



# POLICY

Category
<b>3-01 Student Code of Conduct</b>
Approval
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Responsible Party: Vice President of Student Success

## Student Code of Conduct

### Policy Statement

The College community expects all students to live by the following regulations that are designed for its general well being. Any violations of these policies may result in disciplinary actions, such as probation, suspension, expulsion and/or legal actions. Visitors to the College shall observe these regulations while on College property. Noncompliance by their visitors may subject students to sanctions imposed by the College as well as to the provisions of law.

College students enjoy all the rights and privileges of citizenship. Students are subject, however, to the special obligations that accrue to them as members of the academic community. Institutional efforts should be exerted to develop, not inhibit, intellectual and personal development of students by the exercise of the rights of citizenship both on and off College locations.

The enforcement of the obligations of students to the larger society is the responsibility of the legal and judicial authorities duly established for that purpose. When the interests of the College community are clearly involved, however, the authority of the College may be asserted. The fact that a violation occurs off College locations does not preclude the interest and involvement of the College.

The Student Code of Conduct exists to encourage the best possible learning and living environment for all students. It is the obligation of students to treat all other members of the academic community with dignity and respect — including other students, faculty members, employees, visitors and neighbors of WSU TECH. The enforcement of College regulations is critical to the existence of such an environment for all members of the academic community. Violation of the Student Code of Conduct may lead to disciplinary action up to and including dismissal from the institution.

The following are activities by students not permitted and are enforced by the Vice President of Student Success.

- Falsification of College Records:** Willful falsification of official records or documents or omission with the intent to deceive is prohibited. Included in this regulation, but not limited to the following examples, is the forging, alteration or misuse of College documents, records, academic record change forms, fee receipts, identification cards, parking permits, financial aid forms, telephone billing cards, WSU TECH forms or documents and computer tampering.
- Use of Alcoholic Beverages on College Property:** The possession, sale or the furnishing of alcohol on the College campus is governed by the city of Wichita, Sedgwick County, and/or the Kansas Department of Alcohol Beverage Control (ABC). However, the enforcement of alcohol laws on-campus is the primary responsibility of the faculty/staff and local law enforcement. The WSU TECH campuses have been designated “Drug Free” and only under certain circumstances is the consumption of alcohol permitted. The possession, sale, manufacture or distribution of any controlled substance on College property or at events controlled by the College is illegal under both state and federal laws. Such laws are strictly enforced by the College and local law enforcement. Violators are subject to College disciplinary action, criminal prosecution, fine, and/or imprisonment. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone less than 21 years of age in a public place or a place open to the public is illegal. It is also a violation of City, County, and State laws for anyone to consume or possess alcohol in any public or private area of the campus without prior approval from the College President or his designee. Organizations or groups violating alcohol/substance policies or laws may be subject to sanctions by the College.

