to, a mental health crisis, medical emergency, or sexual assault, for themselves or others will not face disciplinary action for personal use of alcohol, drugs, or other substances. This protection is also extended to individuals who are directly involved in the incident. Student(s) will be required to complete any educational program or activity assigned by the Director of Student Conduct and Community Standards or designee. This protocol does not provide protection for disciplinary action for other potential policy violations (e.g. damage and/or destruction of property, failure to comply, physical violence, sexual misconduct, etc.).

C. Student Groups or Student Organizations who seek emergency or medical assistance, including, but not limited to, a mental health crisis, medical emergency, or sexual assault, for their members or guests will not face disciplinary actions for incidents involving alcohol, drugs, or other substances provided the group or organization followed the event and risk management procedures outlined in the Student Organization & Advisor Handbook. The Student Group or Student Organization will be required to complete any educational program or activity assigned by the Director of Student Conduct and Community Standards or designee. This protocol does not protect against disciplinary action for other potential policy violations (e.g. damage and/or destruction of property, failure to comply, hazing, physical violence, sexual misconduct, etc.).

D. While this protection is extended to individuals, Student Groups, and Student Organizations, who are directly involved in an incident, this protocol does not apply to individuals, or those present, experiencing an alcohol, drug, or other substance-related medical emergency who are found by University Officials or law enforcement agencies.

E. The Responsible Action Protocol is not intended to shield or protect Students, Student Groups, or Student Organizations that repeatedly violate University Policy. In cases, where repeated policy violations occur, the University reserves the right to take disciplinary action on a case-by-case basis regardless of how the incident was reported. Additionally, the University reserves the right to initiate the Student Conduct Process in cases in which the alleged violation(s) is/are egregious.

F. This protocol only provides amnesty from violations of University Policy. It does not grant amnesty for criminal, civil, or other legal consequences for violations of federal, state, or local laws or ordinances.

G. The Director of Student conduct and Community Standards or designee will determine eligibility for amnesty under the Responsible Action Protocol during the initial review or investigation.

In summary, a Student who is under the influence of alcohol or drugs at the time of a mental health crisis, medical emergency, or sexual assault, should not be reluctant to seek assistance for that reason. When a reporting party, responding Student, third-party reporter, or Witness to an incident of a mental health crisis, medical emergency, or sexual assault, participates in a good faith report, SCCS will not pursue disciplinary violations related to the impermissible drug or alcohol use against any of the involved student(s).

VIII.

Responsibilities of Student, Student Groups, and Student Organizations

All Students, Student Groups, Student Organizations, and Witnesses who are members of the University Community have the following responsibilities relating to all investigations and resolution processes related to reports of alleged violations of the Student Code of Conduct:

A.

Honesty

All participants are expected to be honest and forthright in all communication relating to the investigation and resolution of allegations of misconduct. Providing false or misleading information is a violation of University Policy and may result in additional allegations of misconduct under the Handbook or other applicable University Policy.

B.

Communication & Responsiveness

The University uses @shockers.wichita.edu e-mail addresses as its formal means of communication with Students and @wichita.edu for University Officials. Communication regarding an investigation and/or resolution process is deemed given when sent to an official @shockers.wichita.edu e-mail address. Students and University Officials are responsible for checking their University e-mail and responding to all requests for information or other responses in a timely manner. Failure to respond or appear by a given deadline may result in the process proceeding in an individual's absence. Decisions will be made on the information that is available at the time the decision is made.

C.

Preparation

All Complainants, Respondents, and Witnesses are responsible for adequately preparing themselves for investigation and resolution meetings, including reviewing applicable University Policies and procedures. Students, Student Groups, and Student Organizations are also responsible for ensuring that their Advisor is familiar with the appropriate policies and procedures. Students, Student Groups, and Student Organizations are also responsible for ensuring their Witnesses attend the hearing. Failure to adequately prepare for a scheduled meeting is not a reason to delay the meeting or other proceedings.

D.

Adhere to Process

Individuals, Student Groups, and Student Organizations are to refrain from disrupting the orderly process of the investigation and resolution process for alleged violations of University Policy. No individual, Student Group, or Student Organization involved in the process other than the investigator, Conduct Administrator, or hearing board chairperson may audio or video record any investigation or resolution meetings or other portions of the process. Any individual, Student Group, or Student Organization deemed to be disruptive may be removed from a meeting and/or charged with violating the Student Code of Conduct.

E.

Organization Responsibility Guidelines

Student Organizations are expected to comply with all University Policies, including the Student Code of Conduct and all additional policies pertaining to Student Organizations. Student Organizations should act in a manner that promotes and upholds the standards of the University. Isolated violations of individuals are generally not chargeable to the Student Organization. When evidence of group conduct exists, however, Student Organizations may be held responsible for the actions and behaviors of their members and/or guests.

On a case-by-case basis, Student Conduct and Community Standards staff, in consultation with Student Engagement and Belonging (SEB) staff, will determine whether any violations of policy are individual or organizational. To determine if a violation is organizational, all circumstances of a situation will be examined. SCCC staff will take into account the following non-exhaustive list of factors, including, but not limited to the following.

Should there be evidence of at least three (3) factors present in a violation, the associated Student Organization(s) may be held responsible for the violations in question.

1.

Attendance

a. The violation(s) was/were committed by a significant number of Student Organization members, prospective members, alumni, and/or guests;

b. The violation(s) occurred at an activity or gathering conducted in furtherance of the mission or purpose of the Student Organization;

c. The violation(s) occurred at an activity or gathering that was designed to circumvent the rules governing organizational activities/events.

