

Student Rights and Responsibilities

Article IV: Conduct Expectations

A. Jurisdiction of the University

Generally, the Student Code shall apply to conduct which occurs on University premises and at University sponsored activities. The University may take action in off-campus situations involving flagrant disregard for any person or persons; or when a student's or student organization's behavior is judged to threaten the health, safety, and/or property of any individual or group; or any other activity which adversely affects the University community and/or the pursuit of its objectives. The appropriate staff in Student Rights and Responsibilities/or designee, shall decide, on a case by case basis, whether the Student Code shall be applied to conduct occurring off-campus. The Student Code shall apply to a student's conduct even if the student withdraws from the University while a conduct matter is pending. The Student Code does apply at Western Michigan University branch and overseas campuses. In the event a Student Code violation occurs at a location off of University premises, it may not be feasible or practical to follow the procedures outlined in this Student Code. Therefore, the University reserves the right to take those actions which are necessary for the safe and orderly maintenance of its programs and relationships with others.

B. Conduct Policies

Any student found to have committed the following misconduct is subject to conduct sanctions outlined in Article V:

1. Academic misconduct – Including but not limited to the following:

a. Cheating: Cheating is intentionally using or attempting to use materials, information, notes, study aids or other technology that have not been authorized in any academic exercise.

i. Students completing any examination are prohibited from looking at another student's examination and from using external aids (for example, books, notes, calculators, conversation with others) unless specifically allowed in advance by the faculty member.

ii. Students may not have others conduct research or prepare work for them without advance authorization from the faculty member. This includes but is not limited to the services of commercial term paper companies.

b. Fabrication, falsification, and forgery: Fabrication is the intentional invention and unauthorized alteration of any information or citation in an academic exercise. Falsification is a matter of altering information while fabrication is a matter of inventing or counterfeiting information for use in any academic exercise or University record. Forgery is defined as the act to imitate or counterfeit documents, signatures, and the like.

Clarification:

i. "Invented" information shall not be used in any laboratory experiment, report of results or academic exercise. It would be improper, for example, to analyze one sample in an experiment and then "invent" data based on that single experiment for several more required analyses.

ii. Students shall acknowledge the actual source from which cited information was obtained. For example, a student shall not take a quotation from a book review and then indicate that the quotation was obtained from the book itself.

iii. Falsification of University records includes altering or forging any University

document and/or record, including identification material issued or used by the University.

c. Multiple submission: Multiple submission is the submission of substantial portions of the same work (including oral reports) for credit more than once without authorization from faculty members of all classes for which the student submits the work.

Clarification:

i. Examples of multiple submission include submitting the same paper for credit in more than one course without all faculty members' permission; making revisions in a credit paper or report (including oral presentations) and submitting it again as if it were new work.

d. Plagiarism: Plagiarism is the use of someone else's language, ideas, or other material without making the source(s) evident in situations where there is a legitimate expectation of original work. Plagiarism does not occur when efforts to promptly identify sources by making source use apparent to the audience of the submitted material are obvious. Plagiarism may not necessarily include mistakes in citation style.

A legitimate expectation of original work exists for numerous circumstances, including (but not limited to): scholarly writing, technical presentations and papers, conference presentations and papers, online discussion postings, grant proposals, patents, book and other manuscripts, theses and dissertations, class assignments, artistic works, computer code, algorithms, and other creative works.

This definition applies to the entire WMU community, which includes all faculty; students; staff; visiting faculty, scholars, administrators; and any other person governed by academic research and other policies of the University.

e. Complicity: Complicity is intentionally or knowingly helping or attempting to help another to commit an act of academic dishonesty. i. Examples of complicity include knowingly allowing another to copy from one's paper during an examination or test; distributing test questions or substantive information about the materials to be tested before the scheduled exercise; collaborating on academic work knowing that the collaboration will not be

reported; taking an examination or test for another student, or signing another's name on an academic exercise.

Clarification:

- i. Examples of complicity include knowingly allowing another to copy from one's paper during an examination or test; distributing test questions or substantive information about the materials to be tested before the scheduled exercise; distributing course materials without instructor authorization, collaborating on academic work knowing that the collaboration will not be reported; taking an examination or test for another student, or signing another's name on an academic exercise.
- ii. Collaboration and sharing information are characteristics of academic communities. These become violations when they involve dishonesty. Faculty members should make clear to students expectations about collaboration and information sharing. Students should seek clarification when in doubt.

