Purpose

To set forth comprehensive and informational guidelines relative to Student conduct and Student conduct procedures.

Preamble

Wichita State University is a learning community comprised of Students, Faculty and Staff where freedom of inquiry and freedom of expression are valued. Important aspects of attending the University as a Student are having respect for the rights of others in the community, conducting oneself in a manner that is compatible with the University’s mission and taking responsibility for one’s actions. In addition to exhibiting appropriate maturity and self-control, Students, as members of the University community are expected to conduct themselves in accordance with established standards of behavior and social interaction.

To fulfill its functions of promoting and disseminating knowledge, the University has authority and responsibility for maintaining order and for taking appropriate action.

As members of the WSU community, Students should:

- Accept responsibility for personal behavior and appropriately challenge the behavior of others
- Respect individual differences
- Behave in a manner that is honest and upholds the standards of Wichita State University
- Be an engaged member of the Wichita State University community

The educational process is ideally conducted in an environment that encourages reasoned discourse, intellectual honesty, openness to constructive change and respect for the rights and responsibilities of all individuals. This Code of Conduct is designed for the promotion and protection of such an environment.

Definition of Terms

1. “Appeal Officer” is the Vice President for Student Affairs, or designee, and has jurisdiction to review cases, based on written request, and make a decision to uphold, modify or reverse the decision of a Hearing Board or Conduct Officer.
2. "Code" means the WSU Student Code of Conduct. The most current version of the Code may be found on the Wichita State University website: http://webs.wichita.edu/inaudit/ch8_05.htm.
3. “Complainant” is the person or entity that submits or presents allegations against a Respondent.
4. “Conduct Board Hearing” is a Hearing conducted by the Hearing Board.
5. “Conduct Hearing” is a meeting with the Respondent conducted by a Conduct Officer to determine whether the Respondent has violated the Code and, if so, to impose sanctions.

6. “Conduct Officer” is the Director or designee authorized to investigate, conduct the Hearing, and assign sanctions to Respondents found to have violated the Code.

7. "Day" refers to any day the University is open for official business (usually Monday through Friday).

8. “Director” refers to the Director of Student Conduct and Community Standards.

9. "Faculty" means any person hired by the University in a Faculty appointment to teach, conduct research or provide academic service.

10. “Hearing” refers to both a Conduct Hearing and a Conduct Board Hearing.

11. "Hearing Board" is a group of persons authorized by the Directors to determine whether a Respondent has violated the Code and to impose sanctions.

12. "Housing and Residence Life" means all residence facilities owned, leased or controlled by Wichita State University (current examples of University Housing include, but are not limited to, Shocker Hall and Fairmount Towers).

13. "Member of the University Community" includes any person who is a Student, Faculty, University Official or any other person employed by the University. A person's status in a particular situation shall be determined by the Director.

14. "Organization" refers to any Recognized Student Organization, Greek letter Organization, athletic team (sports clubs, cheer/dance, intercollegiate team, independent varsity sports, etc.), or non-recognized group (SGA, SAC or other group in process of meeting RSO standards) that is assembled and conducts business or participates in University-related activities.

15. "Policy" is defined as the written guidelines of the University as found in, but not limited to: the Housing and Residence Life Handbook, Graduate/Undergraduate Catalogs, WSU Policies and Procedures Manual, and Board of Regents policies. The most current version of the WSU Policies and Procedures Manual is located on the WSU website at http://webs.wichita.edu/inaudit/tablepp.htm. In cases of conflict, Board of Regents policies shall be considered as controlling.

16. “Prehearing Conference” is a meeting scheduled by a Respondent with a Conduct Officer to review policies and procedures related to the Code.

17. “Respondent” is a Student or Organization who responds to an alleged violation(s) of the Code.

18. "Staff" are unclassified or university support staff non-faculty employees at WSU.

19. "Student" includes all persons who are admitted and/or enrolled in credit or non-credit courses at WSU.

20. "University" means Wichita State University (or "WSU").

21. "University Official" includes any person employed by the University, performing their assigned responsibilities.

22. "University Premises" includes all land, buildings, facilities, and other property in the possession of, owned, used, leased or otherwise controlled by the University (including adjacent streets and sidewalks).
**Jurisdiction**
The Student Code of Conduct governs individual and group Student behavior.

1. University jurisdiction for violations of the Code encompasses:
   a) Conduct that occurs on University Premises or at a University-sponsored or related event.
   b) Conduct that occurs on premises owned, used by or under the control of an Organization.
   c) Conduct that occurs in or on shuttle buses, state vehicles, or other vehicles owned, used by or under the control of the University/State of Kansas;
   d) Off-campus conduct that seriously threatens the safety or well-being of other Wichita State University Students, Faculty, or Staff or University property or that adversely affects the University community or the pursuit of its objectives.
   e) Conduct that is addressed and/or prescribed by Chapter 19 of the *WSU Policies & Procedures Manual* relating to University computing and information technology resources.
   f) Conduct that occurs while earning any type of academic credit.
   g) Conduct that occurs during a Student’s enrollment at the University. The University may proceed with the conduct process in cases of alleged conduct violations after the Student is no longer an enrolled Student, if the alleged conduct occurred during the Student’s enrollment.

2. Housing and Residence Life: Students residing in Housing and Residence Life are required to abide by the Code and Housing and Residence Life Policies. The Director of Housing and Residence Life or designee reserves the right to remove from Housing and Residence Life or relocate a Student who is charged with a Code violation pending a Hearing.

3. Academic Colleges, University Departments, or Special Programs: Students are responsible for following guidelines, policies and procedures set forth by academic colleges, University departments, or special programs.

4. Organizations: All Organizations are required to abide by the Code and policies outlined in the Student Organization Handbook issued by the Student Involvement office.