2.

Location

a. The violation(s) occurred at a venue regularly associated with the Student Organization(s);

b. The violation(s) occurred at a venue under the exclusive control of the Student Organization(s).

c. The violation(s) occurred at a venue under the control of the University or any of its affiliated entities.

3.

Membership Status

a. If the individual(s) who committed the violation(s) would not have been involved if not for their affiliation with the Student Organization;

b. If members of the Student Organization intentionally acted as a group to commit the violation(s).

4.

Knowledge of Organizational Leadership

a. If an Student Organization's leadership knew the potential for violation(s) to occur and failed to take significant and/or reasonable precautions to prevent the violation(s);

b. If the violation(s) occurred at an activity that the Student Organization's leadership should have known that a violation could occur and failed to take corrective action;

5.

Pattern of Behavior

If a pattern of individual violations exists without proper and appropriate organizational control, remedy, or sanction.

6.

Perception of a Reasonable Observer

If the violation(s) occurred at or in connection with an activity that reasonable people would associate and/or attribute to the Student Organization;

7.

Planning

a. If the violation(s) occurred at a Student Organization or alumni-sponsored, financed or endorsed activity;

b. If the violation(s) occurred at any activity utilizing the Student Organization's name or logo;

c. If the Student Organization was involved in the planning, coordination or preparation of the activity where the violation(s) occurred;

d. If the activity where the violation(s) occurred was advertised or publicized via posters or various forms of social media, by texts, tweets or emails sent out using standard Student Organization contact lists, or through other electronic means (examples: GroupMe, WhatsApp, etc.).

Additionally, if the conduct violation(s) is possibly an organizational responsibility, SCCS staff will consult with the Vice President for Student Affairs or their designee regarding potential interim measures, up to and including temporary suspension, of the Student Organization. Any decision regarding interim measures that include temporary suspension of a Student Organization must come from the Vice President for Student Affairs or their designee.

Once organizational responsibility has been determined by SCCS staff, a summary of rationale will be submitted by SCCS staff investigators and included in the informational packet provided to the Hearing Board and Student Organization. The Hearing Board may consider testimony and evidence from the Student Organization to dispute a finding of organizational responsibility.

If the Hearing Board affirms the finding of organizational responsibility, a disagreement of that finding is not grounds for an appeal by itself.

IX.

Reporting

The University encourages Students, University Officials, and other University Community members to resolve conflicts informally and at the lowest level.

A.

Reporting an Incident

Any individual may report alleged Student, Student Group, or Student Organization misconduct to SCCS. An online reporting form can be found at the Report It page. The report should describe the alleged misconduct and identify the Student(s), Student Group(s), and/or Student Organization(s) involved. Submitted allegations of misconduct will be reviewed by the Director of Student Conduct and Community Standards or their designee. If there appears to be reliable information indicating that a violation may have occurred, the Student Conduct Process will be initiated. The University also reserves the right to initiate the Student Conduct Process without a formal complaint, including any anonymous reports. Reports may also be addressed through other non-conduct procedures.

B.

Timeliness of Reports

In all cases, a decision will be made on existing facts to determine if an investigation is necessary for compliance with legal requirements and/or to protect the living, learning, and/or working environment for all members of the University Community. Individuals are encouraged to report alleged misconduct as soon as possible after the incident occurs to maximize the University's ability to respond promptly and effectively; however, the University does not limit the time for reporting. Prompt reporting allows for the University to obtain the most reliable information, contact relevant Witnesses, and provide reasonable assistance and interim measures for affected parties.

C.

Assumption of Good Faith Reporting

The University presumes reports of alleged policy violations are made in good faith. An outcome that finds the reported behavior does not constitute a violation of University Policy, or that there is insufficient information to conclude that the incident occurred as reported, does not mean that the report was made in bad faith. The University encourages all individuals who have experienced or witnessed behavior they believe violates the Student Code of Conduct to report the matter so that it may be addressed by the University.

X.

Conduct Procedures

A.

Preliminary Investigation

A preliminary investigation of the information provided may be necessary to determine if there is credible information that warrants notifying a Student, Student Group, or Student Organization of alleged policy violation(s). The preliminary investigation is a neutral fact-finding process that is used to determine whether there is sufficient information to warrant action by the University. Preliminary meetings with the Complainant and/or Witnesses may occur before initiating the Student Conduct Process or contacting the Respondent. If the Respondent is contacted about the case during the preliminary investigation, the Respondent will be made aware of the initiation of a preliminary investigation and that the incident could result in a Student Conduct Process being initiated.

The preliminary investigation may result in any of the following:

1. **No Action** - If there does not appear to be credible information to indicate a violation occurred, the case will not be pursued through the formal Student Conduct Process. The information may still be retained by the University to document that the situation was reviewed.
2. **Educational Conversation** - If the situation is concerning but doesn't appear to be a violation (e.g. an incident that occurs outside of the University's jurisdiction, or repeated low-level behaviors), there may still be an institutional response without formal initiation of the Student Conduct Process.
3. **Conflict Resolution** - If the situation involves an identifiable harmed party or University Community impact, the situation may be addressed through conflict resolution. The conflict resolution process allows individuals involved in a conflict to have significant influence over the resolution process and possible outcomes. All involved parties must willingly agree to participate. Any incident that involves sexual misconduct, relationship violence, stalking, physical violence, or any violation of the academic misconduct policy will not have the option to resolve the concern through the conflict resolution process.
4. **Initiation of Student Conduct Process** - If it appears that a Student, Student Group, or Student Organization may have violated the Student Code of Conduct, and the incident(s) occurred within the University's jurisdiction, the Student Conduct Process will be initiated if another resolution option has not been made available by the Director of Student Conduct and Community Standards or designee.