2. Alcohol use or possession – Including but not limited to public intoxication, use, possession, manufacturing or distribution of alcoholic beverages except as expressly permitted by law and University regulations.

3. Credit card misuse – The unauthorized use of another's credit card, debit card, charge card, secured card, smart card or any other instrument of credit.

4. Dishonesty - Including but not limited to the following:

- Furnishing false information to any University official, faculty member, or office.
- Forgery, alteration, or misuse of any University document, record, account, computer account, or instrument of identification.
- Tampering with an election conducted by any Western Michigan University Registered Student Organization.
- Acting as an agent of the University without authorization.
- Furnishing false information to a law enforcement officer(s) acting in accordance with their duties

5. Disruptive behavior - Behavior by any student, in class or out of class, which for any reason materially disrupts the class work of others, involves

substantial disorder, invades the rights of others, or otherwise disrupts the regular and essential operation of the University. This includes, but is not limited to the following:

- Disruption, or interference which impedes, impairs or obstructs teaching, research, administration, conduct proceedings, other University missions, processes, or functions including public-service functions or other authorized University or non-University activities when the conduct occurs on University premises.
- Participation in a campus demonstration which disrupts the normal operation of the University and/or infringes on the rights of other members of the University community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; or intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus or other University property.
- Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University-sponsored or supervised functions.
- Conduct which is disorderly; breach of peace; or aiding, abetting, or procuring another person to breach the peace on University premises or at functions sponsored by, or participated in, by the University or members of the academic community.
- Instances where a student engages, or threatens to engage, in behavior which poses an immediate danger of causing physical harm to others; or
- Instances which cause significant property damage, or would directly and substantially impede the lawful activities of others; or
- Instances where a student's behavior disturbs normal University operations, consumes an inordinate amount of University staff time and/or resources, or may interfere with the educational process and/or the orderly operation of the University.

6. **Drug possession or use** - Use, possession, exchange, manufacturing, or distribution of marijuana, heroin, narcotics, other controlled substances and/or paraphernalia, except as expressly permitted by law.

The Michigan Medical Marijuana Act of 2008 (MMMA) and the passage of Michigan Proposal 1 2018 notwithstanding, WMU is subject to the Federal

Drug-Free workplace Act of 1988 and the Federal Drug-Free Schools and Communities Act amendment of 1989, both of which prohibit controlled substances on campus, including marijuana. **Therefore, pursuant to federal law, the use or possession of any marijuana, medicinal or recreational, is not permitted anywhere on WMU's campus.**

7. **Entry or use** – Entry into or use of University premises or property or remaining in any area on University premises which is unauthorized or any entry into or use of private property which is unauthorized.

8. **Failure to comply** – Failure to comply with direction of University officials or law enforcement officers acting in performance of their duties.

9. **Fire or safety equipment misuse** – Tampering with or misuse of fire or any other safety equipment, or disregarding, circumventing, or disabling any security or safety device or system.

10. **Hazing** – Any act which endangers the mental or physical health or safety of a person, embarrasses, frightens, or degrades a person or which destroys or removes public/private property, for the purpose of initiation, admission into, or affiliation with, or as a condition for continued membership, in a group, organization/team. The expressed or implied consent of the alleged person against whom the actions have been taken will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule.

11. **Identification misuse** – The use of another person's identity, password, identification number, University identification card or any other identification card; or assisting another to misuse any identity, password, identification number, University identification card or any other identification card.

12. **Conduct system abuse** – Including but not limited to:

a. Failure to set up and/or attend an appointment when directed to do so by a University official.

b. Falsification, distortion, or misrepresentation of information before a conduct body.