3. **Illegal Drug Activity:** Possession, manufacture, distribution, use or sale of drugs or drug paraphernalia and narcotics classified as illegal, except those taken under a doctor's prescription, are prohibited on College-owned or controlled property or at any College-sponsored or supervised function.
4. **Hazing:** Hazing is defined as an activity directed at a person or persons that endangers their physical safety, produces mental or physical discomfort; causes embarrassment, fright, humiliation or ridicule; or degrades the individual — whether it is intentional or unintentional. The College does not tolerate anyone being subjected to any treatment that debases individuals' status or robs them of dignity.
5. **Harassment:** Conduct toward another person or identifiable group of persons including, but not limited to, unwelcome comments or other conduct that unreasonably interferes with an individual's work or academic performance or creates an intimidating, hostile or offensive environment for that individual's work, education or participation in a College activity; or retaliation against any person filing a conduct complaint or against any person cooperating as a witness. Harassment based on race, age, sex, color, religion, gender, national origin, ancestry, disability or veteran status is not tolerated.
6. **Physical Assault:** Conduct including, but not limited to, unwanted touching, threats of violence, use of violence and/or fighting.
7. **Sexual Harassment and/or Sexual Assault:** Any actions or statements of a sexual nature that are abusive, intimidating, harassing, embarrassing, or contain implied or stated threats are prohibited. This policy includes, but is not limited to, unwanted touching or comments, retaliation, threats of violence, use of violence and sexual assault. Sexual Harassment and/or Sexual Assault will be addressed by procedures outlined in Policy 3-02 **Policy, Procedures, and Guide to Preventing, Reporting, and Responding to Sexual Misconduct, Relationship Violence, and Stalking.**
8. **Lewd or Indecent Conduct:** Conduct including, but not limited to, actions that are indecent, vulgar, obscene, profane or offensive.
9. **Destruction/Damage/Misuse of Property:** Malicious destruction, damage or misuse of College or private property.
10. **Disorderly Conduct:** Any behavior on College owned or controlled property of at College sponsored or supervised functions that distracts students from learning and/or obstructs the College's goal of creating a safe and productive learning environment, violates the standard of fair access to the educational experience. Examples of disorderly conduct include but are not limited to:
  - disrupting the classroom or office environment
  - intentionally or recklessly endangering, threatening, or causing physical harm to any person, or intentionally or recklessly causing reasonable apprehension of such harm
  - intentionally and substantially interfering with the freedom of expression of others
  - disruptive behavior while being under the influence of drugs or alcohol
  - harassing an instructor, staff or fellow student
11. **Unauthorized Entry:** Any unauthorized or forceful entry, whether actual or attempted, into any College facility or building.
12. **Failure to Obey Official Orders:** Failure to disperse or to leave; disrupting or obstructing a College building or facility, room or other premise; failure to identify oneself with an identification card; or to cease the use of loudspeakers, amplifiers or other forms of noise after being given notice or an official order to do so by a duly authorized agent or administrative officer of the College.
13. **Weapons:** Engaging in the possession, use, sale, distribution, or display of any firearm, replica firearm, ammunition, weapon, replica weapon, or similar device expressly prohibited by law and/or College policy. This includes the use of any object or material to cause or threaten physical harm. Refer to Policy 7-18 for a list of prohibited weapons.
14. **Theft:** Theft or the conversion of another's property — personal, public or College.
15. **Gambling:** Any illegal game or contest played for money or for any form of property or item of value. Gambling includes, but is not limited to, games played with cards, dice or other gambling devices that involve betting and/or wagering.
16. **Fiscal Misconduct:** Fiscal misconduct includes, but is not limited to falsification of College or student organization financial records, any purchase made without organization membership approval, including, but not limited to, long-distance calls, copier use, signature of contracts, travel expenses, etc.; failure to relinquish student organization financial records to officers/advisors and/or WSU TECH officials; failure to provide an end-of-fiscal-year financial disclosure statement to the organization's membership when requested to do so; writing non-sufficient funds checks to the College; forgery; and/or embezzlement.
17. **Failure to Comply With Official Notification:** Failure to comply with any official notification, written or verbal, of a duly authorized administrative, faculty or conduct authority of the College.
18. **Conduct System Process Misconduct:** Falsifying, distorting or misrepresenting information before a conduct authority and/or knowingly instituting a conduct proceeding without cause.

19. **Other Acts of Misconduct:** Violation of any city or state laws and/or board policies or the policies of WSU TECH instructional centers and satellites, including internship and clinical sites.
20. **Irresponsibility:** Living organizations, societies, clubs and similarly organized groups are responsible for compliance with College regulations. Upon satisfactory proof that a group encouraged or did not take satisfactory steps to prevent violations of College regulations, that group may be subject to permanent or temporary suspension, loss of recognition or charter, social probation or other action.

## Student Discipline

### Procedure for Disciplinary Probation, Disciplinary Suspension and Disciplinary Expulsion

WSU TECH provides every student the opportunity to learn. Taking advantage of this opportunity is the student's responsibility. Students are expected to acquaint themselves with the Student Bill of Rights, the Student Code of Conduct and all pertinent published policies and procedures and are held responsible for compliance with these policies and procedures.

