Student Conduct Procedures

I. Purpose
The Student Conduct Procedures outline how the University will proceed once it is made aware of possible misconduct by a student, student group, or student organization in keeping with institutional values and to meet the University’s legal obligations. This process will be used to resolve alleged misconduct violations of Section 8.05/Student Code of Conduct in a prompt, thorough, reliable, fair, and impartial manner.

II. Definitions
For purposes of Section 8.05/Student Code of Conduct and these associated procedures, the following terms have the definitions provided below. Please note that some of these terms may have different meanings in other contexts.

Advisor – an individual selected by a Complainant or Respondent to assist the Complainant or Respondent throughout the University process including, but not limited to, a parent, friend, faculty member, advocate, or legal counsel. An advisor may advise and assist the Complainant or Respondent in preparation for any meetings, interviews, or hearings that may occur; accompany the Complainant or Respondent through all student conduct process meetings, interviews, or hearings; or assist the Complainant or Respondent in preparing an appeal. An advisor may not participate in the student conduct process in any other capacity in reference to the same incident, including, but not limited to, serving as a Witness, Co-Complainant, or Co-Respondent. Advisors may not directly participate, speak, comment, or make any type of representation or argument on behalf of a Complainant or Respondent in any aspect of the student conduct process including, but not limited to: meetings, interviews, or hearings. The availability of an Advisor to attend a student conduct process meeting, interview, or hearing shall not unreasonably interfere with or delay the proceedings.

Appellate Body – a University employee who has the authority to review appeal requests in accordance with the prescribed University procedures (See Student Conduct Procedures Section X. Appeals)

Assistant Vice President – refers to the Assistant Vice President for Student Advocacy, Intervention, and Accountability or their designee. The Assistant Vice President serves as the Deputy Title IX Coordinator for Students and the chief student conduct administrator.

Code – the WSU Student Code of Conduct. The most recent version of the Code can be found at Section 8.05/Student Code of Conduct.

Complainant – individual, group, or organization who was subject to alleged misconduct as described in any University policy. There may be more than one complainant for an incident.

Conduct Administrator – the Assistant Vice President or their designee authorized to address a student, student group, or student organization’s concerns and/or behavior, investigate, conduct a hearing, and assign consequences to Respondents found to have violated the Code.

Faculty Member – any member of the University community who has responsibility for classroom or other instructional activities, mentoring, or academic evaluation of a student. This includes, but is not
limited to, instructors, researchers, teaching assistants, research assistants, graduate assistants, lab assistants, course directors, and undergraduate teaching assistants.

**The Family Educational Rights and Privacy Act (FERPA)** – a federal law that, among other things, defines student educational records and regulates who may access those records and under what circumstances. The purpose of FERPA is to protect the privacy of student education records. FERPA applies to individuals and not to student groups or student organizations so long as an individual’s personally identifiable information is not included in such student group or student organization records.

**Hearing** – refers to either an Administrative Hearing and/or a Student Conduct Board Hearing

**Member of the University Community** – any student, faculty, staff member, or other person employed by the University or its affiliates or an individual who is participating in a University-sponsored program or activity

**Respondent** – any student, student group, or student organization who has been reported for allegedly violating University policy. There may be more than one respondent for an incident. In incidents involving student groups or organizations, the president, director, team captain, or other member of student leadership will participate in the student conduct process on behalf of the group or organization. Student groups and organizations may not be represented by non-students, alumni, inactive members, or coaches in the student conduct process; however, such individuals may be selected by a student group or organization to serve in the role of Advisor in the student conduct process.

**Reporter** – any individual or group who reports alleged policy violations, and who is not otherwise defined by this policy as a Complainant, Witness, or Respondent

**Staff Member** – any individual who is employed as an unclassified or university support staff member, student employee, or vendor, or who is employed by a University-affiliate

**Student** – any individual who has been notified of admission to the University; is enrolled in, auditing, or participating in any University course or program; is assigned a space in a University owned or managed housing facility; or has a continuing relationship with the University. This includes, but is not limited to, Orientation, Intensive English, National Student Exchange, and Study Abroad. An individual is considered a student until they notify the University they are no longer a student or the University informs them that they are no longer a student for reasons including, but not limited to, transfer, graduation, academic disqualification, or expulsion. An individual who has been suspended is still considered a student during the suspension period. Students who leave the University before a conduct complaint is resolved may be prohibited from future enrollment and/or accessing University records until the matter is resolved.

**Student Conduct Board Advisor** – a staff member from Student Conduct & Community Standards designated to advise members of the Student Conduct Board during a hearing to ensure that policies and procedures are appropriately followed and that the hearing is prompt, fair, and impartial

**Student Group** – any number of persons who are associated with the University and each other, but who have not registered, or are not required to register, as a student organization that conducts business or participates in University-related activities. Student groups include, but are not limited to,
Student Government Association, Student Activities Council, musical or theatrical ensembles, sport clubs, or intercollegiate or independent varsity athletic teams.

**Student Organization** – any student-led organization that has been approved and is recognized by the Student Government Association.

**University** – Wichita State University (WSU) and its affiliates

**University Business Day** – refers to any day the University is open for official business (usually Monday through Friday, not including University breaks or holidays)

**University Official** – any individual employed by the University, acting within the scope of their employment including, but not limited to, faculty, staff, Resident Assistants, Peer Academic Leaders, Intramural Officials, law enforcement officers, or facility managers

**University Policy** – any written guidelines of the University or the Kansas Board of Regents as found in, but not limited to, the Housing and Residence Life Handbook, Graduate/Undergraduate Catalogs, Student Organization & Advisor Handbook, WSU Policies and Procedures Manual, Library Facilities Policy, Board of Regents policies, Traffic Regulations, and/or Intramural Sports Handbook

**University Premises** – any land, building, facilities, vehicles, and other property in the possession of, owned, used, leased, or otherwise controlled by the University and/or its affiliates

**Witness** – individual who is requested to participate in an investigation or a hearing because that individual may have information about the alleged misconduct. Witness names may be provided by the Complainant, Respondent, or others with knowledge of the matter.