B.

Written Notice

Once the initiation of the Student Conduct Process has occurred, the Student, the responsible party for the Student Group, or the president on record with the University for the Student Organization will be provided with a written notice a minimum of two (2) University Business Days before the scheduled meeting, unless exceptional circumstances exist. The notice will include the following:

1. The alleged policy violation(s);
2. A link to the Handbook for more information;
3. The date and time of a scheduled informational meeting;
4. Notice of the right to have an Advisor of choice present throughout the Student Conduct Process;
5. The contact information for the Student Conduct Administrator responsible for resolving the case; and
6. A checklist of the Respondent's expectations.

Notice is considered given to a Student if it is sent to the Student's official @shockers.wichita.edu e-mail address or is mailed to the local address on file with the Office of the Registrar or the permanent address on file. For Student Groups and Student Organizations, notice is considered given if it is sent by any of the aforementioned means to the Student who is the last known president of the Student Engagement and Belonging (SEB) records or the responsible party for the Student Group/Organization, such as an Advisor.

C.

Informational Meeting

All Respondents are allowed to attend a scheduled informational meeting with the Conduct Administrator responsible for resolving the case. An informational meeting is an informal meeting with a Conduct Administrator who will explain the Respondent's rights and the alleged violation(s), discuss resolution options, review the Respondent's responsibilities, and provide an opportunity to review, after any required redaction, the information that was provided as the basis for the alleged policy violation(s). The representative will also answer questions about the process and available options. The informational meeting provides an opportunity for the Respondent to become more informed about the Student Conduct Process. The Conduct Administrator may provide a range of possible outcomes for the alleged violation, but that individual cannot ensure that a specific outcome will occur.

During the informational meeting, the Respondent may select one of the available resolution processes (Informal Resolution or Formal Resolution) for the case. In certain circumstances, the Director of Student Conduct and Community Standards or designee may exercise the authority to select the resolution process. In the absence of a resolution option selection from the Respondent, the Director of Student Conduct and Community Standards or designee shall determine the appropriate resolution process for the case. Failure to attend an informational meeting shall not delay the student conduct proceedings or impact the validity of such proceedings.

D.

Informal Resolution

If the assigned Conduct Administrator believes the outcome for the alleged violation would likely not rise above disciplinary probation or result in removal from a residential facility or University building/campus, the Respondent may elect to have the case resolved by Informal Resolution. An Informal Resolution takes place between the Respondent and a Conduct Administrator and does not allow for the presentation of witnesses or additional information to be submitted by the Respondent before the meeting, although the administrator may follow up with other parties as necessary before making a decision. Informal Resolutions are not audio recorded.

An Informal Resolution may occur directly following an informational meeting or may be scheduled for a later date. Every effort will be made to schedule an Informal Resolution within five (5) University Business Days of the informational meeting. The Conduct Administrator will determine appropriate outcomes if a Respondent is found in violation of a University Policy.

E.

Formal Resolution

If the Respondent does not wish to proceed with an Informal Resolution, and/or the outcome of an alleged violation would rise above disciplinary probation, or result in removal from a residential facility or University building/campus, the Respondent may elect to pursue a Hearing. Additionally, a Hearing may be required by SCCS for any case that may result in expulsion.

Conduct Hearings involve the presentation of information by Witnesses (as necessary) and provide an opportunity for the Respondent to present Witnesses and information for review as part of the decision. A list of Witnesses, their relevance to the alleged violation(s), and their contact information must be submitted, in writing, to the Conduct Administrator within five (5) University Business Days after the Informational Meeting.

Student Groups and Student Organizations may submit a resolution proposal for consideration by the Student Conduct Hearing Board within five (5) University Business Days after the informational meeting. The resolution proposal is the Student Group or Student Organization's opportunity to participate collaboratively in the resolution process and reflect on ways to prevent future violations. This document should outline all steps to be taken to remedy the alleged policy violations and timelines for completion. The resolution proposal may be adopted or adapted-in whole or in part-or denied by the Student Conduct Hearing Board assigned to resolve the case.

1.

Administrator Hearing

An Administrator Hearing is conducted by an individual Conduct Administrator as determined by the Director of Student Conduct and Community Standards. The Conduct Administrator is responsible for determining whether it is more likely than not that a violation occurred and determine appropriate outcomes(s).

An Administrative Hearing involves the presentation of information by the Respondent(s), Complainant(s) (if applicable), and any Witness(es) (if applicable). The Respondent(s) will be allowed to ask relevant questions of the Complainant(s) and/or any Witness(es) at the discretion of the Conduct Administrator. In incidents involving an identified harmed party, the Complainant(s) will also be allowed to ask relevant questions of the Respondent(s) and/or any Witness(es) at the discretion of the Conduct Administrator.

2.

Student Conduct Board Hearing

The Director of Student Conduct and Community Standards, or designee, shall determine the composition of the Student Conduct Hearing Board. Members are appointed for a one-year term with the possibility of reappointment. University governance bodies may recommend individuals for membership to the Director of Student Conduct and Community Standards. All members must complete appropriate and thorough training before hearing cases.

A Student Conduct Board Hearing is conducted by a panel of three (3) or five (5) individuals comprised of Students, Instructors, and/or University staff. A minimum of one (1) panelist must be a Student. The Board is responsible for determining whether it is more likely than not that a violation occurred and determine appropriate outcomes(s). One (1) panelist will serve as the Board Chairperson, selected by the Director of Student Conduct and Community Standards or their designee, and is responsible for communicating the determination of responsibility to the Director of Student Conduct and Community Standards or designee, who will notify the Respondent(s) and Complainant(s) of the decision. Decisions of the Student Conduct Hearing Board will be determined by a majority vote. A staff member of the SCCS will serve as the Student Conduct Hearing Board Advisor and does not cast a vote.