The Board may place on probation, suspend or expel, or may authorize the President or his or her designees, to place on probation, suspend or expel any student who violates the Student Bill of Rights, the Student Code of Conduct or other pertinent published policies.

Definitions:

1. **Notice:** Notices which are required to be given by this procedure shall be considered served upon the student when given by personal delivery or mailed by first class mail or by certified mail to the address the student has filed with the College.
2. **Verbal Reprimand:** The least severe form of disciplinary action.
3. **Written Reprimand:** An official written notice to a student that his/her conduct is in violation of the Student Code of Conduct and as such is unacceptable to the College.
4. **Restitution or Reimbursement:** Assessment of financial changes and/or other forms of recompense for any damage or loss incurred by the College or any member of the College community.
5. **Reduction of Privilege:** Denial of particular student privileges such as the privilege to park on campus or use of computer lab equipment.
6. **Disciplinary Probation:** After a finding of violation of the Code of Conduct, a disciplinary probationary period restricts the student's privileges for a designated period of time, including the probability of more severe disciplinary sanctions if the student is found to be violating any College regulations during the probationary period.
7. **Temporary Class Dismissal:** In the case of student misconduct in the classroom, faculty members have the right to temporarily remove a student from the classroom. Removal is normally not longer than one class period per incident. In cases where additional time is needed, the faculty member must consult with the Academic Dean and the Vice President of Student Success to ensure due process.
8. **Interim Actions:** An immediate action or actions taken by the Vice President of Student Success to ensure the safety and well-being of members of the College community or preservation of College property; to ensure the student's own physical or emotional safety and well-being; or if the student poses a clear threat of disruption or interference with the normal operations of the College. Interim actions can include denying access to campus or parts of campus, temporary class removal, restriction of student privileges, or other actions as warranted. The interim action is not entered on a student's record and does not affect the student's status except as described above. The interim action will be no more restrictive than necessary to minimize the impact on a student's academic success while still maintaining the safety of the campus community.
9. **Disciplinary Suspension:** An involuntary separation of the student from the College for misconduct, apart from academic performance, that does not exceed two academic terms per suspension for any singular offense or situation. While a student is suspended, he or she is not eligible for admission or re-admission at any of the College's facilities or activities. Once the suspension is lifted, the student is eligible for admission or re-admission. **Disciplinary Expulsion:** An involuntary separation of the student from the College for misconduct, apart from academic performance, for more than two academic terms. While a student is expelled, he or she is not eligible for admission or re-admission at any of the College's courses, programs, or activities. After the expulsion, a student's eligibility for re-admission is contingent upon their ability to prove the behavior that resulted in the expulsion has been resolved.
10. **Day:** Refers to calendar day unless otherwise noted below.

## Procedures

- A) Any member of the College community including students, faculty, or staff may make an allegation of Code of Conduct violations, excluding allegations of academic integrity and safety which are reviewed by the Deans/Directors of the Academic programs. All cases of alleged misconduct shall be referred in writing to the Vice President of Student Success for review.
- B) Code of Conduct violations should be reported to the Vice President of Student Success. However, in cases of perceived or physical threat (such as a weapon on campus) faculty and staff members must take reasonable action to protect themselves and others. This and other types of threats must be reported immediately by contacting Security (677-1911) and law enforcement (911). As soon as possible, faculty/staff should notify the Vice President of Student Success.
- C) Within 7 days (excluding weekends and holidays) of the initial referral, the Vice President of Student Success will give written notice of the allegations to the student accused of misconduct and will ask the student to meet with him/her within a reasonable amount of time. The notice will include a description of the alleged act(s), the time and place if known, and a summary of the information upon which the alleged misconduct is based. The allegation of misconduct against the student will be read to him/her and the procedures will be explained. The student will be given a copy of the Student Code of Conduct and the allegations. The student will be given an opportunity to present his/her case. If the student chooses not to meet with the Vice President of Student Success and/or the student cannot be reached for comment, the student forfeits his or her right to be heard and the Vice President of Student Success will continue with the process without the student's input.
- D) Investigation and Decision: The Vice President of Student Success or his or her designee will then investigate the complaint(s) and make a preliminary determination of the merit of the case. If so warranted, the Vice President of Student Success will recommend appropriate sanctions as outlined above. If the Vice President of Student Success recommends Expulsion, the matter is reviewed by the President before a decision to Expel for disciplinary reasons is reached. All decisions resulting in Disciplinary Expulsion must first be approved by the President. For all other decisions, the Vice President of Student Success issues a Decision which determines whether the alleged conduct occurred; whether the conduct violated the Student Code of Conduct or College policies or procedures; and the Vice President of Student Success initiates a sanction or sanctions, as warranted by the circumstances.
- E) The student receives written Notice of the Decision and is advised of his/her right to appeal the Decision by filing a written appeal with the President within seven (7) days of service of the Decision.
- F) Disciplinary Suspensions and Disciplinary Expulsions become effective no earlier than six days after service of the Notice unless the sanction is agreed to by the student in which case an earlier effective date may be agreed to by the parties.