### III. Rights of the Complainant and Respondent

A. All students, student groups, and student organizations shall be entitled to the same rights in all investigations and resolution processes relating to reports of alleged violations of the Code of Conduct.

B. All students, student groups, and student organizations shall be presumed not to have violated the Code of Conduct unless it is proven that it is more likely than not that a violation has occurred.

C. All students, student groups, and student organizations will be advised of their rights, in writing, during their first meeting with the Assistant Vice President or designee.

D. All students, student groups, and student organizations have the right to:

1. Be notified of the alleged violation(s) of University policy;
2. Be provided advanced notice of all meetings in which they are requested or entitled to participate and be notified of the purpose of those meetings;
3. Be accompanied by an Advisor of the student’s, student group’s, or student organization’s choice throughout the investigation and resolution process;
4. Request reasonable accommodations from the Office of Disability Services or the Office of Human Resources (for employees) in order to ensure full and equitable participation in the investigation and resolution process;
5. Be informed of the available resolution options;
6. Be informed of campus and community resources available for support and assistance;
7. Submit information, including the names of witnesses, for consideration in the investigation;
8. Be informed of all parties contacted to participate in the investigation and their relation to the alleged misconduct;
9. Review, after any required redaction, all information to be considered in determining the outcome of the case upon request by scheduling an appointment with the Assistant Vice President or designee;
10. Choose to provide or not to provide a statement or respond to questions during the investigation and resolution process;
11. Submit a written impact statement to be considered before a decision on consequences (if applicable) is rendered;
12. Request that the Associate Vice President of Student Affairs/Student Life consider removing the individual responsible for investigating or resolving an alleged violation from a case on the basis of actual or perceived bias; and
13. Request one appeal within the University’s process.

E. Any student, student group, or student organization may elect to waive any of the aforementioned rights so long as the waiver is communicated in writing.

IV. Responsibilities of Students, Student Groups, and Student Organizations
All students, student groups, student organizations, and witnesses who are members of the University community have the following responsibilities relating to all investigations and resolution processes related to reports of alleged Code of Conduct violations:

A. Honesty
All participants are expected to be honest and forthright in all communication relating to the investigation and resolution of allegations of misconduct. Providing false or misleading information is a violation of University policy and may result in additional charges under Section 8.05/Student Code of Conduct or other applicable University policy.

B. Communication & Responsiveness
The University uses @shockers.wichita.edu e-mail addresses as its formal means of communication with students and @wichita.edu for employees. Communication regarding an investigation and/or resolution process is deemed given when sent to an official @shockers.wichita.edu e-mail address. Students and employees are responsible for checking their University e-mail and responding to all requests for information or other responses within a timely manner. Failure to respond or appear by a given deadline may result in the process proceeding in an individual’s absence. Decisions will be made on the information that is available at the time the decision is made.

C. Preparation
All Complainants, Respondents, and Witnesses are responsible for adequately preparing themselves for investigation and resolution meetings, including reviewing applicable University policies and procedures. Students, student groups, and student organizations are also responsible for ensuring that their advisor is familiar with the appropriate policies and procedures. Failure to adequately prepare for a scheduled meeting will not be reason for delaying the meeting or other proceedings.
D. Adhere to Process
Individuals, student groups, and student organizations are to refrain from disrupting the orderly process of the investigation and resolution process for alleged violations of University policy. No individual, student group, or student organization involved in the process other than the investigator, Conduct Administrator, or hearing board chairperson may audio or video record any investigation or resolution meetings or other portions of the process. Any individual, student group, or student organization deemed to be disruptive may be removed from a meeting and/or charged with violating Section 8.05/Student Code of Conduct.

V. Reporting & Review Procedures
A. Reporting an Incident
The University encourages students, employees, and community members to resolve conflicts informally and at the lowest level. When that is not possible or appropriate, any individual may report alleged student, student group, or student organization misconduct to Student Conduct & Community Standards (SCCS). An online reporting form can be found at https://www.wichita.edu/studentconduct. The report should describe the alleged misconduct and identify the student(s), student group(s), and/or student organization(s) involved. Reports will be reviewed by the Assistant Vice President or their designee and, if there appears to be reliable information indicating that a violation may have occurred (i.e. complaint), the student conduct process will be initiated, creating a conduct case. The University also reserves the right to initiate a case without a formal complaint, and to investigate anonymous reports. When appropriate, reports may also be addressed through the Care Team procedures or through other non-conduct procedures.

B. Timeliness of Reports
Individuals are encouraged to report alleged misconduct as soon as possible after the incident occurs to maximize the University’s ability to respond promptly and effectively; however, the University does not limit the time for reporting. Prompt reporting allows for the University to obtain the most reliable information, be able to contact relevant witnesses (if any), and provide reasonable assistance and interim measures for affected parties. In all cases, a decision will be made on existing facts to determine if an investigation is necessary for compliance with legal requirements and/or to protect the living, learning, and/or working environment for all members of the campus community.

C. Assumption of Good Faith Reporting
The University presumes that reports of alleged policy violations are made in good faith. An outcome finding that the reported behavior does not constitute a violation of University policy, or that there is insufficient information to conclude that the incident occurred as reported, does not mean that the report was made in bad faith. The University encourages all individuals who have experienced or witnessed behavior they believe violates the Code to report the matter so that it may be addressed by the University.

D. Preliminary Investigation and Review
A preliminary review or investigation of the information provided may be necessary in order to determine if there is credible information that warrants notifying a student, student group, or student organization of alleged policy violation(s). Such a review or investigation is a neutral fact-finding process that is used to determine whether or not there is sufficient information to
warrant action by the University. Preliminary meetings with the Complainant and/or Witnesses may occur prior to initiating the student conduct process or contacting the Respondent. If the Respondent is contacted about the case during the preliminary investigation, the Respondent will be made aware of the initiation of a preliminary investigation and that the incident could result in a student conduct process being initiated.

