

**2020-21 KANSAS WESLEYAN UNIVERSITY
STUDENT CODE OF CONDUCT & DISCIPLINE PROCESS**

Kansas Wesleyan University's primary goal is to provide students an excellent education in a caring Christian campus community. The university is uncompromising in its dedication to providing an atmosphere where students can mature and learn while taking responsibility for their own actions and lives.

The campus environment helps students prepare for the challenges in their personal and professional lives by living and studying with people from many backgrounds, by learning to relate responsibly to God and to others by achieving goals in a timely manner.

A member of the Kansas Wesleyan University (KWU) community accepts the responsibility to be: Trustworthy: One's work, integrity, and honesty are expected to be beyond question in every aspect of life in the campus community. If a person lies, cheats, steals or in any other way is dishonorable, he/she is living at a level which is less than what is expected at KWU.

Respectful: Of the dignity and rights of the other individuals who live and work in this campus community and of the property of the University and others.

Loyal: To KWU and its mission as a faith-based institution of higher education affiliated with the United Methodist Church.

Campus policies are designed to support the KWU educational mission and to protect the rights and privileges of everyone. Violations of KWU policies will be subject to disciplinary review and possible sanctions. Disciplinary review is intended to be an educational process that permits a constructive response and change of student behavior.

ARTICLE I. DEFINITIONS

- A. The term "University" means Kansas Wesleyan University.
- B. The term "student" includes all persons taking courses at KWU, either full-time or part-time, pursuing undergraduate, graduate, or professional studies. Persons who withdraw after allegedly violating the Student Code, who are not officially enrolled for a particular term but who have a continuing relationship with the University or who have been notified of their acceptance for admission are considered "students" as are persons who are living in University Residence Halls or Campus Apartments, although not enrolled at Kansas Wesleyan University.
- C. The term "faculty member" means any person hired by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of its faculty.
- D. The term "University official" includes any person employed by the University, performing assigned administrative or professional responsibilities.

- E. The term “member of the University community” includes any person who is a student, faculty member, University official or any other person employed by the University. A person’s status in a particular situation shall be determined by the Assistant Director of Student Development.
- F. The term “University premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University (including adjacent streets and sidewalks).
- G. The term “organization” means any number of persons who have complied with the formal requirements for University registration.
- H. The term “Student Conduct Administrator” means a University official authorized on a case-by-case basis by the Assistant Director of Student Development to impose sanctions upon any student(s) found to have violated the Student Code of Conduct. The Assistant Director of Student Development may coordinate an investigation with the Campus Safety Officer and may authorize the same Student Conduct Administrator. The Assistant Director of Student Development may impose sanctions in cases. The Assistant Director of Student Development is considered the official Student Conduct Administrator in all non-academic discipline situations.
- I. The term “Student Conduct Appeal Administrator” means any person or persons authorized to consider an appeal from a Student Conduct Administrator’s determination as to whether a student has violated the Student Code or from the sanctions imposed by the Student Conduct Administrator.
- J. The term “shall” is used in the imperative sense.
- K. The term “may” is used in the permissive sense.
- L. The Assistant Director of Student Development is that person designated by the University President to be responsible for the administration of the Student Code.
- M. The term “policy” means the written regulations of the University as found in, but not limited to, the Student Code of Conduct, Student Handbook, University web pages and computer use policy, and University Catalogs.
- N. The term “complainant” means any person who submits a charge alleging that a student violated this Student Code of Conduct. When a student believes that s/he has been a victim of another student’s misconduct, the student who believes s/he has been a victim will have the same rights under this Student Code of Conduct as are provided to the complainant, even if another member of the University community submitted the charge itself.
- O. The term “Accused Student” means any student accused of violating this Student Code of Conduct.

ARTICLE II. STUDENT CODE AUTHORITY

- A. The Assistant Director of Student Development shall determine which Student Conduct Administrator shall be authorized to hear each matter. Policies for the administration of the student conduct system and procedural rules for the conduct of the Student Conduct Board Hearings shall be developed that are not inconsistent with provisions of the Student Code.
- B. Decisions made by a Student Conduct Appeal Administrator and/or Student Conduct Administrator shall be final, pending the normal appeal process.
- C. The Student Conduct Appeal Administrator shall be appointed by the President of the University. If the appointed Appeal Administrator at any time feels that their relationship with an accused student would prevent them from making a fair judgment, they may be excused from their duties in this role and a new administrator will be appointed in their place.

