

# STUDENT CONDUCT POLICIES

## Conduct Authority

Ultimate authority to govern student conduct rests with the Western Kentucky University Board of Regents. The Board of Regents has delegated authority to the President of the University. Subsequently, the President grants authority to the Division of Student Experience through the Vice President of Student Experience, to the Office of Student Conduct.

The Office of Student Conduct assumes the responsibility to oversee the administration of the Student Code of Conduct. When appropriate, the Office of Student Conduct may delegate conduct authority to additional University officials (e.g., Housing & Residence Life Staff and the Office of Institutional Equity (Title IX) and committees (e.g., University Disciplinary Committee) in keeping with University policies, rules, and regulations.

## University's Scope Governing Conduct

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

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

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

## Purpose of the Student Code of Conduct

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

The Student Code of Conduct summarizes fair and impartial procedures that are used to determine the responsible person or persons, in

the event it is determined that student misconduct has occurred. The Student Code of Conduct outlines the procedure for redress of misconduct and appropriate sanctions, if any, for a student or student organizations deemed in violation of the University standards of behavior. Throughout the entirety of this process, individual rights and due process are sustained and respected. For more on Student Rights and Responsibilities, please visit: <https://www.wku.edu/studentconduct/>.

## Violations of Law and the Student Code of Conduct

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

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

Following procedures of due process, if the WKU Student Code of Conduct is violated, the responsible parties will go through the University's disciplinary process, which is intended to be a fair and educational experience. Students are presumed not responsible until the institution has established every element of an alleged violation; however, this shall not be construed to mean that a complainant or any witnesses has presented false testimony or evidence. Although a student accused of academic or nonacademic misconduct will be granted every consideration, if actions and behaviors of the student are duly found to be detrimental to the University mission, function, property, or wellbeing, the University will apply an appropriate disciplinary outcome.

Any WKU student may be expelled, suspended, placed on probation, or given a lesser outcome for one or more violations of the Student Code of Conduct. The Code can be found at [www.wku.edu/studentconduct](http://www.wku.edu/studentconduct) and <https://www.wku.edu/policies/docs/index.php?policy=414>.

## Academic Dishonesty

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

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

Students who commit any act of academic dishonesty may receive from the instructor a failing grade in that portion of the course work in which the act is detected or a failing grade in the course without possibility of

withdrawal. The faculty member may also present the case to the Office of Student Conduct. Academic misconduct includes, but is not limited to:

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

### Nonacademic Misconduct/Prohibited Conduct

The Student Code of Conduct educates students about appropriate behavior and fosters a community in which academic success can occur. The Student Codes of Conduct are the regulations that apply to ALL WKU students, including the regional campuses:

The examples of prescribed conduct set forth in this code of conduct are illustrative and should not be read as a comprehensive list. Nor, however, should this code be interpreted to cover any general category of behavior not mentioned herein unless that conduct is otherwise prohibited by law.

The Student Codes of Conduct is available at [www.wku.edu/studentconduct/student-code-of-conduct.php](http://www.wku.edu/studentconduct/student-code-of-conduct.php)

### Conduct Actions/Outcomes for Violations of the Code of Student Conduct

Following procedures of due process, when a student is accused of academic or nonacademic misconduct, the alleged policy violator will be required to go through the University's Student Conduct process. Students are presumed Not Responsible until the institution has established every element of the alleged violation; however, this shall not be construed to mean that the complaint or any witness(es) has presented false testimony or evidence. The following list describes University outcomes that may be administered as a result of violating the WKU Code of Student Conduct. A student accused of an alleged violation of the Code of Student Conduct will have the opportunity to review accusations, review any information, and will be able to provide a response. Outcomes may be used independently or in combination depending on the particular circumstance of the violation. Chronic and/or multiple violations during the course of an individual student's college career may increase the severity of outcomes applied. The Office of the Vice President for Student Experience, or designee, will make the determination whether allegations are sufficiently egregious to warrant consideration of suspension, dismissal, or expulsion. The following shall be factored into the decision-making process:

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

For a list of actions/outcomes and their definitions, visit: [www.wku.edu/studentconduct](http://www.wku.edu/studentconduct).