**Student and Organization Prohibited Conduct**
Any Respondent found to have committed, or to have attempted to commit, any act of misconduct described below is subject to conduct sanctions outlined in Section XIV.

**Abuse/Assault**
Physical abuse, verbal abuse, threats, intimidation, coercion, bullying, stalking, domestic violence, retaliation, discrimination and/or other conduct which threatens or endangers the health or safety of another person is prohibited.
Abuse of the Student Conduct Procedures
Engaging or participating in abuse of the Student conduct procedures is prohibited, including but not limited to:

a. Falsifying or misrepresenting information before a Conduct Officer or Hearing Board.
b. Obstructing, disrupting or interfering with the orderly conduct of a Conduct Hearing.
c. Instituting a conduct complaint knowingly without cause or initiating a false report/complaint.
d. Attempting to discourage an individual's proper participation in, or use of, the Student conduct procedures.
e. Attempting to influence the impartiality of a member of the Hearing Board or Conduct Officer prior to, during, and/or after a Conduct Hearing.
f. Harassing (verbal or physical) and/or intimidating a member of the Hearing Board or Conduct Officer prior to, during, and/or after a Conduct Hearing.
g. Failing to complete and/or comply with the assigned conduct sanctions according to the specified guidelines.
h. Influencing or attempting to influence another person to commit an abuse of the Student conduct procedures.

Academic Dishonesty
Students who compromise the integrity of the classroom are subject to conduct action on the part of the University. Violations of classroom standards include:

a. Cheating in any form, whether in formal examinations or elsewhere.
b. Plagiarism, using the work of others as one's own without assigning proper credit to the source.
c. Misrepresentation of any work done in the classroom or in preparation for class.
d. Falsification, forgery, or alteration of any documents pertaining to academic records.

A standard of honesty, fairly applied to all Students, is essential to a learning environment. Students violating such standards must accept the consequences; penalties are assessed by the course instructor or other designated people. Serious cases may result in discipline at the college or University level and may result in suspension or dismissal. Dismissal from a college for academic dishonesty constitutes dismissal from the University.

Students accused of abridging a standard of academic honesty may utilize established academic appeal procedures. (See the Student Academic Honesty Policy at Section 2.17 of this manual.)

Alcohol/Alcoholic Beverages
Possession, use, manufacture, sale, or distribution of any form of alcoholic beverage (including cereal malt beverage) is not allowed on University Premises except as expressly permitted by University Policy. (See the Cereal Malt Beverage and Alcoholic
Liquor Policy at Section 11.07 of this manual). University Officials reserve the right to confiscate or require Students and/or guests to dispose of alcohol in the presence of University Officials.

Alcohol consumption can often lead to other violations of the Code. Evidence in a violation may indicate that the Student’s behavior was substantially altered as a result of the consumption of alcohol. The abuse of alcohol by any Student, whether or not of legal drinking age, and any inappropriate behavior that results from consumption of alcohol, including the ability to exercise care for one's own safety or the safety of others due in whole or in part to alcohol consumption, is considered a violation of the University alcohol Policy. The consumption of alcohol is not considered an excuse for misconduct.

For the purpose of this section, individual Students or Organizations may be held responsible if alcohol is consumed by a “guest” of legal age or a minor who is a visitor or participant in an event/activity sponsored by their Organization. In addition, the host may be held responsible for the actions of guests who have consumed alcohol.

In addition, Organizations are required to abide by state laws and University policies concerning alcoholic beverages. Organizations are required to have their activities approved in writing by the group’s Faculty/Staff advisor.

An Organization is responsible for ensuring that alcohol consumption in association with an Organization event does not detrimentally affect the health and well-being of those attending the event and is responsible for ensuring that no person under the age of 21 possesses or consumes alcoholic beverages at the event.

For events that are not Bring Your Own Beer/Alcoholic Beverage (BYOB), the University requires Organizations to utilize third party vendors in accordance Student Involvement policies for events where alcohol is present.

Only Recognized Student Organizations may hold events involving alcoholic beverages off-campus that meet the following conditions:

1. All events must be registered 10 Days prior to the event with the Student Involvement office using the RSO Registration Form for Events with Alcohol.
2. 15 Days prior to an event with alcohol, Organizations must arrange a pre-event risk management meeting with the Center for Student Leadership.
3. A Third Party Vendor Agreement Form, which can be obtained from the Student Involvement office, must be submitted with all registration documents. All events must utilize wristband as indicators of legal drinking age. Wristbands can be obtained free of charge from the Student Involvement office.
4. Organizations may not advertise events involving alcohol that includes but not limited to, BYOB, drink specials, etc.
5. No alcoholic beverage may be purchased using any Organization’s funds, or Student activities fees; nor may the purchase of alcohol for members or guests be undertaken or coordinated by any member in the name of, or on behalf of the Organization. The purchase or use of bulk quantity or common sources of such alcoholic beverages (kegs, punches or cases) are prohibited.

6. Open events, meaning those with unrestricted access to non-members of the Organizations that are not utilizing third party vendors, where alcohol is present are prohibited.

7. No members, collectively or individually shall purchase alcohol for, serve to, or sell alcoholic beverages to any person under the age of 21.

8. No Organization may enter into an agreement to co-sponsor an event with an alcohol distributor, or tavern (tavern defined as an establishment generating more than half of the annual gross sales from alcohol) where alcohol is present.

