

**STUDENT CONDUCT CODE**  
**(As approved April 10, 2002 by the Washburn Board of Regents)**

Washburn University strives to provide an environment in which students may pursue their educational interests. Students are expected to conduct themselves in a manner which promotes learning and preserves academic freedom for all.

Students are subject to the imposition of sanctions for engaging in prohibited conduct or behaviors independent of any other status they might have with the University. Conduct standards are set forth in writing to give Washburn students general notice of prohibited behavior.

**I. GENERAL CONDUCT CODE PROVISIONS**

The students of Washburn University are responsible for complying with policies, standards, rules, and requirements for academic and social behavior formulated by the University and affiliated organizations. These procedures and rules afford a student due process in the matter of alleged violations of University standards, rules and requirements governing academic and social conduct of students.

The University views the student conduct system as part of an educational experience that can result in growth in personal understanding of one's responsibilities and privileges in the University community. Acceptable standards of conduct have been established to protect the rights of members of the University and affiliated organizations. Individuals are encouraged to discuss their concerns at the lowest level possible for effective resolution of the situation. Should such attempts prove ineffective, the student conduct system provides a student judicial process to resolve the matter. The focus of the student judicial proceedings is to determine whether the University's standards of conduct have been violated, not to determine criminal guilt. To this end, student judicial proceedings attempt to balance an understanding and knowledge of the students with the needs of the University community.

The Associate Vice President for Student Life shall be the principal officer responsible for implementing the Student Conduct Code. The Associate Vice President for Student Life or his/her designee shall provide due process for students by following the proper steps related to the initiation, investigation and disposition of complaints against a student as outlined in Section III of this document. The Associate Director, Student Services at Washburn Institute of Technology (Washburn Tech) shall serve as the officer responsible for enforcement of the Student conduct Code for infractions by Washburn Institute of Technology students.

**A. General Principles**

1. Washburn University distinguishes its responsibility for student conduct from the controls imposed by the larger community beyond the University and of which the University is a part.

2. The University generally is not responsible for conduct of students off campus. However, when the behavior occurs off campus at a University-sponsored activity or when the off-campus behavior of students can be reasonably expected to adversely affect the safety and security of persons on campus or the orderliness of the educational process, Washburn must implement the procedures provided for in this Code.

3. When students are charged with violations of federal, state or local laws, the University will neither request nor agree to special consideration for students because of their status as students.

4. The University will cooperate with law enforcement agencies, courts and any other agencies in programs for rehabilitation of students.

5. Washburn University reserves the right to impose the provisions of this Code and apply sanctions before or after law enforcement agencies, courts and other agencies have imposed penalties or otherwise disposed of a case.

6. Incidents related to academic issues shall be handled under the guidelines of the Academic Impropriety Policy.

## B. Definitions

When used within the context of the Washburn University Student Conduct Code, the following definitions are intended:

1. The term "University" or "Institution" shall mean Washburn University, including but not limited to its major academic and Student Life units and Washburn Institute of Technology.

2. The term "student" shall mean a person enrolled at the University, other than the School of Law; or a person accepted for admission or reinstatement to the University, other than the School of Law.

3. The term "University official" shall mean an employee of the University, including, but not limited to, the following: administrator, faculty member, staff member, graduate assistant, and student employee.

4. The term "University premises" shall mean buildings or grounds and any property, personal or real, which are owned, leased, operated, controlled, or supervised by Washburn.

5. The term "University community" shall mean persons and organizations associated with the University, including, but not limited to, students and employees of the University; affiliated organizations and employees; and athletic boosters.

6. The term "University-sponsored activity" shall mean any activity on or off University premises that is initiated, aided or supervised by the University.

7. The term "hearing officers" shall mean the Associate Vice President for Student Life (or his/her designee), the Director of Residential Living (or his/her designee), the Associate Director, Student Services (or his/her designee) of Washburn Institute of Technology, the Residence Halls Judicial Board, the University Judicial Board, or the Washburn Institute of Technology Judicial Board.

8. The term "business days" shall mean Monday through Friday when University offices are open.

9. "Campus" means the buildings and grounds used for instruction of students, including but not limited to, the principal campus at 1700 SW College Avenue, Topeka, KS and the Washburn Institute of Technology campus at 5724 SW Huntoon, Topeka, KS.

## II. VIOLATIONS

The following includes inappropriate behavior subject to disciplinary sanction:

A. Disruptive or disorderly conduct.

B. Lewd or obscene conduct or behavior.

C. Filing a formal complaint with the Associate Vice President for Student Life, University Police, or other University official(s) with the intention of falsely accusing another of having violated a provision of this Code.

D. Intimidating witnesses.

E. Destroying or removing evidence to preclude its presentation to the Associate Vice President for Student Life, the University Judicial Board, the Director of Residential Living, or the Residence Halls Judicial Board.

F. Failure to appear before the Associate Vice President for Student Life, the University Judicial Board, the Director of Residential Living, or the Residence Halls Judicial Board when properly notified to appear.

G. Intentionally setting off a fire alarm, falsely reporting a fire or other emergency or tampering with fire or safety equipment.

H. Forgery, alteration, unauthorized destruction, unauthorized use or misuse of University documents, records or identification cards.

I. Knowingly furnishing false information to the University.

J. Physically abusing, harassing or intentionally inflicting severe emotional distress upon a member of the University community on campus or while engaged in University-sponsored activities off campus.

K. Attempted or actual theft or destruction of, damage to, or misuse or unauthorized possession of, University property; or theft or malicious destruction of, intentional damage to, or misuse of, property of a nonmember of the University community when said behavior occurs on University premises.

L. Unauthorized seizure or occupation of, or unauthorized presence on, University premises.

M. Violation of University policies or regulations related to time, place and manner of public expression on University premises.