The preliminary investigation and review may result in any of the following:
1. **No Action** – If there does not appear to be credible information to indicate a violation occurred, the case will not be pursued through the formal student conduct process. The information may still be retained by the University to document that the situation was reviewed.
2. **Educational Conversation** – If the situation is concerning but doesn’t appear to be a violation (e.g. an incident which occurs outside of the University’s jurisdiction, or repeated low-level behaviors), there may still be an institutional response without formal conduct charges. For example, the student/student group/student organization may be asked to meet with a staff member to discuss the situation prior to registering for courses, may be requested to participate in a mediated conversation, or may receive a letter informing him/her that the behavior, were it to occur within the University’s jurisdiction, would constitute a violation.
3. **Conflict Resolution** – If the situation involves an identifiable harmed party or community impact and does not involve sexual misconduct, relationship violence, stalking, physical violence, or an egregious academic misconduct violation, the situation may be eligible for resolution through conflict resolution. Conflict resolution processes such as mediation, facilitated dialogues, restorative justice circles, and shuttle diplomacy allow individuals involved in a conflict to have significant influence over the resolution process and outcome.
4. **Initiation of Conduct Process** – If it appears that a student/student group/student organization may have violated the Code, and the incident(s) occurred within the University’s jurisdiction, the conduct process will be initiated if another resolution option has not been made available by the Assistant Vice President or designee.

**VI. Student Conduct Procedures**

**A. Notice**

If the available information indicates that a student, student group, or student organization may have violated the Code, and the incident(s) occurred within the University’s jurisdiction, the conduct process will be initiated unless the reported behavior has been addressed through an Educational Conversation or Conflict Resolution. The student, the responsible party for the student group, or the president on record with the University for the student organization will be provided with a written notice a minimum of three (3) University business days prior to the scheduled meeting, unless exceptional circumstances exist. The notice will include the following:

1. The alleged policy violation(s);
2. A link to the Student Code of Conduct for more information;
3. The date and time of a scheduled Informational Meeting;
4. The right to have an advisor of choice present throughout the student conduct process; and
5. The contact information for the Student Conduct Administrator responsible for resolving the case.

Notice is considered given to a student if it is sent to the student’s official @shockers.wichita.edu e-mail address, is hand-delivered to the student, or is mailed to the local address on file with the
Office of the Registrar or to the permanent address on file if a local address has not been provided. For student groups and organizations, notice is considered given if it is sent by any of the aforementioned means to the student who is the last known president in the Student Involvement office records or the responsible party for the student group.

B. Informational Meeting
All Respondents are afforded the opportunity to attend a scheduled informational meeting with the Conduct Administrator responsible for resolving the case or that individual’s designee. An informational meeting is an informal meeting with a Conduct Administrator who will explain the Respondent’s rights and the alleged violation(s), discuss resolution options, review the Respondent’s responsibilities, and provide an opportunity to review, after any required redaction, the information that was provided as the basis for the alleged policy violation(s). The representative will also answer questions about the process and available options. The informational meeting is not a review or hearing, but rather an opportunity for the Respondent to become more informed about the conduct process. The Conduct Administrator may provide a range of possible consequences for the alleged violation, but that individual cannot ensure that a specific outcome will occur.

During the informational meeting the Respondent will be given the opportunity to select one of the available resolution processes (administrative review or conduct hearing) for the case. In certain circumstances, the Assistant Vice President may exercise the authority to select the resolution process. In the absence of a resolution option selection from the Respondent, the Assistant Vice President or designee shall determine the appropriate resolution process for the case. Failure to attend an informational meeting shall not delay the student conduct proceedings or impact the validity of such proceedings.

C. Administrative Review
If the Respondent is accepting responsibility for the alleged violation(s) and the consequences for the alleged violation(s) would likely not rise above Disciplinary Probation or result in removal from a residential facility in the evaluation of the Conduct Administrator, the Respondent may elect to have the case resolved by Administrative Review. An Administrative Review takes place between the Respondent and a Conduct Administrator and does not allow for the presentation of witnesses or additional information to be submitted by the Respondent prior to the Review, although the administrator may follow up with other parties as necessary before making a decision. Administrative Reviews are not audio recorded.

In circumstances where a student, student group, or student organization has pled guilty, been adjudicated guilty, been convicted or has otherwise received a verdict of guilty in a criminal court of law regarding the same incident(s) being addressed through the student conduct process, the student, student group, student organization may be charged with a violation of law under Section 8.05/Student Code of Conduct, and shall have the opportunity to have appropriate sanctions, up to and including expulsion, determined through an Administrative Review.

An Administrative Review may occur directly following an Informational Meeting, or may be scheduled for a later date, every effort will be made to schedule an Administrative Review within 10 University business days of the Informational Meeting. The Conduct Administrator will make
D. **Conduct Hearings**

If the Respondent does not wish to proceed with an administrative review, is not accepting responsibility for the alleged violation(s), and/or the consequences for the alleged violation(s) would rise above Disciplinary Probation or result in removal from a residential facility in the evaluation of the Conduct Administrator, the Respondent may elect to have the case resolved by a hearing with a Conduct Administrator (Administrator Hearing) or the Student Conduct Board (Student Conduct Board Hearing).

Conduct Hearings involve the presentation of information by witnesses (as necessary), and provide an opportunity for the Respondent to present witnesses and information for review as part of the decision. A list of witnesses, their relevance to the alleged violation(s), and their contact information must be submitted to the Conduct Administrator a maximum of five (5) University business days after the Informational Meeting.