9. No event shall include any form of “drinking contest” or encourage the rapid/excessive consumption of alcohol in the activity or its promotion

Advertisement or Sponsorship of Activities, Events, or Programs Involving Alcohol by Students or Organizations

a. Advertising or publicity of alcohol is not allowed in connection with student events, student activities, student projects or Organizations. Prohibited are words, symbols, logos, pictures or drawings that denote alcoholic beverages or the drinking of alcoholic beverages. Exempt from this are units promoting alcohol awareness/harm reduction educational campaigns.

b. Sponsorship of University and University-related activities, events or programs by companies or entities that provide alcoholic beverages and products is prohibited.

c. Promotional materials may not promote alcohol as the central theme or focus of the activity, including, but not limited to, the usage of terms such as “happy hour” or other language promoting drink specials.

Assisting a Violation
Assisting, hiring or encouraging another person to commit an act that violates the Code is prohibited.

Bribery and Associated Acts
Bribery, attempted bribery, acceptance of a bribe, or failure to report a bribe is prohibited. Acting or attempting to get money or anything else of value by violence, misuse of authority or improper threats is not allowed.

Committing Acts of Dishonesty
Include but are not limited to the following:
a. Engaging or participating in cheating; or plagiarism; forgery; or other forms of dishonesty. (Students committing acts of academic dishonesty are also subject to academic sanctions. See section on Academic Honesty.)

b. Tampering with the election of any Organization.

c. Attempting to represent the University, an Organization, or any recognized University body without the explicit prior consent of the officials of that group.

d. Using an identification card that does not belong to you, and/or allowing someone to use your identification card.

Cruelty to Animals
Injuring or destroying any animal on University Premises is prohibited. This Policy does not apply to laboratory animals maintained by the University and/or to research approved by the Institutional Review Board

Damage/Destruction of Property
Engaging or participating in acts of unauthorized possession, use, removal, defacing, tampering, damage, or destruction of University owned or leased property, equipment, programs or materials is prohibited. This also includes property, equipment, programs, or materials belonging to any Member of the University Community, guest, visitor, or contractor.

Demonstration and Picketing
Participating in a campus demonstration in contravention of University policies on First Amendment activities is prohibited. This includes riotous behavior which is defined as a disturbance with the intent to commit or incite any action that presents a clear and present danger to others, causes physical harm to others, or damages property. (See the Use of University Campus by Non-University Groups for First Amendment Activities Policy at Section 11.12 and the Use of University Campus by University Groups for First Amendment Activities Policy at Section 11.13 of this manual).

Demonstration of Psychological or Physical Harm
Any Student who demonstrates intent to harm herself/himself or otherwise poses a danger causing psychological or physical harm to self or others will be counseled by the Vice President for Student Affairs or designee, who will determine what action needs to be taken. Any Student who attempts to physically harm herself/himself or others will not be allowed to return to classes or the University residential community until such time as an appraisal has been made by a mental health professional designated by and/or approved the Vice President for Student Affairs or designee; failure to cooperate with this directive may result in immediate medical withdrawal of the Student. Any Student who demonstrates intent to harm herself/himself or others will be encouraged to contact a parent or guardian; provided, however, that should an appropriate University Official determine that the situation constitutes a medical emergency relating to the health and welfare of the Student, the Student's parent or guardian will be contacted by the University.
Disruptive Behavior
Disruptive behavior is defined as behavior that unreasonably interferes with classroom or other University activity or with the legitimate activities of any Member of the University Community. Examples of disruptive behavior include but are not limited to: public drunkenness, inciting riot, disturbance of the peace, loitering, fighting/physical altercations, obstructing traffic, abusiveness toward other individuals, use of obscene or abusive language, loud or unreasonable noise.

Drugs and Drug Paraphernalia
Students shall not manufacture, possess, use, deliver, sell, or distribute any controlled substance in violation of state law or federal law. Possession of drug paraphernalia is also prohibited.

Substances prohibited under the Code shall include, but are not limited to: marijuana, hashish, amphetamines, barbiturates, cocaine, heroin, lysergic acid (LSD), methaqualone, morphine, pentazocine, peyote, phencyclidine, and anabolic steroids, unless prescribed by a medical doctor.

Falsification of Records
Any Student who, for purposes of fraud or misrepresentation, falsifies, forges, defaces, alters, or mutilates in any manner any official University document or representation thereof may be subject to discipline. Some examples of official documents include, but are not limited to: identification cards, program requests, change slips, receipts, meal cards, parking permits, financial aid forms, applications, contracts, transcripts of credits, library documents, petitions for reclassification of residency status.

Fire and Safety
Committing acts or creating an environment which impedes on the safety of the University community is prohibited. Such acts include but are not limited to:

a. Tampering with or misusing any fire equipment, safety equipment, or any devices designed to provide a safe environment.
b. Failing to follow emergency procedures in case of actual emergency or in case of emergency procedure drills.
c. Interfering with the response of University or municipal officials to emergency calls.
d. Creating a fire hazard.
e. Engaging in any activity which might disturb or endanger the safety of others or damage University property.
f. Making false reports regarding an emergency including but not limited to: bomb threat or fire.
g. Failing to report a fire or other emergency situation to authorities.
h. Committing acts of arson.
i. Possessing or using inflammable materials or hazardous materials on University property without proper authorization.
Gambling
Conducting, organizing or participating in any illegal gambling activity on University property is prohibited.

Harassment
Harassment, an intentional act, or series of acts, which is extreme or outrageous, or calculated to cause severe embarrassment, humiliation, shame or fright, or which is intended to intimidate or ridicule is prohibited. To constitute harassment, the conduct must be of such a nature that a reasonable person would not tolerate it.

Hazing
The University strictly prohibits any form of hazing. Hazing is an act or acts involving any activity which endangers the health or safety of a person, or subjects him or her to onerous, degrading or hazardous tasks, for the purpose of admission into, or affiliation with any Organization. Said acts are considered hazing regardless of an individual's willingness to participate in the activity.

