

## **STUDENT LIFE POLICIES STATEMENT ON STUDENT RIGHTS AND RESPONSIBILITIES**

### **General Philosophy and Guidelines**

Students are citizens and members of the University academic community. A citizen's rights and liberties under the Constitution must always be applied in light of the special characteristics of the environment in which the rights are to be exercised. Central to the special characteristics of the environment of a state-supported university campus is the special authority of University officials designated by the Board of Regents to control, preserve, and manage University property and affairs and to maintain order and discipline. Therefore, the WKU Code of Student Conduct was established to ensure that disruptions to the University community are handled in an educational, fair, and dignified manner. The University expects students, parents, and the greater community to respect its rules and procedures governing the WKU community and will resist any unwarranted attempts to influence University policies and procedures.

The University demands high standards of personal conduct and encourages each student to maintain integrity through self-discipline. The University adopts rules and regulations that are necessary for the orderly, harmonious, and beneficial functioning of the University community. Accordingly, each student must respect the rights of others and should abide by the spirit as well as the letter of regulations of the University and laws of the community, state, and nation.

Any question of interpretation regarding the WKU Code of Student Conduct shall be referred to the Office of Student Life, 442 Potter Hall. The WKU Code of Student Conduct shall be reviewed every two years under the direction of Judicial Affairs Coordinator.

### **Maintenance of Student Records**

The Office of Student Life maintains disciplinary records on students of Western Kentucky University. All student records maintained by the Office of Student Life are held in compliance with the Family Educational Rights and Privacy Act (FERPA). These records are kept under lock and in confidence in said office with access to these records being available only to the appropriate University officials. Non-Current records, more than five years old, shall be destroyed or expunged. Current disciplinary records which are pending or resulted in a suspension or expulsion shall be retained.

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# Purpose of the Code of Student Conduct

Western Kentucky University developed a Code of Student Conduct in order to fulfill its mission and promote a positive environment for all members of the University community. As a member of the University community, a student is granted rights and responsibilities, which are defined within the Student Handbook. It is the responsibility of every student to become familiar with the WKU Code of Conduct and the rights and responsibilities of students. Ignorance of the WKU Code of Student Conduct is not acceptable justification for violation of any campus policies or procedures.

The regulations within the Code of Student Conduct are intended to govern the student conduct at Western Kentucky University. The University will take disciplinary action against a student for an off-campus offense only when the nature of the offense is such that, in the judgment of the Vice-President for Student Affairs and Campus Services, the continued presence of the student on campus is likely to interfere with the educational process and the orderly operation of the University. Students who violate the law may incur penalties prescribed by civil and criminal authorities. However, the University reserves the right to review student incidents independent of action by civil and criminal authorities and apply the University disciplinary process as it serves the educational mission of WKU, a function separate and distinct from civil and criminal proceedings. Below are statements of policy regarding the rights, responsibilities, and code of conduct for Western Kentucky University.

## Rights

- The right of respect for personal feelings, freedom from indignity, and to expect an education of the highest quality.
- The right to speak on University property provided that his/her behavior does not infringe on the rights of others as further defined in the University policy on time, place, and manner of meetings, assemblies, and demonstrations.
- The right of freedom to hear and participate in dialogue and to examine diverse views and ideas.
- The right to participate in all areas and activities of the university, free from any form of discrimination, including harassment, on the basis of race, color, national or ethnic origin, religion, sex, disability, age, sexual orientation, or veteran status in accordance with applicable federal and state laws.
- The right to engage, either individually or in association with others, in off-campus activities, exercising rights as a citizen. When so engaged, in a context in which the participant is identified as a student, there exists a responsibility to make clear that the student does not represent the University.
- The right of due process in the disciplinary procedure in accordance with rules of procedures prescribed in the Code of Student Conduct.