Student groups and student organizations may submit a resolution proposal for consideration by the student Conduct Administrator or Student Conduct Hearing Board a maximum of five (5) University business days after the Informational Meeting. The resolution proposal is the student group or organization’s opportunity to participate collaboratively in the resolution process and demonstrate thoughtful reflection of how to prevent further violations from occurring in the future. This document should outline all steps to be taken to remedy the alleged policy violations and timelines for completion. The resolution proposal may be adopted or adapted—in whole or in part—or denied by the student Conduct Administrator or Student Conduct Hearing Board assigned to resolve the case.

1. **Administrator Hearing**

   An Administrator Hearing is conducted by an individual Conduct Administrator as determined by the Assistant Vice President. The Conduct Administrator is responsible for determining whether or not the Respondent(s) violated University policy(ies) and appropriate consequence(s) (if applicable).

   An Administrative Hearing involves the presentation of information by the Respondent(s), Complainant(s) (if applicable), and any witness(es) (if applicable). The Respondent(s) will be afforded the opportunity to ask relevant questions of the Complainant(s) and/or any witness(es) at the discretion of the Conduct Administrator. In incidents involving an identified harmed party, the Complainant(s) will also be afforded the opportunity to ask relevant questions of the Respondent(s) and/or any witness(es) at the discretion of the Conduct Administrator. (See VI.D.3. Hearing Format)

2. **Student Conduct Board Hearing**

   A Student Conduct Board Hearing is conducted by a panel of three (3) or five (5) individuals comprised of students, faculty, and/or staff. A minimum of one (1) panelist must be a student. The Board is responsible for determining whether or not the Respondent(s) violated University policy(ies) and appropriate consequence(s) (if applicable). One (1) panelist will serve as the Board Chairperson, selected by the Assistant Vice President or their designee, and is responsible for communicating the determination of responsibility to the Assistant
Vice President, who will in turn notify the Respondent(s) and Complainant(s) (if applicable) of the decision. Decisions of the Student Conduct Board will be determined by a majority vote. A member of the Student Conduct & Community Standards staff or designee will serve as the Student Conduct Board Advisor and does not cast a vote.

3. **Hearing Format**
   a. Hearings will be conducted in private in accordance with state privacy laws and the Family Educational Rights and Privacy Act (FERPA).
   b. The Complainant (if applicable), Respondent, and their respective advisors are permitted to attend the entire hearing, except for deliberation.
   c. In cases involving multiple Respondents, the Assistant Vice President or designee may determine that the hearings be conducted jointly. Any Respondent wanting to have their hearing conducted individually, may submit a written request a minimum of three (3) University business days prior to the scheduled hearing to the Assistant Vice President or designee who shall decide whether to grant the request.
   d. The Complainant (if applicable), the Respondent, and the University may arrange for witnesses who are members of the University community to attend the hearing and present relevant information. Non-University members may be called to a hearing; however, the University has no means to require their participation. Failure to call a witness, or failure of a witness to appear shall not automatically require a delay or affect the validity of the proceedings. A decision will be made on the information presented during the hearing.
   e. Witnesses will provide information to, and answer questions from, the hearing body. Questions may be suggested by the Complainant (if applicable) or the Respondent to be answered by each other or by other Witnesses. This will be conducted by the hearing body with such questions directed to the Conduct Administrator or Conduct Board chairperson, rather than to the individual directly. This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment. The Conduct Administrator and/or the Hearing Board chairperson reserve the right to rephrase the question or to refrain from asking the question. Questions of whether potential information will be received shall be determined by the Conduct Administrator, or Hearing Board chairperson, with the assistance of the Student Conduct Board Advisor.
   f. Relevant records, pictures, written statements, impact statements, and other information may be accepted for consideration for the hearing when submitted to Student Conduct & Community Standards within five (5) days following the Informational Meeting.
   g. All procedural questions are subject to the final decision of the Conduct Administrator, Hearing Board chairperson with the assistance of the Student Conduct Board Advisor.
   h. If the Respondent, with adequate notice, does not attend a hearing, the hearing shall proceed in the Respondent’s absence.
   i. SCCS may accommodate concerns for the personal safety, well-being and/or fears of confrontation of the Complainant, Respondent, Reporter, and/or Witnesses 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, video tape, audio tape, written statement, or other means, where the SCCS staff member deems this accommodation to be appropriate.

E. **Standard of Information**
The Conduct Administrator or Student Conduct Board will make a finding using the preponderance of the evidence standard. This standard requires that the information supporting a finding of responsibility be more convincing than the information in opposition to it. Under this standard, individuals are presumed not to have violated Section 8.05/Student Code of Conduct unless a preponderance of the evidence supports a finding that a violation occurred. Formal rules of evidence, procedure, and/or technical rules of evidence, such as those which may be applied in criminal or civil court are not used in University student conduct proceedings.

F. **Pending Legal Charges and Requests for Postponement**

Student conduct proceedings may be initiated for a student, student group, or student organization for behavior that allegedly violates criminal and/or civil law in addition to University policy. The University is committed to appropriate coordination with WSUPD and local law enforcement agencies and may, if requested and appropriate, share information with those agencies. In the event that law enforcement requests the University to temporarily suspend the fact-finding aspects of an investigation while the law enforcement agency gathers evidence, the University plans to comply with that request and will promptly resume its investigation upon notification from the law enforcement agency that its evidence gathering process is complete.

1. The student conduct process may proceed prior to, simultaneously with, or following criminal or civil proceedings at the discretion of the Assistant Vice President.

2. Decisions made within a criminal or civil process do not bind the University to establish or not establish that a violation of University policy has occurred as there are different evidence rules, burdens of proof, purposes, and potential outcomes in each process. However, a criminal conviction based on the same facts, in local, state or federal courts, shall establish a per se student conduct policy violation.