Examples of hazing include, but are not limited to: paddling, creating excessive fatigue, work sessions, behavior or activities that promote physical or psychological intimidation/gaming, embarrassment, discomfort, harassment, wearing apparel which is conspicuous or intended to embarrass the wearer, public stunts, acts of buffoonery, any act(s) that are morally degrading, humiliating games/events, encouraging illegal or abusive use of alcohol/drugs, or acts that in any way distracts from an individual’s academic pursuit.

Improper Distribution of Printed Materials
Posting, affixing, or otherwise attaching written or printed messages or materials, e.g. posters, signs, handbills, brochures, or pamphlets, on or in unauthorized places including but not limited to trees, shrubbery, sidewalks, buildings, and lawn areas of the University is prohibited. (See the Poster/Flyer Policy for University Grounds and Facilities Policy at Section 11.10 of this manual).

Improper Response to a Request from a University Official
Refusal of any Student while on University Premises to comply with an order from authorized officials to leave such premises or cease behavior that violates the Code is prohibited.

It is the responsibility of each Student to answer promptly all written notices from University Officials. Failure to respond in a timely manner will be construed as a waiver of the Student's right to respond and, in appropriate circumstances, may result in disciplinary action on the part of the University.

Keys/Unauthorized Entry
Possessing, duplicating or using keys (including electronic card access) to any University building or facility without authorization by appropriate University Officials or
committing an act of unauthorized entry into or use of University building or facilities is prohibited.

**Misrepresentation of Self**
Knowingly withholding information or giving false information verbally or in any document or materials submitted to any Member of the University Community is prohibited.

**Misuse of Computers**
Students are subject to all computer lab policies. Violations of these ethical standards and unauthorized or inappropriate use of computers is prohibited. Misuse includes but is not limited to:

a. Unauthorized entry into a file, to use, read, or change the contents or for any other purpose.
b. Unauthorized transfer of a file.
c. Unauthorized use of another's identification and password.
d. Use of computing facilities to interfere with the work of another Member of the University Community.
e. Use of computing facilities to send obscene or abusive messages.
f. Use of computing facility to interfere with normal operations of the University computing system.
g. Unauthorized entry into or use of University facilities or property, entry or occupation at any unauthorized time, or any unauthorized or improper use of any University property, equipment or facilities prohibited.
h. Damaging or altering records or programs.
i. Furnishing false information.

(See the Acceptable Use Policy at Section 19.01 and the University Information Technology Systems Relative to E-mail Policy at Section 19.05 of this manual.)

**Misuse of Communication Technology**
No Student shall misuse or abuse, or assist in the misuse or abuse of communication technology at the University. Misuse includes but is not limited to:

a. any form of communication technology used to harass or threaten any person or persons, or
b. any form of communication technology used to disrupt the normal operations or activities of any person, Organization, or the University.
c. any unauthorized use of communications technology.

Communication technology includes, but is not limited to: computers; cell phones; programmable calculators; pagers; personal data assistants (PDA’s), headsets; video cameras; electronic mail; social media; or printers.
Sexual Misconduct

Committing acts of sexual misconduct is prohibited. It is the Policy of the University that sexual misconduct by a Member of the University Community will not be tolerated. This Policy applies to all members of the University community: Students, Staff and Faculty.

Sexual misconduct encompasses "Sexual Exploitation," "Sexual Harassment," "Non-Consensual Sexual Contact," and "Non-Consensual Sexual Intercourse," and the legal definitions of sexual assault contained in state and federal law. Sexual misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual misconduct can be committed by men or by women, and it can occur between people of the same or different sex.

"Effective Consent" means words or actions that show an active, knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Effective consent cannot be gained by force, by ignoring or acting in spite of the objections of another, or by taking advantage of the incapacitation of another, where the actor knows or reasonably should have known of such incapacitation. Effective consent is also lacking when the activity in question exceeds the scope of effective consent previously given.

"Sexual Exploitation" means taking sexual advantage of another person without effective consent, and includes, without limitation, causing or attempting to cause the incapacitation of another person; causing the prostitution of another person; electronically recording, photographing, or transmitting intimate or sexual utterances, sounds or images of another person; allowing third parties to observe sexual acts; engaging in voyeurism; distributing intimate or sexual information about another person; and/or knowingly transmitting a sexually transmitted infection, including HIV, to another person.

“Sexual Harassment” means unwelcome conduct (sexual advances, requests for sexual favors, written or spoken sexual expressions, or physical behavior of a sexual nature) under any of the following circumstances:
1. Submission to such conduct is either an implied or expressed condition for instruction, employment, or other campus activity.
2. Submission to or rejection of such conduct is used as a basis for evaluation.
3. Such conduct has the purpose or effect of unreasonably interfering with performance or creating an intimidating, hostile, or demeaning environment.

A Student who is sexually assaulted is strongly encouraged to report the information to the WSU Police Department and/or law enforcement officials of the city or county. The victim can contact the Office of Student Affairs if he or she does not wish to report the offense to the police or if he or she desires assistance in notifying such authorities. If the University is informed of an alleged act of sexual misconduct, the University is obligated to investigate the occurrence and to proceed with the conduct process if the alleged individual is a Student.
Services are available on campus to assist the victims of sexual assault on an immediate and ongoing basis. Victims should seek medical attention immediately as it is important that medical evidence be preserved for the investigation of the incident. Medical follow-up is provided by Student Health Services or local hospitals. Counseling support is available through the Counseling and Testing Center, the Office of Multicultural Affairs, the Office of Student Conduct and Community Standards, and the Wichita Area Sexual Assault Center.

Students who wish to seek a change in housing arrangements are encouraged to contact Housing and Residence Life. Changes will be accommodated as reasonably available. Academic assistance is provided through the dean’s office of the Student's academic college. Other assistance is available through the Office of Student Affairs and Student Conduct and Community Standards.