## **Rights of Student Organizations**

- Students associating into organizations may secure registration of the organizations provided they comply with the regulations for registration as stipulated in the regulations for student organizations.
- Registered student organizations may use campus facilities, provided the facilities are used for the purpose contracted, subject to regulations of the University.
- Registered student organizations may invite and hear speakers of their choice subject to the University's speakers policy.

## **Responsibilities**

- The responsibility of assuming the consequences of one's own actions.
- The responsibility to insure that no student organization, constitution or other organizational document includes discriminatory clauses pertaining to race, creed, religion, color, sex, national origin, disability, or sexual orientation.
- The responsibility to respect the rights and property of others, including other students, the faculty and the administration.
- The responsibility to recognize that student actions reflect upon the individuals involved and upon the entire university community.
- The responsibility for knowledge of and observance of established University policies presented in official University publications.

## **Definitions**

- The term “**University**” means Western Kentucky University.
- “**Student**” includes all persons enrolled in taking courses at the University and persons who are or were enrolled in the current semester and registered for the next semester.
- “**Behavior**” includes conduct and expression.
- “**University official**” includes any administrator, faculty, staff, or any authorized individual to act of behalf of the University.
- “**University premises**” includes all land, buildings, and other property owned, leased, or supervised by the University, including adjacent streets and sidewalks.
- “**Student organization**” means any group that has complied with the formal requirements and registration process of the University.
- “**Judicial Coordinator**” means a University official approved to oversee the judicial process. This person is approved to impose sanctions to all cases heard administratively.

## Code of Student Conduct

Following the procedures of due process, if the WKU Code of Student Conduct is violated, the responsible parties will go through the University's disciplinary process, which is intended to be a fair and educational experience. Any WKU student may be expelled, suspended, placed on probation or given a lesser sanction for one or more of the following causes:

1. **Dishonesty.** Dishonesty, such as cheating, plagiarism, misrepresenting of oneself or and organization, or knowingly furnishing false information to the University.
2. **Forgery.** Forgery, alteration or misuse of University documents, records including, but not limited to, electronic records, transactions and /or communications, or identification, including student identification cards.
3. **Theft.** Theft and/or possession of stolen property. Such property may include, but is not limited to, parking decals, personal or university property.
4. **Identification.** Refusal to provide proper identification upon request. Students are expected to carry their valid student identification at all times and to present it upon request by University officials including, but not limited to University Police, faculty, residence life staff, and other staff of the institution.
5. **Fraud.** Knowingly passing a worthless check, money order or fraudulent use of credit cards to the University or a member of the University community acting in an official capacity.
6. **Requests or Orders.** Refusal to comply with directions, requests, or orders by University officials or failing to identify oneself when requested to do so.
7. **Obstruction of Access.** Obstruction or disruption, which interferes with the freedom of movement, either pedestrian or vehicular on institutionally owned or controlled property.
8. **Misuse of Property.** Unauthorized entry or use of institutional facilities and property; unauthorized possession or duplication of university keys, parking decals or access cards; tampering with fire equipment; or propping open of exterior residence halls doors or any door to any institutionally owned or controlled property.
9. **Destruction of Property.** Any act of vandalism, malicious or unwarranted damage or destruction to any institutionally owned or controlled property.
10. **Disrupting the Academic Process.** Interference or disruptive activity which impedes, impairs or obstructs teaching, research, administration, disciplinary procedures or other University missions, processes, functions or other authorized activities including its public service function of other authorized activities on University premises or which inhibits full exercise of rights by others.