3. If a Respondent is also charged with a criminal or civil violation involving the same incident, the student, student group, or student organization may request up to a 30 University business day postponement of the student conduct process. The student, student group, or student organization must make this request in writing within five (5) University business days following the date of the Informational Meeting and must provide a rationale for the request. The Associate Vice President for Student Affairs/Student Life may determine that it is appropriate to place the Respondent on Disciplinary Probation or request that the Vice President for Student Affairs or designee implement interim measures during the time period allotted for a postponement on a case-by-case basis. The Probation or interim measures will remain in effect until the hearing is completed, including any appeal requests. It will then be the student’s, student group’s, or student organization’s responsibility to notify SCCS at the conclusion of the 30-day period to reinstate the conduct process.

4. In cases in which there is one or more University community members directly impacted by the incident, such as a Complainant, they will be given the opportunity to object to a postponement. The Associate Vice President for Student Affairs/Student Life or designee has full authority to decide whether or not to grant the postponement. A Complainant may also request a 30-day postponement in the hearing if the Complainant has brought criminal or civil charges in a case arising out of the same incident. The Respondent may object to the postponement as described above. If the Complainant requests a postponement, and it is granted against the wishes of the Respondent, the Respondent will not be placed on Disciplinary Probation or given interim measures that would restrict continuing to pursue their education during the period of postponement.
G. Responsible Action Protocol
The health and safety of members of the University community and their guests is one of Wichita State’s top priorities. The University recognizes that a student’s concern for potential disciplinary action related to alcohol, drugs, and other substances may hinder the student’s actions in response to a medical emergency. In order to alleviate those concerns and ensure that students and their guests receive prompt medical attention, the University has adopted the following Responsible Action Protocol:

1. Students are urged to contact emergency officials by calling the University Police Department at (316) 978-3450 or 911 to report the incident, to remain with the individual(s) needing emergency treatment and cooperate with emergency officials, so long as it is safe to do so, and to meet with appropriate University officials after the incident and cooperate with any University investigation.

2. Students who seek emergency medical attention for themselves or others related to the consumption of alcohol, drugs, or other substances will not face disciplinary action for their personal use provided that the student completes any educational program or activity assigned by the Assistant Vice President or designee; however, this protocol does not provide protection for disciplinary action for other potential policy violations (e.g. damage and/or destruction of property, failure to comply, physical violence, sexual misconduct, etc.).

3. Student groups or student organizations who seek emergency medical attention for their members or guests related to the consumption of alcohol, drugs, or other substances will not face disciplinary actions for incidents involving alcohol, drugs, or other substances provided that the group or organization followed the event and risk management procedures outlined in the Student Organization & Advisor Handbook, and provided that the group or organization completes any educational program or activity assigned by the Assistant Vice President or designee; however, this protocol does not provide protection for disciplinary action for other potential policy violations (e.g. damage and/or destruction of property, failure to comply, hazing, physical violence, sexual misconduct, etc.).

4. This protection applies only to those students, student groups, and student organization who seek emergency medical assistance in connection with an alcohol, drug, or other substance-related medical emergency and does not apply to individuals experiencing an alcohol, drug, or other substance-related medical emergency who are found by University officials.

5. The Responsible Action Protocol is not intended to shield or protect those students, student groups, or student organizations that repeatedly violate University policy. In cases, where repeated policy violations occur, the University reserves the right to take disciplinary action on a case-by-case basis regardless the manner in which the incident was reported. Additionally, the University reserves the right to initiate the student conduct process in cases in which the violation(s) are egregious.

6. This protocol only provides amnesty from violations of WSU policy. It does not grant amnesty for criminal, civil, or other legal consequences for violations of federal, state, or local laws or ordinances.

7. The Assistant Vice President or designee will make a determination regarding eligibility for amnesty under the Responsible Action Protocol during the initial review or investigation.

VIII. Interim Measures
A. Non-Restrictive Interim Measures
In consultation with Student Conduct & Community Standards staff, the Vice President for Student Affairs or designee will evaluate incident information to promptly determine the necessity of interim measures. The University may implement appropriate interim measures for the individuals involved and for the larger University community based on the information provided in the report and at no cost to the Complainant (if applicable). Interim measures may be
put in place or modified at any point after a report is received and can be implemented even if a formal investigation is not able to proceed. Such interim measures include, but are not limited to the following categories:

1. Academic
2. Housing
3. Transportation
4. Campus Employment
5. Facility Access
6. Activities
7. Campus Escort Service

B. Interim Restrictions
When the actions of a student or member(s) of a student group or organization present an ongoing threat to the health, safety, or well-being of others; disrupt the University community; or endanger University, public, or private property; the Vice President for Student Affairs or designee may implement interim measures that restrict access for the Respondent pending the outcome of an investigation and resolution process. These interim measures may include, but are not limited to:

1. Restricted communication with one or more individual(s), group(s), or organization(s);
2. Restricted access to participation in University programs or activities;
3. Restricted access to Housing & Resident Life facilities, including dining halls;
4. Restricted ability to participate in academic activities, including classes, internships, co-ops, etc.;
5. Restricted access to campus employment;
6. Administrative leave with pay for student employees; or
7. Any other restriction that can be tailored to the involved individuals to achieve the goal of the Student Code of Conduct.

The Vice President for Student Affairs or designee will notify the Complainant (if applicable) and Respondent in writing of any interim measures. The measures will take place immediately upon notification. The Respondent will have three (3) University business days to e-mail a written request for a Show Cause Hearing to the Vice President for Student Affairs or designee. Upon receipt of a request, the Vice President or designee will conduct a Show Cause Hearing within three (3) University business days if the interim measures should be lifted, modified, or kept in place. This is a final decision regarding interim measures unless there are exceptional circumstances that come to light during the investigation.

In circumstances in which the Respondent requests, in writing, that the Vice President of Student Affairs remove themselves from the Show Cause Hearing on the basis of actual or perceived bias; or in cases in which the Vice President for Student Affairs is otherwise unable to perform these duties, decisions regarding interim measures will be made by the Associate Vice President for Student Affairs/Student Life or designee.