(See the Prohibiting Sexual Harassment Policy at Section 3.06, the Prohibiting Sexual Harassment of Students Policy at Section 8.11 and the Sexual Assault Policy at Section 8.16 of this manual.)

Smoking
Smoking, including E-cigarettes is prohibited in all buildings to provide a smoke-free environment for Students, Faculty, Staff and visitors. Smoking within a ten foot radius outside of any doorway, open window or air intake leading into any building or facility is also prohibited. (See the Smoking Policy Section 11.08 of this manual.)

Solicitation
Engaging in unauthorized canvassing or solicitation is not allowed.

Theft
The unauthorized taking, embezzlement, misappropriation, possession, or attempt to do same, of property owned or maintained by the University, by any person on University Premises, or by any person attending a University-sponsored event is not allowed. Attempted or actual theft of and or damage to property of the University or property of Member of the University Community or other personal or public property is prohibited.

Violation of Federal or State Laws, County or City Ordinances
University conduct procedures may be instituted against a Student charged a violation of a law or ordinance and is also a violation of this Code (if both violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus. Determinations made or sanctions imposed under the Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of the Code were dismissed, reduced, or resolved in favor of or against criminal law defendant.
When a Student is charged by federal, state, or local authorities with a violation of law or ordinance, the University will not request or agree to special consideration for that individual because of his or her status as a Student. If the alleged offense is being processed under the Code, however, the University may advise off-campus authorities of the existence of the Code and of how such matters will be handled within the University community. The University will fully cooperate, to the extent permitted and consistent with the law, with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of Student. Members of the University Community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

**Violation of Program and Department Policies, Rules or Regulations**
Students are expected to comply with all policies, rules and regulations that are specific to various departments and facilities on campus.

**Weapons**
Ammunition and weapons, as defined below, are prohibited on University Premises unless in the possession of a law officer. Engaging or participating in unauthorized possession or use of explosives, firearms, weapons, or other hazardous objects or substances is not allowed. Weapons, explosives and other hazardous objects or substances covered by this regulation shall include, but not be limited to the following:

a. Any object or device which will, is designed to, or may be readily converted to expel bullet, shot or shell by the action of an explosive or other propellant;
b. any handgun, pistol, revolver, rifle, shotgun or other firearm of any nature, including concealed weapons licensed pursuant to the Personal and Family Protection Act, and amendments thereto;
c. any BB gun, pellet gun, air/CO2 gun, stun gun or blow gun;
d. any explosive, incendiary or poison gas (A) bomb, (B) mine, (C) grenade, (D) rocket having a propellant charge of more than four ounces, or (E) missile having an explosive or incendiary charge of more than 1/4 ounce;
e. any incendiary or explosive material, liquid, solid or mixture equipped with a fuse, wick or other detonating device;
f. any tear gas bomb or smoke bomb; however, personal self-defense items containing mace or pepper spray shall not be deemed to be a weapon for the purposes of this Policy;
g. any knife, commonly referred to as a switch-blade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement;
h. any straight-blade knife of four inches or more such as a dagger, dirk, dangerous knife or stiletto; except that an ordinary pocket knife or culinary knife designed for and used solely in the preparation or service of food shall not be construed to be a weapon for the purposes of this Policy;
i. any martial arts weapon such as nun chucks and throwing stars;
j. any longbow, crossbow and arrows or other projectile that could cause serious harm to any person;
k. all fireworks;
l. any operative animal trap or device that is used to ensnare animals (with the exception of mist nets used to snare birds or devices used by Physical Plant personnel or the University Police Department to control wild animals on campus).

(See the Prohibiting Weapons on University Property Policy at Section 11.19 of this manual.)

Student Conduct Procedures

I. Reporting an Incident
   a. Any individual can report an incident by submitting a written complaint to the Student Conduct and Community Standards Office or through the online reporting system. The written complaint will be shared with the Respondent during the conduct process.

II. Initial Review by Conduct Officer
   a. The Conduct Officer shall make an initial determination as to whether there is sufficient basis to believe that a violation of the Code may have occurred and if there is jurisdiction to consider the complaint under the Code.
      i. To assist in making this initial determination, the Conduct Officer may interview the Complainant and/or other witnesses, or request additional information from the Complainant.
   b. If the Conduct Officer determines there is insufficient information to believe a violation of the Code has occurred, the case will be closed.
   c. If the Conduct Officer determines there is sufficient information to believe a violation of the Code may have occurred, the Conduct Officer will:
      i. Notify the Respondent, in writing, of the alleged violations of the Code and of the opportunity to meet with the Conduct Officer, in a Prehearing Conference, to review the conduct process and procedures.
      ii. When a Student Organization is a Respondent, the president will act as the representative of the Organization throughout the conduct process. The president may designate this responsibility to another officer of the Organization by notifying the Conduct Officer Director in writing at least three (3) Days prior to the scheduled Hearing.
      iii. Notifications shall include the following:
        1. The date of the complaint; the alleged Code violation(s); a brief summary of the alleged conduct; the time, date and location of the Hearing; and the contact information for the Conduct Officer assigned to the case.
        2. Information about the option of a Prehearing Conference.
a. The purpose of the Prehearing Conference is to insure that the Respondent is sufficiently familiar with the Code (including the conduct regulations and process) in order to accurately prepare and present a response to the alleged violations. The Respondent is responsible for scheduling a Prehearing Conference by the deadline provided in the notification. A Prehearing Conference must be scheduled no later than three (3) Days prior to the Conduct Hearing or Conduct Board Hearing.

iv. The Conduct Officer may interview witnesses and review documentation in preparation of the Hearing.

d. If the Conduct Officer determines, after initial review, the alleged conduct may justify expulsion or suspension, the Hearing shall be conducted by a Hearing Board, unless the Respondent or Complainant requests a Conduct Hearing. A request for a Conduct Hearing must be submitted at least three (3) Days prior to the scheduled Hearing.

e. Cases that will not result in suspension or expulsion shall be conducted as a Conduct Hearing.

f. During initial review period, the Respondent may admit the charges or decline to contest such charges, although not actually admitting guilt. The Conduct Officer will explain to the Respondent the potential consequences of such action.