F.

Hearing Format

Hearings will be conducted in private per state privacy laws and the Family Educational Rights and Privacy Act (FERPA).

The Complainant, Respondent, and their respective Advisors are permitted to attend the entire hearing, except for deliberation.

In cases involving multiple Respondents, the Director of Student Conduct and Community Standards or designee may determine that the hearings be conducted jointly. Any Respondent wanting to have their hearing conducted individually, may submit a written request a minimum of three (3) University Business Days before the scheduled Hearing to the Director of Student Conduct and Community Standards or designee who shall decide whether to grant the request.

The Complainant, the Respondent, and the University may arrange for Witnesses to attend the Hearing and present relevant information. Failure to call a Witness, or failure of a Witness to appear shall not automatically require a delay or affect the validity of the proceedings. A decision will be made on the information presented during the hearing.

Witnesses will provide information to, and answer questions from, the hearing body. Questions may be suggested by the Complainant or the Respondent to be answered by each other or by other Witnesses. This will be conducted by the hearing body with such questions directed to the Conduct Administrator or Conduct Board chairperson, rather than to the individual directly. This method is used to preserve the educational tone of the hearing and to avoid the creation of an adversarial environment. The Conduct Administrator and/or the Hearing Board chairperson reserve the right to rephrase the question or to refrain from asking the question. Questions of whether potential information will be received shall be determined by the Conduct Administrator, or Hearing Board chairperson, with the assistance of the Student Conduct Board Advisor.

Relevant records, pictures, written statements, impact statements, and other information may be accepted for consideration for the Hearing when submitted to SCCS within five (5) University Business Days following the informational meeting. A Conduct Administrator may increase the amount of time needed, if needed, pending a written notice from the Respondent or Complainant. If an extension is approved, the Conduct Administrator will notify both the Respondent and Complainant of this extension.

All procedural questions are subject to the final decision of the Conduct Administrator or Hearing Board chairperson with the assistance of the Student Conduct Board Advisor.

If the Respondent has received adequate notice, but fails to attend a hearing without a legitimate reason for being absent, the hearing shall proceed in the Respondent's absence.

SCCS may accommodate concerns for the personal safety, well-being and/or fears of confrontation of the Complainant, Respondent, Reporter, and/or Witnesses during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed-circuit television, video conferencing, videotape, audiotape, written statement, or other means, where the SCCS staff member deems this accommodation to be appropriate.

G.

Standard of Information

The Conduct Administrator or Student Conduct Hearing Board will make a finding using the preponderance of the evidence standard. This standard requires that it is more likely than not that a violation occurred. Under this standard, individuals are presumed not to have violated Policy 8.05 / Student Code of Conduct unless a preponderance of the evidence supports a finding that a violation occurred. Formal rules of evidence, procedure, and/or technical rules of evidence, such as those which may be applied in criminal or civil court are not used in University student conduct proceedings.

H.

Pending Legal Charges and Requests for Postponement

The Student Conduct Process may be initiated for a Student, Student Group, or Student Organization for behavior that allegedly violates criminal and/or civil law in addition to University Policy. The University is committed to appropriate coordination with the University Police Department and local law enforcement agencies and may (if requested and appropriate) share information with those agencies. If law enforcement requests the University to temporarily suspend the fact-finding aspects of an investigation while the law enforcement agency gathers evidence, the University plans to comply with that request and will promptly resume its investigation upon notification from the law enforcement agency that its evidence gathering process is complete.

The Student Conduct Process may proceed before, simultaneously with, or following criminal or civil proceedings at the discretion of the Director of Student Conduct and Community Standards.

Decisions made within a criminal or civil process do not bind the University to establish or not establish that a violation of University policy has occurred as there are different evidence rules, burdens of proof, purposes, and potential outcomes in each process. However, a criminal conviction based on the same facts, in local, state, or federal courts, shall establish a per se student conduct policy violation.

If a Respondent is also charged with a criminal or civil violation involving the same incident, the Respondent may request up to a 30-day postponement of the Student Conduct Process. The Respondent must make this request in writing within five (5) University Business Days following the date of the informational meeting and must provide a rationale for the request. The Vice President for Student Affairs or designee may determine that it is appropriate to place the Respondent on disciplinary probation or that interim measures be implemented during the time allotted for a postponement on a case-by-case basis. The probation or interim measures will remain in effect until the Student Conduct Process is completed, including any appeal requests. It will be the responsibility of SCCS staff to reinstate the Student Conduct Process at the conclusion of the 30-day postponement.

In cases where a University Community member is directly impacted by the incident, such as a Complainant, they will be allowed to object to a postponement. The Vice President for Student Affairs or designee has full authority to decide whether or not to grant the postponement. A Complainant may also request a 30-day postponement of the hearing if the Complainant has brought criminal or civil charges in a case arising out of the same incident. The Respondent may object to the postponement as described above. If the Complainant requests a postponement, and it is granted against the wishes of the Respondent, the Respondent will not be placed on Disciplinary Probation or given interim measures that would restrict continuing to pursue their education during the period of postponement.

I.

Meeting Format

SCCS will attempt to have all meetings in person within Shocker Hall, however, if there are extreme circumstances (Health Crisis, Student is out of town, etc.), SCCS can accommodate and conduct any meeting, including a Hearing, partially or fully over the phone or through a video call platform, such as Zoom or Skype.