- c. Disruption or interference with the orderly conduct of a conduct proceeding.
- d. Initiation of a conduct proceeding when one knows or reasonably should have known that the proceeding was without cause.
- e. Attempting to discourage an individual's proper participation in, or use of, the conduct system.
- f. Attempting to influence the impartiality of a member of a conduct body prior to, and/or during the course of, the conduct proceeding.
- g. Harassment (verbal or physical) and/or intimidation of a member of a conduct body, complainant, or witness, prior to, during, and/or after a conduct proceeding.
- h. Failure to comply with the sanction(s) imposed under the Student Code. A student who fails to complete any sanctions imposed upon them by the deadline imposed by the conduct body, is not eligible to register for classes, receive financial aid, receive a diploma, or obtain any transcripts (official or unofficial) until they comply with the terms of the original sanctions and any additional sanctions imposed due to the failure to complete the original sanctions in a timely manner.
- i. Influencing or attempting to influence another person to commit an abuse of the conduct system.

13. Obscene or harassing communication - including but not limited to: Making obscene or harassing telephone calls, sending obscene or harassing letters, email, or using any medium to communicate in an obscene or harassing manner.

a. Bullying / Cyber-bullying - Repeated actions which cause another person to experience intimidation, the unlawful use of physical force or harassment that is so severe, pervasive, and objectively offensive that it denies the victim equal access to the University's resources or opportunities. Bullying may be intentional or unintentional. However, it must be noted that where an allegation of bullying is made, the intention of the alleged bully is irrelevant

and will not be given consideration when appropriate disciplinary action is needed. WMU considers the following types of behavior examples of bullying when they are part of a pattern of conduct that rises to the standard set forth above:

- **Verbal Bullying:** slandering, ridiculing, or maligning a person or his/her family; persistent name calling which is hurtful, insulting, or humiliating; using a person as the butt of jokes; remarks that would be viewed by others in the community as abusive and offensive; persistently interrupting another person or otherwise preventing another person's legitimate attempts to speak; use of nicknames after being warned that the nickname is considered by the victim to be offensive; constant criticism on matters unrelated to a person's job performance or description or on matters that cannot be documented;
- **Physical Bullying:** pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person's work area or property.
- **Gesture Bullying:** non-verbal threatening gestures such as, but not limited to, the following: approaching another person with fists clinched or with one or more other fighting gestures which could reasonably be interpreted as threatening; brandishing a weapon; making gestures that would reasonably be interpreted as amorous or sexual in nature.
- **Social Bullying (which may include cyber-bullying):** engaging in verbal bullying via mail, email, text message, phone, or voicemail; deliberately interfering with mail, email, text messages, phone, voicemail, or other communication; spreading malicious rumors or gossip about another person; manipulating the workload of another person in a manner designed to cause that person to fail to perform his or her legitimate functions; inflicting menial tasks on an employee not in keeping with the employee's normal responsibilities.

b. Stalking – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress.

14. **Harm to persons** - conduct which threatens or endangers the health, well-being, or safety of any person, including but not limited to:

- a. Causing physical harm to any person.
- b. Threatening, intimidating, harassing, or coercing any person.
- c. Failure or refusal to comply with University public health expectations and/or any state or local public health laws or regulations or governor's executive order is also a violation of this policy.

15. **Sexual misconduct** - Please see the Western Michigan University Sexual and Gender-Based Misconduct Policy at www.wmich.edu/sexualmisconduct for information regarding sexual misconduct complaints and their resolution.

16. **Telecommunication process/procedure misuse** - The unauthorized use of another person's cell phone, phone card, or the unauthorized acceptance of collect telephone calls.

17. **Unauthorized use/destruction/defacing of property** - Attempted or actual removal of, use of, and/or damage to property of the University or property of another or the removal of other personal or public property without proper authorization. Leaving or placing unauthorized materials on University property or defacing University property is also prohibited.

18. **Unauthorized use or other abuse of University computing resources** - including but not limited to the following as defined by law:

- a. Any attempt to breach or the actual breach of network or computer security.
- b. Unauthorized entry into a file to use, read, delete, or change the contents, or for any other purpose.
- c. Unauthorized copying or distribution of copyrighted computer software or other materials.
- d. Unauthorized transfer of a file.
- e. Use, or attempted use, of another person's identification and/or password or assisting another to misuse any identification or password.