III. Student Rights and Responsibilities

a. The Respondent shall be presumed not to have violated the Code unless it is proven that it is more likely than not that a violation of the Code has occurred.

b. The Respondent and Complainant are entitled to have an advisor present through the process. The advisor may be a parent, attorney, or other designee. Respondents or Complainants who wish to bring an attorney shall notify the Student Conduct and Community Standards Office three (3) Days prior to the Hearing so that a representative of the University General Counsel’s Office may be present to advise the Conduct Officer or Hearing Board. Neither advisor nor counsel may speak for or appear in lieu of the Respondent, Complainant, Conduct Officer or Hearing Board.

c. The Respondent and Complainant shall have the right to bring forth witnesses or provide written evidence of the alleged conduct violation.

d. The Respondent may schedule an appointment with the Director to review the documentation related to the complaint prior to the Hearing.

e. Hearings are scheduled a minimum of five (5) Days from the date of Hearing notification to allow the Respondent sufficient time to prepare a response.

f. Any request for a postponement of the Hearing, with reasons to support the request, must be submitted in writing prior to the scheduled Hearing to the Conduct Officer, who will determine whether a delay will be granted.
g. In the event the University needs to postpone the date of a Conduct Hearing, the Respondent shall be notified prior to the scheduled Hearing. The Respondent will receive a notification of the new Hearing at least five (5) Days prior to the new Hearing date.

h. Respondents are expected to give priority to requests made by a Conduct Officer. Failure to be present for the scheduled Hearing may result in a decision based on the information in the complaint and any subsequent investigation.

IV. Hearing Information

a. If at any point during the conduct process the Conduct Officer determines there is insufficient information to proceed, a case may be dismissed.

b. If at any point during the conduct process, prior to the Hearing, the Conduct Officer determines additional violations may exist, the Respondent shall be notified in writing of any such additional violations prior to the Hearing. This may result in the Hearing being rescheduled.

c. If additional information is revealed during the Hearing which may result in further violations of the Code, the Conduct Officer or Hearing Board chair shall notify the Respondent in the Hearing.

d. If information provided leads to the possibility of suspension or expulsion, the Conduct Officer will conclude the Conduct Hearing without a decision and refer the complaint to the Hearing Board. The Respondent may waive the right to appear before a Hearing Board and request a new Conduct Hearing.

e. All Hearings will be recorded. The recording remains a part of the official conduct file and will be used for the appeal process.

f. The Conduct Officer or Hearing Board chair has the discretion to limit admissibility of evidence or testimony based on relevance, repetition, and credibility. The rules of evidence do not apply to Hearings.

h. In Hearings that involve a crime of violence, as defined in the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), the Conduct Officer will inform the Complainant of the outcome, including any sanctions, in writing, within five (5) Days of conclusion of the Hearing.

V. Conduct Hearing Process

a. Cases referred for Conduct Hearing shall be heard by the Conduct Officer. The Conduct Officer shall review all available information with the Respondent at the Conduct Hearing, which will include:
   i. An opportunity to review the complaint.
   ii. A summary of the fact-finding investigation which has taken place.
   iii. A reasonable opportunity for the Respondent to reflect upon and respond, verbally or in writing, to the allegations made in the complaint and any subsequent investigation.
   iv. An explanation of the applicable conduct procedures, including the Student's right to request an appeal.
b. Following the conclusion of the Conduct Hearing:
   i. The Conduct Officer shall determine if it is more likely than not that a violation of the Code has occurred based on all information presented.
   ii. The Conduct Officer shall inform the Respondent of the decision, in writing, within five (5) Days of conclusion of the Conduct Hearing.
   iii. The written decision will include a statement of the charges; the Conduct Officer’s determination; the sanction to be imposed, if any; and information about the appeal process.

VI. Hearing Board Membership
   a. The Hearing Board will include: two (2) Faculty, two (2) Students, and two (2) Staff. In addition, a University Conduct Officer not previously involved with the incident or investigation shall serve as an advisor of the Hearing Board as a non-voting member.
   b. One (1) Student member shall be appointed by the Student Government Association; one (1) Student member shall be appointed by a Housing and Residence Life governing board. Faculty shall be appointed by the Faculty Senate, and Staff shall be appointed by the Director.
   c. Quorum for the Hearing Board is a minimum of three (3) members, one (1) of whom must be a Student. A quorum is necessary to convene a Conduct Board Hearing.
   d. Selections and appointments to the Hearing Board shall be for two (2) academic years.
   e. All selected Hearing Board members will be required to attend a training session. Only trained members can hear cases.
   f. The Director may remove a Hearing Board member if the Director reasonably determines there is a conflict.