ARTICLE III. PROSCRIBED CONDUCT

- A. Jurisdiction of the University Student Code

The University Student Code shall apply to conduct that occurs on University premises, at University sponsored activities, and to off-campus conduct that adversely affects the University community and/or the pursuit of its objectives. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded). The Student Code of Conduct shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending. The Assistant Director of Student Development shall decide whether the Student Code of Conduct shall be applied to conduct occurring off campus, on a case by case basis, in his/her discretion in consultation with the University President or other Student Conduct Administrator(s).

- B. Conduct—Rules and Regulations

Any student found to have committed or to have attempted to commit the following misconduct is subject to disciplinary sanctions:

- 1. Acts of dishonesty, including but not limited to the following:
 - a. Cheating, plagiarism, or other forms of academic dishonesty. (Academic dishonesty will be handled by individual professors, the Academic Dean and/or the Academic Affairs Committee)
 - b. Furnishing false information to any University official, faculty or staff member, or office.

- c. Forgery, alteration, or misuse of any University document, record, or instrument of identification,
2. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other University activities, including its public service functions on or off campus, or of other authorized non-University activities when the conduct occurs on University premises.
3. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct which threatens or endangers the health or safety of any person.
4. Attempted or actual theft of and/or damage to property of the University or property of a member of the University community or other personal or public property, on or off campus.
5. “Hazing”, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule.
6. Failure to comply with directions of University officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
7. Unauthorized possession, duplication or use of keys to any premises or unauthorized entry to or use of University premises.
8. Violation of any University policy, rule, or regulation published in hard copy or available electronically on the University website.
9. Violation of any federal, state or local law.
10. Use, possession, manufacturing, or distribution of marijuana, heroin, narcotics, or other controlled substances except as expressly permitted by law.
11. Use, possession, manufacturing, or distribution of alcoholic beverages or public intoxication.
12. Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on University premises or use of any such item, even if legally possessed, in a manner that harms, threatens or causes fear to others.
13. Participating in an on-campus or off-campus demonstration, riot or activity that disrupts the normal operations 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.

14. Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions.
15. Conduct that is disorderly, lewd, or indecent; 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. Disorderly Conduct includes but is not limited to: Any unauthorized use of electronic or other devices to make an audio or video record of any person while on University premises without his/her prior knowledge, or without his/her effective consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, restroom, Residence Hall room or Campus Apartment.
16. Theft or other abuse of computer facilities and resources, including but not limited to:
 - a. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
 - b. Unauthorized transfer of a file.
 - c. Use of another individual's identification and/or password.
 - d. Use of computing facilities and resources to interfere with the work of another student, faculty or staff member or University Official.
 - e. Use of computing facilities and resources to send obscene or abusive messages.
 - f. Use of computing facilities and resources to interfere with normal operation of the University computing system.
 - g. Use of computing facilities and resources in violation of copyright laws.
 - h. Any violation of the University Computer Use Policy.
17. Abuse of the Student Conduct System, including but not limited to:
 - a. Failure to obey the notice from a Student Conduct Administrator or University official to appear for a meeting or hearing as part of the Student Conduct System.
 - b. Falsification, distortion, or misrepresentation of information before a student conduct proceeding, University official or Student Conduct Administrator or Student Conduct Appeal Administrator.

- c. Disruption or interference with the orderly conduct of a student conduct proceeding.
- d. Institution of a student conduct code proceeding in bad faith.
- e. Attempting to discourage an individual's proper participation in, or use of, the student conduct system.
- f. Attempting to influence the impartiality of a Student Conduct Administrator prior to, and/or during the course of, a student conduct proceeding.
- g. Harassment (verbal or physical) and/or intimidation of a Student Conduct Administrator prior to, during, and/or after a student conduct code proceeding.
- h. Failure to comply with the sanction(s) imposed under the Student Code of Conduct.
- i. Influencing or attempting to influence another person to commit an abuse of the Student Conduct Code system.

C. Violation of Law and University Discipline

University disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Student Code of Conduct (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Assistant Director of Student Development. Determinations made or sanctions imposed under this Student Code of Conduct 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 of or against the criminal law defendant.