Interim measures may be implemented at a later time, even if originally declined, and any put into effect will remain in place until the institution determines that they are no longer necessary.

IX. Process Outcomes & Consequences
Students, student organizations, and student groups will be notified in writing via e-mail to their official University e-mail address whether or not they have been found in violation of University policy, and if so, their assigned consequences. Students, student organizations, and student groups
who are found to have violated Section 8.05/Student Code of Conduct will receive disciplinary consequences appropriate to the current violation(s) and in consideration of any prior conduct history and/or mitigating or aggravating circumstances. For student groups and organizations, “prior conduct history” includes incidents occurring within the preceding five years. Consequences may be issued individually, or a combination of consequences may be issued. In the case of student groups and organizations, if a consequence issued by a national or other governing body exceeds that of the University, the University may concur with that consequence.

A. Consequences for Individual Students

Written Warning – Official notification of unacceptable behavior and violation(s) of Section 8.05/Student Code of Conduct. Any further misconduct may result in more serious disciplinary consequences.

Disciplinary Probation – The student is deemed not in good conduct standing with the University. The duration of any probationary period will be determined by the resolution body on a case-by-case basis. Any further violations of University policy while on probation may result in more serious consequences being imposed. Some of the restrictions that may be placed on the student during the probationary period include, but are not limited to: participation in student activities, representation of the University on athletic teams or in other leadership positions, eligibility to receive any University award or honorary recognition, entrance into University residence halls or other areas of campus, participation in a study abroad program, or University computer and network usage.

Deferred Suspension – The student will be officially suspended from the University, but the suspension will be deferred, meaning that the student may continue to attend classes at this time. The suspension will be automatically enforced for failure to complete any assigned consequences by the deadline and/or for any subsequent violation of University policy, unless the Assistant Vice President determines otherwise in exceptional circumstances. If the student is found responsible for any subsequent violation of Section 8.05/Student Code of Conduct, the student will be automatically suspended for the length of the original deferred suspension in addition to the other consequences imposed for the subsequent violation. Some of the restrictions that may be placed on the student during the deferred suspension period include, but are not limited to: participation in student activities, representation of the University on athletic teams or in other leadership positions, eligibility to receive any University award or honorary recognition, entrance into University residence halls or other areas of campus, participation in a study abroad program, or University computer and network usage. The duration of any deferred suspension period will be determined by the resolution body on a case-by-case basis.

Suspension – The student is required to leave the University for a designated period of time. During the suspension period, a student may not attend classes (either in person or online), or participate in University-related activities, whether they occur on or off campus. The student may not be present on University premises unless authorized in writing in advance under conditions approved by the Assistant Vice President. A student may be withdrawn from any classes in which the student is currently enrolled and will not be eligible for a refund. A registration and records hold will be placed on the student’s account until the conclusion of the suspension period. If the student is an on-campus resident, the student’s contract with Housing & Residence Life will also be terminated and the student will be responsible for paying any remaining fees for the
duration of the original contract period. The student must successfully complete all assigned educational consequences prior to the conclusion of the suspension period, or the suspension will remain in effect until they are completed. The student must meet with a member of the Student Conduct & Community Standards staff during the last month of the suspension period in order to initiate the removal of the registration and records hold. Any further violations of University policy while on suspension will result in more serious consequences being imposed.

**Expulsion** – The student will be separated from the University without the possibility of graduation or future enrollment. The student may not be present on University premises unless authorized in writing in advance under conditions approved by the Assistant Vice President. A student may be withdrawn from any classes in which they are currently enrolled and will not be eligible for a refund. A permanent registration hold will be placed on the student’s account. If the student is an on-campus resident, the student’s contract with Housing & Residence Life will also be terminated and the student will be responsible for paying any remaining fees for the duration of the original contract period.

**Withholding of Transcripts or Degree** – The University may withhold copies of student transcripts or awarding a degree otherwise earned until the completion of the process set forth in Section 8.05/Student Code of Conduct or Section 8.16/Sexual Misconduct, Relationship Violence, and Stalking Policy, including the completion of all consequences imposed, if any.

**Revocation of Admission and/or Degree** – Admission to the University or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of University policy in obtaining the degree from or gaining admission to the University or for other serious violations committed by a student prior to graduation.

**Restitution** – The student is required to pay for the loss of, damages to, or injury to University, personal, public, or private property, provided that such payment shall be limited to the actual cost of repair or replacement of such property.

**Loss of University Privileges** – The student is restricted from accessing specific University privileges including, but not limited to: parking on campus, participation in student activities, holding a student leadership position, participation in a study abroad program, and University computer and network access.

**Residence Hall Transfer or Removal** – The student will be placed in another room or residence hall or restricted from living on campus for a specified or indefinite period of time. If a student is restricted from living on campus, the student’s Housing and Residence Life contract will be terminated and the student will be responsible for paying any remaining fees for the duration of the original contract period.

**No Contact Order** – The student is prohibited from intentional direct or indirect contact with another person or group or their property via any means, including, but not limited to: personal contact, electronic communication (e.g. text messages, social media, etc.), telephone, or through third parties.

**Campus and/or Building Ban** – the student is prohibited from being on any campus property and/or entering specific University facilities. Any student alleged to have violated a campus and/or building ban may be subject to additional disciplinary action.
No Trespass Order – The student is prohibited from being on any campus property and/or entering specific University facilities. Any student alleged to have violated a campus and/or building ban may be subject to arrest.

Knowledge Attainment Activities – activities designed to increase a student’s knowledge in areas related to the violation(s) committed including, but not limited to: attending workshops, researching a specific topic, interviewing a professional in a specific field, etc.

Restorative Activities – activities designed to repair harms caused and give back to others or the larger community including, but not limited to: community restitution service, letters of apology, educational presentations, etc.