VII. Conduct Board Hearing Process
   a. Cases referred for a Conduct Board Hearing will be heard by the Hearing Board as established in section V above.
   b. Two or more Respondents may be asked to participate in a joint Hearing if they are alleged to have taken part in the same incident, act, event, or series of related acts. The alleged conduct violation(s) need not be identical for participation in a joint Conduct Board Hearing.
   c. In situations involving two or more Respondents, any Respondent may choose to have the case heard independently of the other Respondents. The request must be submitted in writing to the Student Conduct and Community Standards Office at least three (3) Days prior to the scheduled Hearing. The Conduct Officer will schedule a separate Conduct Board Hearing.
   d. Respondent, Complainant or any member of the Hearing Board may request a recess. Recesses should be kept short and to a minimum. If recesses become excessive in number or in length, the person asking for a
VIII. Conduct Board Hearing Procedures

a. The Hearing Board chair begins the Hearing by introducing the parties involved and reading the alleged violation(s) of the Code.
b. Witnesses are notified that they are to be truthful and that matters presented in a Hearing shall be kept confidential, unless disclosure is required by applicable laws and/or University policies. Witnesses will remain outside the Hearing room until called to appear before the Hearing Board.
c. The Complainant presents an opening statement. (5 minute limit)
d. The Respondent presents an opening statement. (5 minute limit)
e. The Complainant presents witnesses and/or information in the order that he/she chooses.
f. Following each witness, the Respondent is given an opportunity to question that witness. An opportunity for further questioning of the witnesses by the Complainant and Respondent is provided as deemed necessary or appropriate by the chair.
g. Following the completion of the questioning of each witness by the Complainant and the Respondent, the Hearing Board may question the witness.
h. At the conclusion of the Complainant's presentation, the Respondent presents witnesses and/or information.
i. Following each witness, the Complainant is given an opportunity to question that witness. An opportunity for further questioning of the witnesses by the Complainant and Respondent is provided as deemed necessary or appropriate by the chair.
j. Following the completion of the questioning of each witness by the Complainant and the Respondent, the Hearing Board may question the witness.
k. If documentary or tangible information is presented, the Complainant and the Respondent may comment on the information or item(s) at the time it is presented.
l. Following the completion of the Respondent’s case, the Hearing Board may recall any witnesses for further questioning.
m. The Complainant may give a closing statement. No new information is allowed to be introduced during Complainant's closing statement. (5 minute limit)
n. The Respondent may give a closing statement. No new information is allowed to be introduced during Respondent’s closing statement. (5 minute limit)
o. The formal Hearing is concluded.
p. At the conclusion of the Conduct Board Hearing, the Hearing Board shall deliberate in closed session. After deliberation and vote, the decision of
the Hearing Board will be forwarded to the Student Conduct and Community Standards Office.

q. Decisions by the Hearing Board shall be determined by a majority vote.
r. The Hearing Board chair shall advise the Respondent of the decision in writing within five (5) Days of the Hearing.

IX. Mediation

a. Some alleged Code violations may be resolved through mediation. Mediation is a voluntary process that utilizes an impartial, neutral third-party who acts as a facilitator to help the parties reach a mutually acceptable outcome.
b. Requests for a conflict to be resolved through mediation can be made in writing to the Director by either party. Requests must be made prior to a scheduled Hearing.
c. The Director will determine if the conflict can be reasonably handled by mediation instead of a Hearing.
d. All parties involved in the conflict must agree on utilizing mediation and will share any costs associated.

X. Confidentiality

Upon the conclusion of a Hearing, all documents pertaining to the complaint shall be returned to the Student Conduct and Community Standards Office for processing. These documents include, but are not limited to the following: incident reports, police reports, written statements, as well as any personal notes taken during the Hearing. The Hearing Board members are also required to refrain from discussing the outcomes of a Hearing beyond the confines of the Hearing.

XI. Appeals of Conduct Hearings

a. Respondent or Complainant, as applicable, are granted one (1) appeal request, which must be made in writing.
b. Appeal requests must be filed with the designated Appeal Officer, as stated in the outcome letter, no later than ten (10) Days following notification of the decision.
c. Except as required to explain the basis of new information, an appeal shall be limited to a review of the record of the initial Hearing and supporting documentation for one or more of the following purposes:
   i. To determine whether the original Hearing was conducted in conformity with prescribed procedures.
   ii. To determine whether the decision reached was reasonably supported by the record.
   iii. To determine whether the sanction(s) imposed were appropriate and reasonable for the Code violation(s).
   iv. To consider new information, it must be shown that such information and/or facts were not known or reasonably could not have been known to the Respondent or Complainant at the time of
the original Hearing, and such new information may be sufficient to alter the initial decision.

d. The Appeal Officer shall render a decision which affirms, denies or modifies the original decision. The severity of the sanction shall not be increased. The Appeal Officer shall issue a written decision no later than ten (10) Days following receipt of the appeal.

e. When it becomes necessary to conduct further investigation or to remand the matter to the Conduct Officer or Hearing Board, the written decision will be transmitted no later than ten (10) Days following completion of the investigation or the subsequent decision of the Conduct Officer or Hearing Board. If additional investigation or further proceedings are necessary under this provision, Respondent and/or Complainant shall be given notice and an opportunity to respond.

XII. Temporary Conduct Suspension

a. The Vice President for Student Affairs may temporarily suspend a Respondent prior to a Hearing if the Vice President for Student Affairs determines that the Respondent's conduct presents a danger to himself/herself or the University community. Suspension may be imposed only (a) to ensure the safety and well-being of members of the University community or preservation of University property; (b) to ensure the Student's own physical or emotional safety and well-being; or (c) if the Student poses a definite threat of disruption or interference with the normal operations of the University.

b. The Vice President for Student Affairs shall notify the Respondent of the temporary suspension in writing. The suspension will become effective immediately upon receipt of notice.

c. A Respondent who is temporarily suspended for an interim period shall be provided an opportunity to respond to the allegations no later than three (3) Days following the effective date of the temporary suspension.

i. The purpose of this response is to determine only if the suspension shall remain in place pending the outcome of the official Hearing.

d. Prehearing restrictions may include but are not limited to: A temporary residence hall suspension, mandate temporary room reassignment or other restrictions; restrictions to the privileges granted to Recognized Student Organizations, or other rights associated with an Organization; denied access to the residence halls and/or the campus (including classes) and/or all University activities or privileges for which the Student might otherwise be eligible.

e. Whenever a temporary suspension is imposed:

i. The Director or designee shall convene a disciplinary proceeding in a timely manner.

ii. The interim sanction may remain in effect until

1. The Vice President for Student Affairs determines that the reasons for imposing the temporary suspension no longer exists, or
2. A final outcome of the Conduct Hearing has been determined.