SCCS reserves the right to change the meeting format at any time.

Any Student who wishes to adjust the meeting format must email their Conduct Administrator and explain the reason for the adjustment. This request will be approved or denied by the Conduct Administrator.

XI.

Process Outcomes

The outcome of the Student Conduct Process will be sent via e-mail to the Respondent's official University e-mail address. If the Respondent is found to be responsible for a violation of University Policy, the message will also include the assigned sanction(s). Sanctions may be issued individually, or a combination of sanctions may be issued. In the case of Student Groups and Student Organizations, if a sanction issued by a national or other governing body exceeds that of the University, the University may concur with that sanction.

A. Respondents who are found not responsible for violating Policy 8.05 / Student Code of Conduct will not receive any sanctions and the Student Conduct Process will be dismissed.

B. Respondents who are found to have violated Policy 8.05 / Student Code of Conduct will receive sanctions appropriate to the current violation(s) and in consideration of any prior conduct history and/or mitigating or aggravating circumstances. For Student Groups and Student Organizations, "prior conduct history" includes incidents occurring within the preceding seven (7) years. The number of outcomes issued may vary depending on the situation in question. In the case of Student Groups and Organizations, if an outcome is issued by a national or other governing body exceeds that of the University, the University may concur with that decision.

C.

Interim Measures

When the actions of a Respondent present an ongoing threat to the health, safety, or well-being of others; disrupt the University Community; or endanger University, public, or private property; the Vice President for Student Affairs or designee may implement interim measures that restrict access for the Respondent pending the outcome of an investigation and resolution process. These interim measures may include, but are not limited to:

1. Restricted communication with one or more individual(s), Student Group(s), or Student Organization(s);
2. Restricted access to participation in University programs or activities;
3. Restricted access to Housing & Residence Life facilities, including dining halls;
4. Restricted ability to participate in academic activities, including classes, internships, co-ops, etc.;
5. Restricted access to campus employment;
6. In conjunction with Human Resources, administrative leave with or without pay for student employees; or
7. Any other restriction that can be tailored to the involved individuals to achieve the purpose of Policy 8.05 / Student Code of Conduct.

The Vice President for Student Affairs or designee will notify the Complainant and Respondent in writing of any interim measures. The measures will take place immediately upon notification. The Respondent will have three (3) University Business Days to e-mail a written request for a Show Cause Hearing to the Vice President for Student Affairs or designee. Upon receipt of a request, the Vice President or designee will conduct a Show Cause Hearing within three (3) University Business Days to determine if the interim measures should be lifted, modified, or kept in place. This is a final decision regarding interim measures unless there are exceptional circumstances that come to light during the investigation.

In circumstances in which the Respondent requests, in writing, that the Vice President of Student Affairs remove themselves from the Show Cause Hearing based on actual or perceived bias, or the Vice President for Student Affairs is otherwise unable to perform these duties, decisions regarding interim measures will be made by the Vice President for Student Affairs or designee.

At any point in the process, interim measures may be implemented. Once in effect, the measures will remain in place until it is determined they are no longer necessary.

D.

Sanctions for Students

- ***Disciplinary Warning*** - This written warning is provided to acknowledge that the Respondent's behavior violated University policy and does not align with the University's expectations for its members. Another breach of University policy and/or if the Respondent is found responsible for any future violations of University and/or Housing and Residential Life policy, offenses, it may result in severe disciplinary action.
- ***Disciplinary Probation*** - The Student is deemed in Bad Conduct Standing with the University. The duration of any probationary period will be determined by the resolution body on a case-by-case basis. Any further violations of University Policy while on Disciplinary Probation may result in more serious sanctions being imposed, which may include Disciplinary Suspension or Disciplinary Expulsion from the University. Restrictions that may be placed on the Student during the probationary period include, but are not limited to: participation in student activities, representation of the University on athletic teams or in other leadership positions, eligibility to receive any University award or honorary recognition, entrance into University residence halls or other areas of campus, participation in a study abroad program, or University computer and network usage.
- ***Disciplinary Suspension*** - The Student is required to leave the University for a designated time. During the suspension period, a Student may not attend classes (either in person or online) nor participate in a Student Group or Student Organization activities, whether they occur on or off-campus. A currently enrolled Student is withdrawn from their classes and is not eligible for a refund. A registration and records hold will be placed on the Student's account until the conclusion of the suspension period. If the Student is an on-campus resident, the Student's contract with Housing and Residence Life will also be terminated and the Student will be responsible for paying any remaining fees for the duration of the original contract period. The Student must complete all assigned educational sanctions before the conclusion of the suspension period. The Disciplinary Suspension will remain in effect until they are completed. Any further violations of University policy while on Disciplinary Suspension could result in more serious sanctions being imposed.