### Parental/Guardian Notification Procedure

Western Kentucky University is committed to student health and well-being. As a result, the University is concerned about the effect of alcohol and other drugs on the educational process. The Policy on Parental/Guardian Notification is designed to assist parents in developing a partnership with their student and the University to address behaviors that detract from the educational purpose. The University may notify parents or guardians of dependent students for behaviors associated with the Code of Student Conduct under the following conditions:

1. Any violation of the University Alcohol Policy
2. Any violation of the University Drug Policy
3. The student (under 21) was arrested by University Police in connection with a violation of the Alcohol or Drug Policy, or for DUI, public intoxication, Minor in Possession of any other drug or alcohol-related incident resulting in citation or arrest
4. The student received medical assistance due to incapacitation, suspected incapacitation, or self-injury

Additional sanctions may include:

1. Educational interventions
2. Any student found in violation of the Alcohol Policy three times in any one calendar year period, from the time of the first infraction, may be suspended from the University.
3. Any student with two violations of the Drug Policy while enrolled at the institution may be suspended from the University.
4. Any student who is found to be manufacturing or distributing drugs or attempting to manufacture or distribute drugs on or off campus may be suspended or expelled from the University.

The Family Education Rights and Privacy Act (FERPA) allows the disclosure of specific information concerning the use or possession of alcohol or a controlled substance by students under the age of 21.

The goal of parental/guardian notification is to enlist parental/guardian support for fostering more appropriate student behavior to create a safer community environment and reduce the negative impacts of substance abuse. For more information, visit <https://www.wku.edu/studentconduct/parental-notification.php>.

### Tailgating Procedures

Western Kentucky University encourages an enjoyable experience during tailgating visits to campus. During WKU events and activities, safety is our primary concern. This Tailgating Policy is designed to enhance safety and comfort and should result in an environment free of the abuse or illegal use of alcohol or illegal substances. The university condemns any act related to the consumption of alcohol or illegal substances

that impairs, interferes, or endangers the safety or enjoyment of others, including the individual who chooses to consume alcohol or illegal drugs. This policy looks to preserve the academic environment without necessarily restricting other freedoms.

For more information regarding tailgating at WKU, visit: [www.wku.edu/studentconduct](http://www.wku.edu/studentconduct).

### **Supporting Students in Distress**

The intent of the following policies, procedures, and definitions is to support an appropriate living and learning environment at Western Kentucky University for faculty, staff, and students. Incidents of disruptive behavior, brought on by student distress, will be assessed and a standard of care exercised to both assist the student in distress and to mitigate the ramifications of the distressing behavior on the University community.

### **Campus Partners Team**

The Campus Partners Team (CPT) is a multidisciplinary team operating under the auspices of the Office of the Vice President for Enrollment and Student Engagement. The team is charged with providing a layer of support for students exhibiting behaviors that instigate concern or imminently reckless behavior. Additionally, the team works jointly to educate the University community on prevention strategies to disrupt the risk of threatening situations. Using a case management theoretical framework, the CPT assesses student behavior, links students to campus and community resources, determines reasonable interventions, determines reasonable modifications to the learning environment when appropriate, and develops and implements a coordinated standard of care plan for students. The Team meets bi-weekly to review referrals from faculty, staff, and students exhibiting behavioral concerns. The CPT consists of the following offices:

- Office of the Dean of Students
- Office of Student Conduct
- Advising & Career Development Center
- Student Accessibility Resource Center
- University Police Department
- Global Learning & International Affairs
- WKU Counseling Center
- Housing and Residence Life

### **Confidentiality and the Family Educational Rights and Privacy Act (FERPA)**

The Family Educational Rights and Privacy Act (FERPA) affords privacy protections for educational records without students' express written consent. However, specific exceptions can be made between faculty and staff when necessary to protect the health or safety of the student and others. Therefore, faculty, staff, and students may report concerns about students' behaviors to the CPT without violating FERPA provisions.