XIII. Emergency Contact/Parental Notification Process
If a Hearing results in a finding of an alcohol or drug violation, the following University Policy will be utilized to notify parents:

a. Parental/Legal Guardian Notification of Alcohol Violations
i. First violation: Unless there are extenuating circumstances, the University will generally not notify parents or legal guardians of Students under the age of 21 of first time violations. Parents/legal guardians may be notified if any of the following occurs as a first violation:
   1. The Student demonstrates a reckless disregard for his or her personal safety or the safety of others while under the influence of alcohol;
   2. Medical attention is required for any person as a result of the Student’s alcohol-related behavior, including the Student;
   3. There is property damage;
   4. The Student operates a motor vehicle under the influence of alcohol;
   5. The incident involves another serious incident;
   6. The Student is arrested or taken into custody by University Police or other law enforcement entity while under the influence of alcohol or other drugs.
   7. The Student is charged with violating a federal, state, or local law related to the consumption, possession, sale, dispensation, use or distribution of alcoholic beverage;
   8. The Student’s violation results in a temporary or permanent separation from the University (e.g. suspension, expulsion, or termination of a housing contract, etc.).
   9. Other appropriate circumstances as determined by the Vice President for Student Affairs or designee.

ii. Second and subsequent violations: The University will notify parents and legal guardians of all second and subsequent alcohol-related violations. For purposes of determining what constitutes a second or subsequent violation, multiple and related violations during a single incident will be treated as one violation. Alcohol-related violations occurring prior to the implementation of this parental/legal guardian notification Policy will not be considered.

b. Parental/Legal Guardian Notification of Drug Violations
i. The University will notify parents or legal guardians of Students under the age of 21 who are in violation of the drug and paraphernalia policy.
c. **Guidelines and Principles for Parental/Legal Guardian Notification**
   i. If the University chooses to notify a Student’s parent or legal guardian, it will be done in writing or by telephone. The notification will include that the Student has been found responsible for violating the Wichita State Student Code of Conduct alcohol and/or drug policies.
   ii. Prior to notification, the University will attempt to consult with the Student and, consistent with promotion of personal accountability, encourage the Student to advise his/her parent or legal guardian before the University sends its notification.
   iii. The University will notify the Student's parent or legal guardian only after (i) the Student has been found responsible for violating the Wichita State Student Code of Conduct alcohol and/or drug policies and (ii) time for the appeal process has expired.
   iv. The University will keep a record of the parental/legal guardian notification in the Student’s discipline file.
   v. The Director or designee will be responsible for notifying parents or legal guardians.

XIV. **Sanctions**

a. **Expulsion**: Permanent separation of the Respondent from the University. An indication of expulsion may appear on the Respondent's transcript. The expelled Respondent shall not participate in any University-sponsored activity and shall be barred from University Premises.

b. **Suspension**: Separation of the Respondent from the University for a specified period of time not exceeding four (4) semesters or two (2) years. An indication of suspension may appear on the Respondent's transcript. A suspended Respondent shall be barred from the University Premises and shall not participate in any University-sponsored activity, except where prior approval has been granted by the Director.

c. **Probation**: Probation is the conditional continuation of a Respondent for a specified period of time. This status implies that further violation of the Code may result in other sanctions being imposed which may include suspension or expulsion.

d. **Warning**: A warning is a written statement of Respondent’s guilt for a violation of the Code with caution that further violations may result in additional sanctions.

e. **Housing Contract Termination**: Students living on Housing and Residence Life property violating Policy the Code are subject to conduct action which could result in the termination of the contract at the expense of the resident.

f. **Other Sanctions**: Other sanctions may be applied to cover specific situations or conditions. Sanctions that suspend a Respondent’s privileges shall have a set time of duration indicating when and under what
conditions the Respondent may regain the privilege. Other sanctions may include but are not limited to:

i. Restitution or replacement of lost, damaged, or stolen property.
ii. Payment for damage or personal injury.
iii. Suspension of privileges from University sponsored events.
iv. Suspension of privileges to use certain University facilities.
v. Suspension of privileges to represent the University.
vi. Suspension of privileges to occupy an office in a recognized Student Organization.
vii. Community service work to be assigned.
viii. Referral for alcohol or drug abuse counseling or education.

XV. Student Conduct Records
a. The Director may place a hold on a Student's academic and other institutional records should the Student refuse to respond to, or comply with, the conduct procedures or sanctions imposed in accordance with these rules.
b. Conduct records of Students or Organizations found to have violated the Code shall be retained as directed by the Retention of University Records Policy in Section 20.23 of this manual.
c. If the final determination is that no violation has occurred, then all documentation relating to that charge shall be purged from the record, which is kept in the Student Conduct and Community Standards Office.
d. Conduct records designated as permanent shall not be voided without unusual and compelling justification.
e. Conduct records are considered to be educational records and are not open to the public.

XVI. Interpretation and Revision
a. Any question of implementation/application of the Code shall be referred to the Director or designee for final determination.
b. The Code shall be reviewed every three (3) years under the direction of the Director.
c. The Director is that person designated by the University President to be responsible for the administration of the Code.

XVII. Implementation
a. This Policy shall be included in the WSU Policies and Procedures Manual and shared with appropriate constituencies of the University.
b. The Vice President for Student Affairs and the Director of Student Conduct and Community Standards shall have primary responsibility for the publication and distribution of this University policy.