Wellness Activities – activities designed to address student’s wellness in areas including social, emotional, financial, physical, academic, and environmental wellness including, but not limited to: substance use assessments, counseling assessments, meeting with an academic advisor, meeting with a Student Involvement staff member, etc.

Reflective Activities – activities designed to allow the student to reflect on one’s own behavior choices and the impact of those choices on the student and others, including potential future impacts if the same choices continue.

B. Consequences for Student Groups and Organizations

Written Warning – Official notification of unacceptable behavior and violation(s) of Section 8.05/Student Code of Conduct. Any further misconduct may result in more serious disciplinary consequences.

Disciplinary Probation – The student group or organization is deemed not in good conduct standing with the University. The duration of any probationary period will be determined by the resolution body on a case-by-case basis. Any further violations of University policy while on probation may result in more serious consequences being imposed. Some of the restrictions that may be placed on the student group or organization during the probationary period include, but are not limited to: ability to host a party or philanthropy event, eligibility to receive any University award or honorary recognition, participate in intramurals, represent the University and any travel in connection with such representation, participate in recruitment/intake or receive a new member class, maintain membership or representation of the organization on the governing council, utilize University facilities/grounds, participate in competitions, or receive future institutional funding.

Deferred Suspension – The student group or organization will be officially suspended from the University, but the suspension will be deferred, meaning that the student group or organization may continue to function at this time. The suspension will be automatically enforced for failure to complete any assigned consequences by the deadline and/or for any subsequent violation of University policy, unless the Assistant Vice President determines otherwise in exceptional circumstances. If the student group or organization is found responsible for any subsequent violation of Section 8.05/Student Code of Conduct, the student will be automatically suspended for the length of the original deferred suspension in addition to the other consequences imposed for the subsequent violation. Some of the restrictions that may be placed on the student during the deferred suspension period include, but are not limited to: ability to host a party or philanthropy event, eligibility to receive any University award or honorary recognition,
participate in intramurals, represent the University and any travel in connection with such representation, participate in recruitment/intake or receive a new member class, maintain membership or representation of the organization on the governing council, utilize University facilities/grounds, participate in competitions, or receive future institutional funding.

**Suspension** – The student group or organization is no longer recognized by the University for a designated period of time. During the suspension period, a student group or organization may not conduct any formal or informal business, or participate in University-related activities, whether they occur on or off campus. This includes, but is not limited to: ability to host a party or philanthropy event, eligibility to receive any University award or honorary recognition, participate in intramurals, represent the University and any travel in connection with such representation, participate in recruitment/intake or receive a new member class, maintain membership or representation of the organization on the governing council, utilize University facilities/grounds, participate in competitions, or receive future institutional funding. Re-recognition is possible but not guaranteed and will only be considered after the end of the suspension period and based on meeting all re-recognition criteria and obtaining clearance from the University. Any evidence that members of a student group or organization have attempted to sustain an unofficial student group or organization will result in individual charges and will postpone the group or organizations ability to be re-recognized or registered in the future. Any further violations of University policy while on suspension will result in more serious consequences being imposed.

**Expulsion** – The student group or organization will permanently lose its University recognition and/or registration and is ineligible to utilize University resources including facilities and financial support.

**No Contact Order** – The student group or organization is prohibited from intentional direct or indirect contact with another person or group or their property via any means, including, but not limited to: personal contact, electronic communication (e.g. text messages, social media, etc.), telephone, or through third parties.

**Campus and/or Building Ban** – the student group or organization is prohibited from being and/or operating on any campus property and/or entering specific University facilities. Any student group or organization alleged to have violated a campus and/or building ban may be subject to additional disciplinary action.

**Recommendation for Charter Revocation** – The University will submit an official request to the national or other governing organization to revoke the charter for a student group or organization.

**Restitution** – The student group or organization is required to pay for the loss of, damages to, or injury to University, personal, public, or private property, provided that such payment shall be limited to the actual cost of repair or replacement of such property. University and/or student fee funds may not be used to pay restitution.

**Loss of University Privileges** – The student group or organization is restricted from accessing specific University privileges including, but not limited to: ability to host a party or philanthropy event, eligibility to receive any University award or honorary recognition, participate in intramurals, represent the University and any travel in connection with such representation, participate in recruitment/intake or receive a new member class, maintain membership or
representation of the organization on the governing council, utilize University facilities/grounds, participate in competitions, or receive future institutional funding.

**Knowledge Attainment Activities** – activities designed to increase members’ knowledge in areas related to the violation(s) committed including, but not limited to: attending workshops, researching a specific topic, interviewing a professional in a specific field, etc.

**Restorative Activities** – activities designed to repair harms caused and give back to others or the larger community including, but not limited to: community restitution service, letters of apology, educational presentations, etc.

**Wellness Activities** – activities designed to address members’ wellness in areas including social, emotional, financial, physical, academic, and environmental wellness including, but not limited to: risk management workshops, assessment and revision of risk management practices, financial management training, communication or teambuilding workshops, leadership or values congruence workshops, etc.

**Reflective Activities** – activities designed to allow the student group or organization to reflect on its members’ behavior choices and the impact of those choices on the group/organization and others, including potential future impacts if the same choices continue

X. Appeals

A. Appeal Request Grounds

Any Respondent, wishing to Appeal must submit an appeal request within five (5) University business days of the date of the outcome letter for the decision being appealed. Appeal requests may be filed on one or more of the following grounds:

1. A procedural or substantive error occurred that significantly affected the outcome of the case.
2. There is new, relevant information that could not have been reasonably discovered or was not available at the time of the original decision that, if available, could have significantly affected the outcome of the case. This does not include statements from a Complainant or Respondent who chose not to participate in the investigation, review, and/or hearing.