When a student is charged by federal, state, or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also being processed under the Student Code, the University may advise off-campus authorities of the existence of the Student Code and of how such matters are typically handled within the University community. The University will attempt to cooperate with law enforcement and other agencies in the enforcement 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 other members of the University community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

ARTICLE IV. STUDENT CONDUCT CODE PROCEDURES

A. Charges and Student Conduct Hearings

1. Any member of the University community may file charges against a student for violations of the Student Code. A charge shall be prepared in writing and directed to the Student Conduct Administrator. Any charge should be submitted as soon as possible after the event takes place, preferably within 24 hours.
2. The Student Conduct Administrator may conduct an investigation to determine if the charges have merit and/or if they can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the Student Conduct Administrator. Such disposition shall be final and there shall be no subsequent proceedings. If the charges are not admitted and/or cannot be disposed of by mutual consent, the Student Conduct Administrator may later serve in the same matter for a student conduct proceeding. If the student admits violating institutional rules, but sanctions are not agreed to, subsequent process, including a hearing if necessary, shall be limited to determining the appropriate sanction(s).
3. All charges shall be presented to the Accused Student in written form. A time shall be set for a student conduct hearing, within 5 working days after the student has been notified. Maximum time limits for scheduling of student conduct hearings may be extended at the discretion of the Student Conduct Administrator.
4. Student conduct hearings shall be conducted by a Student Conduct Administrator according to the following guidelines except as provided by Article IV (A) (7) below:
 - a. Student conduct hearings normally shall be conducted in private.
 - b. The Complainant, Accused Student and their advisors (no more than two persons), if any, shall be allowed to attend the entire portion of the student conduct hearing at which information is received (excluding deliberations). Admission of any other person to the student conduct hearing shall be at the discretion of the Student Conduct Administrator.
 - c. In student conduct hearings involving more than one Accused Student, the Student Conduct Administrator, in his or her discretion, may permit the student conduct hearings concerning each student to be conducted either separately or jointly.
 - d. The Complainant and the Accused Student have the right to be assisted by an advisor they choose, at their own expense. The advisor must be a member of the University community and may not be an attorney. The Complainant and/or the Accused Student is responsible for presenting his or her own information, and therefore, advisors are not permitted to speak or to participate directly in any student conduct hearing before a Student Conduct Administrator. A student should select as an advisor a person whose

schedule allows attendance at the scheduled date and time for the student conduct hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor.

- e. The Complainant, the Accused Student and the Student Conduct Administrator may arrange for witnesses to present pertinent information at the student conduct hearing. The University will try to arrange the attendance of possible witnesses who are members of the University community, if reasonably possible, and who are identified by the Complainant and/or Accused Student at least two weekdays prior to the student conduct hearing. Witnesses will provide information to and answer questions from the Student Conduct Administrator. Questions may be suggested by the Accused Student and/or Complainant to be answered by each other or by other witnesses. This will be conducted by the Student Conduct Administrator in a manner as to preserve the educational tone of the hearing and to avoid creation of an adversarial environment. Questions of whether potential information will be received shall be resolved at the discretion of the Student Conduct Administrator.
 - f. Pertinent records, exhibits, and written statements may be accepted as information for consideration by a Student Conduct Administrator.
 - g. All procedural questions are subject to the final decision of the Student Conduct Administrator.
 - h. After the portion of the student conduct hearing concludes in which all pertinent information has been received, the Student Conduct Administrator shall determine whether the Accused Student has violated each section of the Student Code which the student is charged with violating.
 - i. The Student Conduct Administrator's determination shall be made on the basis of whether it is more likely than not that the Accused Student violated the Student Code.
 - j. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Code proceedings.
5. There shall be a single verbatim record, such as a tape recording, of all student conduct hearings before a Student Conduct Administrator (not including deliberations). Deliberations shall not be recorded. The record shall be the property of the University.
6. If an Accused Student, with notice, does not appear before a student conduct hearing, the information in support of the charges shall be presented and considered even if the Accused Student is not present.

7. The Student Conduct Administrator may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Accused Students, and/or other witness 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, audio tape, written statement or others means, where and as determined in the sole judgment of the Assistant Director of Student Development to be appropriate.

B. Sanctions

1. The following sanctions may be imposed upon any student found to have violated the Student Code:
 - a. Warning - A notice in writing to the student that the student is violating or has violated institutional regulations.
 - b. Probation - A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during the probationary period.
 - c. Loss of Privileges - Denial of specified privileges for a designated period of time.
 - d. Fines - Previously established and published fines may be imposed.
 - e. Restitution - Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
 - f. Discretionary Sanctions - Work assignments, essays, service to the University, or other related discretionary assignments.
 - g. Residence Hall Suspension - Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
 - h. Residence Hall Expulsion - Permanent separation of the student from the residence halls.
 - i. University Suspension - Separation of the student from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
 - j. University Expulsion - Permanent separation of the student from the University.
 - k. Revocation of Admission and/or Degree - Admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or other

violation of University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.