## 2. Appeal

- a. In the event of a written appeal, the President gives written Notice to the student. The Notice describes the conduct to be evaluated; the Student Code of Conduct and/or College policies or procedures which were allegedly violated; the date, time and place of the alleged violation; the sanction that is proposed and the date, time and place of the hearing before the President. The Notice is given at least seven (7) days prior to the hearing unless a shorter time is agreed to by the parties. Time limits for scheduling of hearings may be extended at the discretion of the President.
- b. The effective date of the Disciplinary Suspension or the Disciplinary Expulsion is postponed while the appeal is processed. The effective date of a Summary Suspension is not postponed while the appeal is processed.
- c. The President determines his/her own hearing procedures, keeping in mind the following guidelines:
  - (1). The Student has the right to be heard by the President; in the event that the student is under the age of eighteen or incapacitated, he/she may have an advisor present to assist him/her in presenting his/her case.
  - (2). Students do not have the right to be represented by an attorney during appeal proceedings except in the case where civil or criminal actions concerning the student are pending and in that case, the attorney's role shall be advisory only. The student is responsible for presenting his/her own case; therefore, advisors are not permitted to speak or to participate directly in any portion of the appeal, including but not limited to during the hearing.
  - (3). The Student has the right to identify documents, witnesses and other material he/she would like the President to review before making a final decision. The President determines which documents, witnesses, and other materials are pertinent to the appeal.

(4). Hearings are conducted in private unless all parties agree otherwise.

(5). A record of the hearing should be maintained by the President

### 3. Decision by the President.

The President may affirm, modify, or reverse the Decision of the Vice President of Student Success. The President notifies in writing the Vice President of Student Success and the student of the Decision. The notification of the Decision of the President will be issued within fourteen (14) days of service of the appeal. The Decision of the President is final and cannot be appealed.

### 4. Additional Provisions

a. College disciplinary proceedings may be instituted against a student charged with violation of a law if the alleged violation occurred at the College or at College-sanctioned activities or was of such a nature as to impact the College. Proceedings under this procedure may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

b. The procedural rights afforded to students above may be waived by the student.

### 5. Revision

b. The Student Code of Conduct shall be reviewed every year under the direction of the Vice President of Student Success.

## Student Bill of Rights

## Policy Statement

The WSU Tech community expects all members to discipline themselves, individually and collectively, and it requires adherence to the regulation of conduct appropriate for an academic community. Each member of the College community is obligated to assume individual responsibility for his/her personal freedoms and obligations. WSU TECH must and will take appropriate action when a member's conduct places the best interests of the community at jeopardy.

Students are both (1) citizens and (2) members of the academic community. As (1) citizens, they enjoy the same freedoms of speech, peaceful assembly and right of petition that other citizens enjoy. As (2) members of the academic community, they assume the obligations inherent in that membership and as representatives of the College. Each student, as a member of this community, is responsible for being familiar with the policies of WSU Tech and the following rights.