- ***Disciplinary Dismissal*** - Dismissal removes a Student from their academic program and separates the Student from the University for a period of two (2) to seven (7) years. During the dismissal, the Student is not allowed on University premises unless authorized in writing in advance under conditions approved by the Vice President for Student Affairs or their designee. A currently enrolled Student is withdrawn from their classes and is not eligible for a refund. A permanent registration hold is placed on the Student's account. If the Student is an on-campus resident, the Student's contract with Housing and Residence Life is terminated and the Student is responsible for paying any remaining fees for the duration of the original contract period.
- Following the Disciplinary Dismissal, the Student must apply for readmission to the University. Readmission is not guaranteed. Readmission will only be considered when:
- Duration of Disciplinary Dismissal is complete;
- All educational sanctions are completed; and
- Petition for readmission is submitted to the review committee (see below).
- The review committee includes the Vice President for Student Affairs or designee and the Director of Student Conduct and Community Standards, or their designee(s). Other individuals may include but are not limited to representatives from Housing and Residence Life, the Office of Civil Rights, Title IX & ADA Compliance, Athletics, or Student Involvement. There must be a minimum of three (3) individuals who serve on the review committee. Readmission will be granted upon a majority vote.
- If readmission is approved, the committee may apply additional restrictions. These may include, and are not limited to, restricted access to campus and/or other specified activities for the duration of the Student's enrollment at the University.
- If readmission is denied, the individual may reapply for readmission one (1) year after the initial application for readmission was received by the university.
- ***Disciplinary Expulsion*** - The Student is separated from the University without the possibility of graduation or future enrollment. The Student is not allowed on University premises unless authorized in writing in advance under conditions approved by the Vice President for Student Affairs or their designee. A currently enrolled Student is withdrawn from their classes and is not eligible for a refund. A permanent registration hold is placed on the Student's account. If the Student is an on-campus resident, the Student's contract with Housing and Residence Life is terminated and the Student is responsible for paying any remaining fees for the duration of the original contract period.
- ***Withholding of Transcripts or Degree*** - The University may withhold copies of student transcripts or awarding a degree otherwise earned until the completion of the Student Conduct Process outlined in the Handbook, including the completion of all assigned sanctions.
- ***Revocation of Admission and/or Degree*** - Admission to the University or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of University Policy in obtaining the degree from or gaining admission to the University or for other serious violations committed by a Student before graduation.
- ***Restitution*** - The Student is required to pay for the loss of, damages to, or injury to University, personal, public, or private property, provided that such payment shall be limited to the actual cost of repair or replacement of such property.
- ***Loss of University Privileges*** - The Student is restricted from accessing specific University privileges including, but not limited to: parking on campus, participation in student activities, holding a student leadership position, participation in a study abroad program, and University computer and network access.
- ***Residence Hall Transfer or Removal*** - The Student will be placed in another room or residence hall or restricted from living on campus for a specified or indefinite period. If a Student is restricted from living on campus, the Student's Housing and Residence Life contract will be terminated and the Student will be responsible for paying any remaining fees for the duration of the original contract period.
- ***No Contact Order*** - The Student is prohibited from intentional direct or indirect contact with another person or group or their property via any means, including, but not limited to: personal contact, electronic communication (e.g. text messages, social media, etc.), telephone, or through third parties.
- ***Campus and/or Building Ban*** - The Student is prohibited from being on any University property and/or entering specific University facilities. Any Student alleged to have violated a campus and/or building ban may be subject to additional disciplinary action.
- ***No Trespass Order*** - The Student is prohibited from being on any University property and/or entering specific University facilities. Any Student alleged to have violated a campus and/or building ban may be subject to arrest.
- ***Knowledge Attainment Activities*** - Activities designed to increase a Student's knowledge in areas related to the violation(s) committed including, but not limited to: attending workshops, researching a specific topic, interviewing a professional in a specific field, etc.
- ***Restorative Activities*** - Activities designed to repair harms caused and give back to others or the larger community including, but not limited to community restitution service, letters of apology, educational presentations, etc.

- ***Wellness Activities*** - Activities designed to address Student's wellness in areas including social, emotional, financial, physical, academic, and environmental wellness including, but not limited to: substance use assessments, counseling assessments, meeting with an academic advisor, meeting with a Student Involvement staff member, etc.
- ***Reflective Activities*** - Activities designed to allow the Student to reflect on one's own behavior choices and the impact of those choices on the student and others, including potential future impacts if the same choices continue.

E.