- f. Use of computing resources to interfere with the work of another student, faculty member, University official, or any other member of the University community.
- g. Use of computing facilities to send obscene or abusive messages.
- h. Use of computing facilities to send unauthorized mass emailing or chain mail.
- i. Use of computing facilities to interfere with normal operation of any University computing system network.
- j. Use of computing facilities/resources to violate any campus policy or rule to violate any local, state or federal law. (see <http://www.wmich.edu/oit/>) for a complete description of all computing policies.)

19. **Unauthorized key possession or use** – Unauthorized possession, duplication, or use of keys, key cards, or other access or security devices.

20. **Unauthorized posting** – Placing of notices, posters, signs, handbills, etc. anywhere on University premises and/or through university resources without proper authorization.

21. **Violation of the law** – Violation of federal, state, or local law on University premises or at University sponsored or supervised activities or that which is in the jurisdiction of the University. Additional information available in Article IV, section C.

22. **Violation of University policy** – Violation of any University policy, rule or regulation published in hard copy or available electronically via the University website; and/or any attempt to commit prohibited activities defined herein; and/or enticing or inciting others to commit prohibited activities defined herein, and/or conspiring to perform any prohibited activities defined herein; and/or any other conduct which adversely affects the student's suitability as a member of the University community.

23. **Weapon possession or use** - Western Michigan University is a weapon free school. By order of the Board of Trustees "no person shall possess on

university property any firearms or other dangerous weapons with the exception of police officers, transfer agents licensed to carry weapons and persons using any such weapons for class instruction when authorized by the dean of the appropriate college” (Approved June 11, 1971). The possession, use or storage of weapons is prohibited on University owned or controlled premises and at University sponsored events without authorization from the appropriate University official. Using or possessing a weapon, even with proper authorization, in a manner that harms, threatens or causes fear in others, or is otherwise in violation of the Weapons on Campus Policy contained in the Registered Student Organization Handbook, is also prohibited. Prohibited weapons include, but are not limited to, the following:

- Any firearm, either long gun or handgun, or any device which fires any type of projectile using gunpowder as a propellant.
- Any bb or pellet gun, or device that fires a projectile using compressed air, CO₂, or other gas as a propellant. This includes “airsoft” and paintball guns.
- Edged weapons including any folding or fixed blade knives, daggers, dirks, swords, axes, machetes, bows and arrows, or any other sharp object fashioned or used as such objects.
- Martial arts devices such as nun chucks, bokken, throwing stars, throwing knives, bow staffs, sai, tonfas, or any other device considered a dangerous weapon.
- Stun gun or taser, or any device that produces electrical current intended to disable or injure a person either permanently or temporarily.
- Any device made specific, crafted, or used with the intended purpose of causing harm to a person.
 - o Kitchen knives are permitted as long as they are used for the intended culinary purposes.
 - o Pepper spray or any chemical irritant that contains 10% or less of oleoresin capsicum is permitted on campus property.

C. Violation of Law and University Conduct

1. University conduct proceedings may be instituted against a student charged with violation of a law, which may also constitute a violation of the WMU Student Code. Proceedings under the WMU Student Code may be carried out prior to, simultaneous to, or following civil or criminal proceedings off-campus at the sole discretion of the appropriate staff in Student Rights and Responsibilities/or designee. Conduct proceedings will be carried out independent of any off-campus proceedings. Determinations made or sanctions imposed under the Student Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor or against the criminal law defendant.
2. If a student is charged only with an off-campus violation of federal, state, or local laws, but not with any other violation of the WMU Student Code, conduct action may be taken and sanctions imposed. In such cases, no sanction may be imposed unless the student has been found guilty in a court of law, has declined to contest such charges, although not actually admitting guilt (e.g., “no contest” or nolo contendere) or where a conviction results from plea bargaining which is accepted by the court of competent jurisdiction.
3. When federal, state, or local authorities charge a student with a violation of law, the University will not request or agree to special consideration for that individual because of their status as a student. If the alleged offense is also being processed through the Student Code, the University may advise off-campus authorities of the existence of the Student Code and of how such matters will be handled internally within the University community.
4. The University is committed to cooperating fully with law enforcement and other agencies in the enforcement of violations of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions.) Individual students and faculty members, acting in their personal capacities, remain free to interact with governmental representatives, as they deem appropriate.

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