1. **Freedom of Association:** Students are free to organize and to participate in voluntary associations of their own choosing, subject only to reasonable College regulations ensuring that such associations are neither discriminatory in their treatment of other members of the College, nor operated in a manner that substantially interferes with the rights of others. Freedom of association may not be forbidden because of the general political or philosophical objectives of any particular group. However, campus groups or organizations are under a strong obligation to avoid representing their actions or views as those of the College.
2. **Recognized Campus Organizations:** A recognized organization is a group of College students organized for a stated purpose that has official recognition from the College. Affiliation with an extramural organization shall not of itself disqualify a student organization neither from institutional recognition, nor from the use of College facilities, although reasonable provisions may be made to safeguard the autonomy of a campus organization from domination by outside groups.
3. **Freedom of Speech and Assembly:** No regulation shall restrict any student expression solely on the basis of disapproval or fear of his/her ideas or motives. Students and student organizations shall be free to examine and discuss all questions of interest to them, and to express opinions publicly and privately in an orderly manner inside and outside the classroom.

Students and student organizations shall always be free to support causes by orderly and peaceful assembly that does not infringe upon the rights or safety of others and does not disrupt functions of the college, including the learning environment. It shall be made clear that such expressions represent views of the students or student organizations, and not the College.

Students and student groups are allowed to invite and to hear any person of their own choosing. Students may be authorized to use college facilities subject to the procedures established by the college for facilities requests. Students are encouraged to make arrangements with the Vice President of Student Success before a guest speaker is invited to appear on campus to ensure that there is orderly scheduling of facilities and adequate preparation for the event. Institutional control of campus facilities shall not be used

as a device of censorship. It shall be made clear to the academic and larger community that sponsorship of guest speakers does not necessarily imply approval or endorsement of the views expressed, either by the sponsoring group or the institution.

4. **Freedom of the Press:** There shall be no ideological censorship in the determination of printed matter available on campus; access to publications is not to be denied because of disapproval of their content. Any student publication supported by compulsory student fees or by substantial institutional subsidy shall, however, be subject to the rules and regulations of the College.
5. **Freedom in the Classroom:** The classroom is not an unstructured political forum; it is the center for study and understanding of described subject matter for which the faculty member has professional responsibility and institutional accountability. The faculty member should respect the confidential nature of the relationship between faculty and students. The faculty member should avoid exploitation of students for private advantage and should acknowledge significant assistance from them. The faculty member should protect student's rights as defined herein. Control of the order and direction of class, as well as control of the scope and treatment of the subject matter, must therefore, immediately rest with the individual faculty member, free from disruption by students or others who may be in disagreement with the manner in which the faculty member discharges his/her responsibilities. A student has the right to be informed in reasonable detail at the beginning of each term of the nature of the course, the course expectations, the evaluative standards and the grading system that will be used. A student has the right to take reasonable exception to the data or views offered in the classroom and to reserve judgment about matters of opinion, without fear of penalty. A student has the right of protection against improper disclosure of information concerning his/her grades, views, beliefs, political associations or character that an instructor acquired in the course of his/her professional relationship with the student. Students shall have protection through orderly procedures against prejudiced or capricious academic evaluation. At the same time, they are responsible for maintaining standards of academic performance established for each course in which they are enrolled.
6. **Nondiscrimination:** It is the policy of WSU TECH not to discriminate against any individual in matters of admission, employment, housing, services or in the educational programs or other activities based on non-meritorious factors including, but not limited to, age, race, sex, color, religion, gender, national origin, ancestry, disability, veteran status or political affiliation.
7. **Student Records:** The College complies with the Family Educational Rights and Privacy Act of 1974 (FERPA) and affords students certain rights with respect to their educational records. This act was designed to protect the privacy of educational records, to establish a student's right to inspect and review their educational records and to provide guidelines for the correction of inaccurate or misleading data through informal and formal hearings. In accordance with FERPA, the College requires that students who want the College to release copies of grade transcripts or any other information relative to academic performance must give the College permission to do so.
8. **Equal Protection:** The College has an obligation to apply its regulations equally to all students who are similarly situated. This does not mean, however, that the College is required to refrain from taking action against some offenders because there are others who cannot be identified, or who are not similarly charged.