- l. Withholding Degree - The University may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Conduct Code, including the completion of all sanctions imposed, if any.
 - m. Other - Other sanctions include community service, restitution, counseling, and evaluations. A copy of all disciplinary actions will be placed in the permanent file of the student. Where applicable, parents of students who have been placed on probation, suspension or dismissal will be notified of disciplinary action, unless the student files a written request that the information remains confidential. Request letters must be filed with the Assistant Director of Student Development.
 - n. More than one of the sanctions listed above may be imposed for any single violation.
2.
 - a. Other than University expulsion or revocation or withholding of a degree, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's disciplinary record. Upon graduation, the student's disciplinary record may be expunged of disciplinary actions other than residence hall expulsion, University suspension, University expulsion, or revocation or withholding of a degree, upon application to the Student Conduct Administrator. Cases involving the imposition of sanctions other than residence hall expulsion, University suspension, University expulsion or revocation or withholding of a degree shall be expunged from the student's confidential record three years after final disposition of the case.
 - b. In situations involving both an Accused Student(s) (or group or organization) and a student(s) claiming to be the victim of another student's conduct, the records of the process and of the sanctions imposed, if any, shall be considered to be the education records of both the Accused Student(s) and the student(s) claiming to be the victim because the educational career and chances of success in the academic community of each may be impacted.
3. The following sanctions may be imposed upon groups or organizations:
 - a. Those sanctions listed above in Section (B)(1)(a)-(e).
 - b. Loss of selected rights and privileges for a specified period of time.
 - c. Deactivation - Loss of all privileges, including University recognition, for a specified period of time.
4. In each case in which a Student Conduct Administrator determines that a student and/or group or organization has violated the Student Code, the sanction(s) shall be

determined and imposed by the Student Conduct Administrator. In cases in which persons other than, or in addition to, the Student Conduct Administrator have been authorized to serve as the Student Conduct Appeals Administrator, the recommendation of the Student Conduct Administrator shall be considered in determining and imposing sanctions. Following the student conduct hearing, the Student Conduct Administrator shall advise the Accused Student, group and/or organization (and a complaining student who believes s/he was the victim of another student's conduct) in writing of its determination and of the sanction(s) imposed, if any.

C. Interim Suspension

In certain circumstances, the Assistant Director of Student Development, or a designee, may impose a University or residence hall suspension prior to the student conduct hearing before a Student Conduct Administrator.

1. Interim suspension may be imposed only: 1) to ensure the safety and well-being of members of the University community or preservation of University property; b) to ensure the student's own physical or emotional safety and well-being; or c) if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the University.
2. During the interim suspension, a student shall be denied access to the residence halls and/or to the campus (including classes) and/or all other University activities or privileges for which the student might otherwise be eligible, as the Assistant Director of Student Development or the Student Conduct Administrator may determine to be appropriate.
3. The interim suspension does not replace the regular process, which shall proceed on the normal schedule, up to and through a student conduct hearing, if required.

D. Appeals

Students have the right to appeal all non-academic disciplinary decisions. The appeal process is initiated by requesting a Notice of Appeal form from the Assistant Director of Student Development.

1. A written request for appeal using the form must be filed within 3 business days of receiving notification of the sanction. The Notice of Appeal will be forwarded to the Student Conduct Administrator, who will convene the committee to hear the appeal as soon as possible, but no later than 10 business days from the receipt of the appeal form. The student will receive a written notification of the outcome of the hearing within 2 business days of the hearing. Final appeal resides with the President of the University. A written request for final appeal to the President must be filed within 2 business days of receiving the Student Conduct Administrator's decision. University discipline procedures cannot and will not be operated as civil courts. Due process rights, in accordance with established procedures of the University, will be protected.

2. Except as required to explain the basis of new information, an appeal shall be limited to a review of the verbatim record of the student conduct hearing and supporting documents for one or more of the following purposes:
 - a. To determine whether the student conduct hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and to present information that the Student Code was violated, and giving the Accused Student a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.
 - b. To determine whether the decision reached regarding the Accused Student was based on substantial information, that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of the Student Code occurred.
 - c. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code which the student was found to have committed.
 - d. To consider new information, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original student conduct hearing.
3. Final appeal of a sanction imposed by a Student Conduct Administrator shall reside with the President of the University. Once an appeal has been heard and a decision has been made, the matter shall be considered final and binding upon all involved.

ARTICLE V. INTERPRETATION AND REVISION

- A. Any question of interpretation or application of the Student Code shall be referred to the Assistant Director of Student Development or his/her designee for final determination.
- B. The Student Code shall be reviewed every [3] years under the direction of the Student Conduct Administrator.