Sanctions for Student Groups and Organizations

1. ***Disciplinary Warning*** - Official notification of unacceptable behavior and violation(s) of Policy 8.05 / Student Code of Conduct. Any further misconduct may result in more serious disciplinary sanctions.
2. ***Disciplinary Probation*** - The Student Group or Student Organization is deemed in Bad Conduct Standing with the University. The duration of any probationary period will be determined by the resolution body on a case-by-case basis. Any further violations of University Policy while on Disciplinary Probation may result in more serious sanctions. Some of the restrictions that may be placed on the Student Group or Student Organization during the probationary period include, but are not limited to: the ability to host a party or philanthropy event; eligibility to receive any University award or honorary recognition; participate in intramurals; represent the University and any travel in connection with such representation; participate in recruitment/intake or receive a new member class; maintain membership or representation of the organization on the governing council; utilize University facilities/grounds; participate in competitions; or receive future institutional funding.
3. ***Disciplinary Suspension*** - The Student Group or Student Organization is not recognized by the University for a designated period. During the Disciplinary Suspension period, a Student Group or Student Organization may not conduct any formal or informal business or participate in University-related activities, whether they occur on or off-campus. This includes, but is not limited to: ability to host a party or philanthropic event, eligibility to receive any University award or honorary recognition, participate in intramurals, represent the University and any travel in connection with such representation, participate in recruitment/intake or receive a new member class, maintain membership or representation of the organization on the governing council, utilize University facilities/grounds, participate in competitions, or receive future institutional funding. Re-recognition is possible but not guaranteed and will only be considered after the end of the suspension period and based on meeting all re-recognition criteria and obtaining clearance from the University. Any evidence that members of a Student Group or Student Organization have attempted to sustain an unofficial Student Group or Student Organization will result in initiation of the Student Conduct Process against those individual members and will postpone the Student Group or Student Organization's ability to be re-recognized or registered in the future. Any further violations of University Policy while on Disciplinary Suspension will result in more serious sanctions being imposed. In most cases, the duration of a Disciplinary Suspension for a Student Organization is no less than two (2) years. During the last three months of a Student Organization's suspension, the Student Organization will be allowed to coordinate with the Vice President for Student Affairs, or designee, to create a transition plan for their potential reactivation.
4. ***Disciplinary Expulsion*** - The Student Group or Student Organization is no longer recognized by the University and is ineligible to utilize University resources including facilities and financial support.
5. ***No Contact Order*** - The Student Group or Student Organization is prohibited from intentional direct or indirect contact with another person or group or their property via any means, including, but not limited to: personal contact, electronic communication (e.g. text messages, social media, etc.), telephone, or through third parties.
6. ***Campus and/or Building Ban*** - the Student Group or Organization is prohibited from being and/or operating on any University property and/or entering specific University facilities. Any Student Group or Student Organization alleged to have violated a campus and/or building ban may be subject to additional disciplinary action.
7. ***Recommendation for Charter Revocation*** - The University will submit an official request to the national or other governing organization to revoke the charter for a Student Group or Student Organization.
8. ***Restitution*** - The Student Group or Student Organization is required to pay for the loss of, damages to, or injury to University, personal, public, or private property, provided that such payment shall be limited to the actual cost of repair or replacement of such property. University and/or student fee funds may not be used to pay restitution.
9. ***Loss of University Privileges*** - The Student Group or Student Organization is restricted from accessing specific University privileges including, but not limited to: ability to host a party or philanthropic event, eligibility to receive any University award or honorary recognition, participate in intramurals, represent the University and any travel in connection with such representation, participate in recruitment/intake or receive a new member class, maintain membership or representation of the organization on the governing council, utilize University facilities/grounds, participate in competitions, or receive future institutional funding.

10. ***Knowledge Attainment Activities*** - activities designed to increase members' knowledge in areas related to the violation(s) committed including, but not limited to: attending workshops, researching a specific topic, interviewing a professional in a specific field, etc.

11. ***Restorative Activities*** - activities designed to repair harms caused and give back to others or the larger community including, but not limited to: community restitution service, letters of apology, educational presentations, etc.

12. ***Wellness Activities*** - activities designed to address members' wellness in areas including social, emotional, financial, physical, academic, and environmental wellness including, but not limited to: risk management workshops, assessment and revision of risk management practices, financial management training, communication or team building workshops, leadership or values congruence workshops, etc.

13. ***Reflective Activities*** - activities designed to allow the Student Group or Student Organization to reflect on its members' behavior choices and the impact of those choices on the Student Group/Organization and others, including potential future impacts if the same choices continue.

XII.

Appeals

Following written notification of the outcome of the Student Conduct Process, Respondents may submit one appeal in accordance with the process outlined below. The burden is on the individual requesting the appeal to prove that the appeal has merit. Appellate reviews are reviews of the record only.

A.

Appeal Request Grounds

Any Respondent or Complainant who participated in the entire Student Conduct Process and wishes to file an Appeal must do so, in writing within five (5) University Business Days of the date of the outcome letter. Appeal requests may be filed on one or more of the following grounds:

1. A procedural or substantive error occurred that significantly affected the outcome of the case.
2. There is new, relevant information that could not have been reasonably discovered or was not available at the time of the original decision that, if available, could have significantly affected the outcome of the case. This does not include statements from a Complainant or Respondent who chose not to participate in the investigation, review, and/or hearing.

B.

Appeal Request Procedures

Appeal requests must be submitted in writing via the online Appeal Request Form. Once completed, the Appeal Request Form will be processed by SCCS. SCCS will convene an Appellate Body to review the appeal. The Appellate Body for individual conduct cases will be made up of three (3) or five (5) individuals. Generally, this is two (2) University Staff and one (1) Student or three (3) University Staff and two (2) Students. For organizational conduct issues, the Vice President of Student Affairs, or designee, will convene an Appellate Body consisting of organizational presidents or their designee, organizational governing body members, alumni, advisors, and/or current staff/faculty.

The original Conduct Administrator or Student Conduct Board Advisor will provide a written response to the appeal request within three (3) University Business Days of receiving notice of the appeal request unless a request to extend this time has been made and granted before the expiration of the three (3) University Business Day requirement.

Upon receipt of the appeal request, written response, and case file, the Appellate Body will conduct a review of the file limited to the grounds identified by the filing party. The Appellate Body will issue a written response to the appealing party within five (5) University Business Days unless a request to extend this time has been made and granted before the expiration of the five (5) University Business Day requirement.

Great deference is given to the original decision. The presumption is that the investigation and decision processes were appropriately conducted, and the burden is on the party requesting the appeal to prove the appeal has merit. Appellate reviews are reviews of the record only. There are no additional meetings with the Complainant or Respondent unless there are exceptional circumstances as determined by the Appellate Body, in which case the Appellate Body must offer both the Complainant and the Respondent the same opportunity to discuss the case.

C.

Appeal Request Outcomes

Upon review of the record, the Appellate Body may respond as follows:

1. Determine the appeal lacks standing and is dismissed, in which case the original decision stands;
2. Determine that the appeal has standing and remand the case back to the original Conduct Administrator or Student Conduct Board to consider new information or reevaluate previous information;
3. Determine that the appeal has standing and remand the case to a new Conduct Administrator or Student Conduct Board with specific corrective instructions; or
4. Determine the appeal has standing but the appellant has not provided information to substantiate that the outcome of the case was significantly affected; in which case the original decision stands.