B. Appeal Request Procedures

Appeal requests must be submitted in writing via the online Appeal Request Form. Once completed, the Appeal Request Form will be forwarded to the following individuals for review:

1. The Assistant Vice President for decisions made by Conduct Administrators in Housing & Residence Life.
2. The Associate Vice President for Student Affairs/Student Life or designee for decisions made by:
   a. Conduct Administrators in Student Conduct and Community Standards, or
   b. the Student Conduct Board

The original Conduct Administrator or Student Conduct Board Advisor will provide a written response to the appeal request within three (3) University business days of receiving notice of the appeal request, unless a request to extend this time period has been made and granted prior to the expiration of the three (3) University business day requirement.
Upon receipt of the appeal request, written response, and case file, the Assistant Vice President or
Associate Vice President for Student Affairs/Student Life, whichever is the appropriate Appellate
Body, will conduct an efficient and narrow review of the entire file limited to the grounds
identified by the Respondent. The Appellate Body will issue a written response to the appeal
request within five (5) University business days, unless a request to extend this time period has
been made and granted prior to the expiration of the five (5) University business day requirement.

Great deference is given to the original decision. The presumption is that the investigation and
decision processes were appropriately conducted and the burden is on the individual requesting
the appeal to prove that the appeal has merit. Appellate reviews are reviews of the record only.
There are no additional meetings with the Complainant or Respondent unless there are
exceptional circumstances as determined by the Appellate Body, in which case the Appellate
Body must offer both the Complainant (if any) and the Respondent the same opportunity to
discuss the case.

C. Appeal Request Outcomes
Upon review of the record, the Appellate Body may respond as follows:

1. Determine the appeal lacks standing and is dismissed, in which case the original decision
   stands;
2. Determine that the appeal has standing and remand the case back to the original Conduct
   Administrator or Student Conduct Board to consider new information or reevaluate previous
   information; or
3. Determine that the appeal has standing and remand the case to a new Conduct Administrator
   or Student Conduct Board with specific corrective instructions.
4. Determine the appeal has standing but the appellant has not provided information to
   substantiate that the outcome of the case was significantly affected; in which case the original
   decision stands.

The Appellate Body’s decision is considered the final University decision and will be
communicated in writing. The Appellate Body will review and respond to the appeal within five
(5) University business days of receipt of all documentation but may extend this period of time
for specific reasons that will be communicated in writing to the Appellant.

In circumstances in which the Appellant requests, in writing, that the Appellate Body remove
themselves from the Appeal on the basis of actual or perceived bias, or in cases in which the
Appellate Body is otherwise unable to perform these duties, appeal decisions may be made by
another Appellate Body as determined by the Vice President of Student Affairs.

XI. Student, Student Group, and Student Organization Records
A. Holds and Removal of Active Status
Student Conduct & Community Standards staff, the Associate Vice President for Student
Affairs/Student Life, Housing & Residence Life staff, and/or the Vice President for Student
Affairs may place a hold on a student’s transcript, registration, and/or diploma; or remove a
student group and/or student organization’s active status and ability to conduct operations in any
of the following situations:
1. A student, student group, or student organization has committed a violation of Section 8.05/Student Code of Conduct culminating in suspension or expulsion;
2. A student, student group, or student organization has been given interim restrictions pending an investigation and resolution of allegations of misconduct;
3. A student, student group, or student organization has failed to schedule or attend a required University meeting or hearing;
4. A student, student group, or student organization has failed to complete one or more consequences by the assigned deadline; or
5. An individual who is no longer attending the University exhibits disruptive behavior which is impacting the University community, and it is the determination of the Vice President for Student Affairs or designee that a review of the student’s file and meeting with the student occur prior to the student’s re-enrollment.

B. Record Retention
Student conduct records, including investigation records, are maintained electronically by Student Conduct & Community Standards for a minimum of five (5) years from the date that the matter is closed. A record is considered closed when the following criteria have been met:
1. It is determined that the student, student group, or student organization was not in violation of University policy; or
2. The student, student group, or student organization was in violation of University policy; and
   a. all periods of probation, deferred suspension, or suspension and all associated consequences have been completed; or
   b. a student, student group, or student organization has been expelled from the University.

If a student remains enrolled after the record is closed, the record will be maintained until the student graduates or is no longer enrolled at the University. When a student proceeds directly from one academic program into another academic program (e.g. undergraduate study to graduate study), the records will be maintained until the completion of the final academic program. Student group and organization records will be maintained for a minimum of 10 years after the record is closed. Records of incidents culminating in deferred suspension, suspension, or expulsion will be permanently maintained by the University.

C. Access to Records
Student Conduct & Community Standards does not make copies of conduct files or audio recordings. If a student, student group, or student organization wishes to review its own conduct file, they may do so by scheduling an appointment with Student Conduct & Community Standards. The file may be redacted to protect privacy concerns and to comply with federal and local law.

In instances when the student lives more than 150 miles from campus, a redacted copy of the conduct file may be provided upon request and at the expense of the requestor to be paid in advance of preparing it for transfer. Payment must be received prior to the release of the records. Reasonable costs for making copies, transcribing audio recordings, and/or staff time spent redacting personally identifiable information of other students may be included in calculated costs. This provision only applies to the student’s location, not that of an advisor and/or family member.
D. Records of Other Entities
   Police reports may be obtained by contacting the records department at the law enforcement agency which issued the report. In the State of Kansas, police reports are not considered public records; therefore, limited information will be accessible upon request.

XII. Emergency Contact/Parental Notification
   The University reserves the right to notify the parent(s)/guardian(s) of dependent students and/or a student’s emergency contact regarding any conduct situation which poses a health or safety risk to the student or others, particularly alcohol and/or other drug violations. The University may also notify parent(s)/guardian(s) of non-dependent students who are under the age of 21 of alcohol and/or other drug violations. Parental notification may also be utilized discretionarily by Conduct Administrators when permitted by FERPA or consent of the student.