11. **Unruly Conduct.** Disorderly conduct or lewd, indecent or obscene conduct or expression on University owned or controlled property or at University or supervised functions. This responsibility also applies to events sponsored and supervised by recognized student organizations.
12. **Recreational Mobility.** The use of recreational equipment such as rollerblades, skates, skateboards, or bicycles is prohibited in areas that are not intended for recreational use and should only be used in areas that are designated and built for this equipment's use. A bicycle is a generally accepted mode of transportation when ridden safely and yielding to pedestrian traffic.
13. **Harassment.** Physical abuse, threatening, or intimidation of any person on University owned or controlled property or at University sponsored or supervised functions, or conduct which threatens or endangers the health or safety of any member of the University community or any other person or persons. Such conduct includes, but is not limited to stalking, harassment, and retaliation as a result of complaints or alleged misconduct.
14. **Sexual Misconduct.** Non-consensual sexual contact, including but not limited to sexual assault or abuse, rape, acquaintance rape, or sodomy. (Please refer to the Sexual Harassment Policy on p. )
15. **Hazing.** Hazing refers to practices which are a part of initiation into or affiliation with any organization. It includes:
  - a. Any action or creation of a situation which recklessly or intentionally endangers the mental or physical health of a participant.
  - b. Forced or coerced use or consumption of liquor, drugs, or any other vile substance.
  - c. Harassment by exacting degrading and disagreeable work, ridicule or abusive and humiliating conduct which tends to bring the reputation of the organization or University into disrepute.
  - d. Any action that intentionally prevents students from fully participating in the academic process.
  - e. Other examples of hazing include but are not limited to:
    - Calisthenics (push-ups, sit-ups, jogging, runs, etc.)
    - "Treeing"
    - Paddling
    - Line-ups
    - Theft of any property
    - Sleep Deprivation
    - Forced Nudity
    - Personal Servitude
    - Forcing the violation of University policies and federal, state, or local laws
16. **Shared Responsibility for Violations.** Enticing, inciting others, abetting, conspiring, being an accessory, or passively witnesses/participating in any act prohibited by the student conduct code is prohibited.

17. **Firearms.** Possession or use of firearms, explosives (including fireworks), dangerous chemicals or other dangerous weapons or the brandishing of any weapon or any other object in a menacing or threatening manner on institutionally owned or controlled property. Weapons may be defined as an object or substance designed to inflict a wound, cause injury or incapacitate. Weapons may include, but are not limited to all firearms, pellet guns, stun guns, paintball guns, slingshots, martial arts devices, switchblade knives and clubs. Weapons will be confiscated and placed in the possession of University Police for proper disposal.

18. **Drugs.** Use, possession, production, manufacture, sale, possession with intent to sell, trafficking or distribution of narcotics, dangerous drugs or controlled substances, as defined in KRS Chapter 218A, including marijuana, or other drug related activities, including those involving anabolic steroids, except as expressly permitted by law is prohibited. The manufacture or distribution or attempted manufacture or distribution of narcotics, dangerous drugs, or controlled substances on or off University property is prohibited.

Any student with two violations of the Drug Policy while enrolled at the institution may be suspended from the University and any student who is found to be manufacturing or distributing drugs on or off campus may be suspended or expelled from the University.

19. **Alcohol.** Violation of any federal, state and local laws governing the use and possession of alcoholic beverages; the University prohibits the possession, furnishing or use of alcoholic beverages (including wine and beer) by student residents of campus housing and/or guests of students in residence halls. Any student found in violation of the Alcohol Policy three times in any on-year period may be suspended from the University.

20. **Violation of Acceptable Use Policy.** Computer users are governed by the provisions under the acceptable use policy (please refer to page XX), which apply to all use of computing and telecommunication resources. Computing and telecommunication resources include host computer systems, university-sponsored computers and workstations, software, datasets, and communications networks controlled, administrated, or accessed directly or indirectly by university computer resources or services, employees, or students.

21. **Violation of Laws.** The commission of acts which constitute a violation of local, state and federal laws upon University property.

22. **Interfering with the Judicial Process.** Intentionally delaying the judicial process by not attending meetings with the Judicial Coordinator or University designated personnel, providing false information or misrepresentation of information to the judicial body, disrupting the overall judicial process, discouraging individuals from participating in the judicial process, or failing to comply with the sanctions imposed under the Student Conduct Code.

23. **Violation of General Rules and Regulations.** Violation of any University policy, guideline, campus rule or regulation of conduct, which adversely affects the student's suitability as a member of the University community.