The Appellate Body's decision is considered the final University decision and will be communicated in writing. The Appellate Body will review and respond to the appeal within five (5) University Business Days of receipt of all documentation but may extend this time for specific reasons that will be communicated in writing to the appealing party.

In circumstances in which the appealing party requests, in writing, that the Appellate Body remove themselves from the appeal based on actual or perceived bias, or in cases in which the Appellate Body is otherwise unable to perform these duties, appeal decisions may be made by another Appellate Body as determined by the Vice President for Student Affairs.

XIII.

Records

A.

Holds and Removal of Active Status

SCCS staff, the Vice President for Student Affairs or designee, Housing and Residence Life staff, and/or the Vice President for Student Affairs may place a hold on a Student's transcript, registration, and/or diploma; or remove a Student Group and/or Student Organization's active status and ability to conduct operations in any of the following situations:

1. A Student, Student Group, or Student Organization has committed a violation of Policy 8.05/Student Code of Conduct culminating in Disciplinary Suspension or Disciplinary Expulsion;
2. A Student, Student Group, or Student Organization has been given interim restrictions pending an investigation and resolution of allegations of misconduct;
3. A Student, Student Group, or Student Organization has failed to schedule or attend a required University meeting or Hearing;
4. A Student, Student Group, or Student Organization has failed to complete one or more sanctions by the assigned deadline; or
5. An individual who is no longer attending the University exhibits disruptive behavior which is impacting the University Community, and it is the determination of the Vice President for Student Affairs or designee that a review of the Student's file and meeting with the Student occurs before the Student's re-enrollment.

B.

Record Retention

Student conduct records, including investigation records, are maintained electronically by SCCS for seven (7) years from the date the case is closed. A record is considered closed when the following criteria have been met:

1. It is determined that the Student, Student Group, or Student Organization was not in violation of University Policy;
2. The Student, Student Group, or Student Organization violated University Policy; and all periods of Disciplinary Probation or Disciplinary Suspension and all associated outcomes have been completed; or
3. A Student, Student Group, or Student Organization has been expelled from the University.

If a Student remains enrolled after the record is closed, the record will be maintained until the Student graduates or is no longer enrolled at the University. When a Student proceeds directly from one academic program into another academic program (e.g. undergraduate study to graduate study), the records will be maintained until the completion of the final academic program. Student Group and Student Organization records will be maintained for a minimum of seven (7) years after the record is closed. Records of incidents culminating in Disciplinary Suspension, Disciplinary Expulsion, or Disciplinary Dismissal will be permanently maintained by the University.

C.

Access to Records

If a Student, Student Group, or Student Organization wishes to review their conduct file, they may do so by scheduling an appointment with SCCS. The file may be redacted to protect privacy concerns and to comply with federal and local law.

If a student needs access to their records for legal reasons, admission to another school, or any other reason (to be approved by SCCS), they can email SCCS@wichita.edu to petition to receive their record via email. If approved, the written records requested will be sent to the email address that was used to contact SCCS. The written records will be redacted when it is sent to the Student.

Additionally, SCCS can mail a redacted copy of the conduct file upon request and at the expense of the requestor to be paid in advance of preparing it for transfer. Payment must be received before the release of the records. Reasonable costs for making copies, transcribing audio recordings (if necessary), and/or staff time spent redacting personally identifiable information of other students may be included in calculated costs.

Access to records only applies to the Respondent, not that of an Advisor and/or family member, without the express written consent designated in a FERPA Form.

D.

Records of Other Entities

Police reports may be obtained by contacting the records department at the law enforcement agency which issued the report. In the State of Kansas, police reports are not considered public records; therefore, limited information will be accessible upon request.

E.

Expungement

Students may request to have their conduct record expunged under the conditions listed below. Expungement shall be at the sole discretion of the Vice President for Student Affairs or designee and shall require the entire record to be expunged or none of it to be expunged (i.e. no partial expungement shall be allowed). Conditions include:

1. Petition for expungement shall occur only upon completion of all degree requirements and attainment of a degree.

    a. Petitions may be sent to SCCS@wichita.edu (mailto:SCCS@wichita.edu) .

    b. Petitions for expungement must include:

        i. the Student's name at the time of the sanction,

        ii. the Student's WSU ID number, and

        iii. an explanation of no more than 1,000 words as to why the Student believes their record should be expunged.

2. Expungement may occur only for Students who have sanctions other than Disciplinary Suspension or Disciplinary Expulsion and whose violations were determined not to have threatened or endangered the health or safety of any person. Records for a Student(s) who has been suspended or expelled are not eligible for expungement.

3. Expungement decisions shall be made based on obvious long-term improvement in behavior, or lack thereof, (e.g., no violations of the student code for two or more consecutive semesters prior to graduation), and/or demonstration, or lack thereof, of cooperation in previous student conduct matters, and/or any other reasonable factor.

4. All Expungement decisions will be made by the Vice President for Student Affairs or designee. The Vice President for Student Affairs or designee may consult with any other University Official, where appropriate, in making a final decision.

5. All expungement decisions are final and are not subject to appeal.

XIV.

Emergency Contact Notification

The University reserves the right to notify the parent(s)/guardian(s) of dependent Students and/or a Student's emergency contact regarding any conduct situation which poses a health or safety risk to the student or others, particularly alcohol and/or other drug violations. The University may also notify the parent(s)/guardian(s) of non-dependent Students who are under the age of twenty-one (21) of alcohol and/or other drug violations. Parental notification may also be utilized discretionarily by Conduct Administrators when permitted by FERPA or consent of the student.