N. Breaching campus safety or security, including, but not limited to, the following:

1. unauthorized entry to University facilities; intentionally damaging door locks or card access mechanisms; unauthorized possession or duplication of University keys or access cards; or propping open of exterior and fire doors in the residence halls;

2. placement of any object(s), including, but not limited to, vehicles, bicycles and equipment, obstructing doors to/from any University premises.

O. Illegal or unauthorized use, possession, or storage of any weapon, fireworks or explosives or dangerous chemicals on University premises or at any University-sponsored activity. The term weapon shall be defined as any object or substance either designed or used to inflict a wound, cause injury or incapacitate an individual. Weapons may include, but are not limited to, the following: all firearms; pellet guns; slingshots; martial arts devices; knives deemed to be dangerous or illegal; and clubs. The term dangerous chemical, for purposes of this Code, means: 1) any hazardous chemical which, even when properly used, may cause injury to an individual; or, 2) any chemical, which through improper use, causes injury to an individual.

P. Possession, furnishing or consumption of alcoholic liquor or cereal malt beverages on University premises or at University-sponsored activities except as approved under policies adopted by the Washburn University Board of Regents; possession and/or consumption of alcoholic liquor or cereal malt beverages by a minor; furnishing alcoholic liquor or cereal malt beverages to a minor; public intoxication; or driving while intoxicated. Persons having control of and/or in the area in which and when the prohibited beverage is found shall be charged with possession of alcoholic liquor or cereal malt beverage.

Q. Possessing, using, having under control, manufacturing, or transmitting/distributing/selling any illicit drugs, narcotics or controlled substance or drug paraphernalia on the University premises or at University-sponsored activities without proper prescription or required license or as expressly permitted by law or University regulations. Persons having control of and/or in the area in which and when the banned substance/material is found shall be charged with possession of an illicit drug, narcotic or controlled substance or drug paraphernalia.

R. Failure to comply with the directive(s) of University officials, law enforcement officers, or Student Conduct Code hearing officer(s) acting in the performance of their duties, including failure to identify oneself when requested to do so.

S. Hazing: any action taken or situation created, intentionally, whether on or off University premises or on property owned, leased or operated by a University-recognized organization, to produce mental or physical discomfort, embarrassment, harassment, or ridicule.

**Consent is not a Defense.**

In considering a hazing case, it is not a defense that the person subjected to the hazing consented to or acquiesced in the hazing activity. For the purpose of this Code, any activity as described above – upon which the initiation or admission into or affiliation with a University organization is directly or indirectly conditioned or believed by the person to be such a condition to initiation, admission or affiliation – shall be presumed to be a forced activity, the willingness of an individual to participate in such activity notwithstanding.

T. Violation of disciplinary sanction(s).

U. Any sexual contact or abuse, whether verbal or physical, without another person's consent.

V. Threatening or endangering the health or safety of self or others.

W. Violation of University policies, city ordinances or state and federal laws, other than those listed in the Student Conduct Code.

### **III. CONDUCT CODE IMPLEMENTATION PROCEDURES**

#### **A. Reporting of Complaint**

1. Any person may initiate a complaint against a student for an alleged violation of the Student Conduct Code. A person filing a complaint shall be complainant of record.

2. Such complaints, other than a complaint involving a Washburn Institute of Technology student, are submitted in writing to the Associate Vice President for Student Life, although residence hall incident reports may be submitted to the Director of Residential Living. Complaints involving a Washburn Institute of Technology student are submitted in writing to the Associate Director, Student Services.

3. Incident reports filed with the University Police will be forwarded to the Associate Vice President for Student Life or the Associate Director, Student Services at Washburn Institute of Technology for review and processing.

4. When a sex offense is alleged, any person who is the victim of, or has knowledge of, an alleged sex offense occurring on the University's campus, as defined by the Campus Security Act of 1990, may notify the University Police personnel who shall contact the alleged victim(s) to determine whether the victim wishes to pursue disciplinary action available to him or her under the University's Conduct Code or other University policy. Alleged sex offenses occurring off campus shall be referred to the City of Topeka Police Department for investigation. In the event the victim of the alleged offense files a complaint with the City of Topeka Police Department, personnel of the Washburn Police Department shall render such assistance as is possible given the circumstance surrounding the alleged incident. NOTICE – Anyone who is a victim of an alleged sex offense should take steps to preserve any and all physical evidence relating to the alleged incident.

#### B. Notification/Notice of Complaint and Options to Waive Formal Hearing

1. Upon receipt of a complaint, the Director of Residential Living, the Associate Vice President for Student Life or the Associate Director, Student Services, as applicable, will notify the accused student(s) in writing that he/she (they) may have committed a violation of the Student Conduct Code.

2. The written notification will direct that the student make an appointment to discuss the possible violation by the specified date and that failure to do so will result in an additional charge of "failure to comply with a University official."

3. During the requested meeting, the Director of Residential Living, the Associate Vice President for Student Life or Associate Director, Student Services, as applicable, will review the complaint with the student(s), identifying possible Code violations, and will outline options for the student(s).

4. The student(s) will be provided the opportunity to waive his/her (their) right to a formal hearing and have the Director of Residential Living, the Associate Vice President for Student Life, or the Associate Director, Student Services process the case when it is clear that a violation has occurred and the student(s) admits (admit) to being in violation of the charge(s).

5. In the event that the student(s) chooses (choose) to waive his/her (their) right to a formal hearing, he/she (they) will sign a waiver form provided by the applicable officer acknowledging his/her (their) decision to waive the formal hearing. Upon waiver, the Director of Residential Living, the Associate Vice President for Student Life or the Associate Director, Student Services will review the violation(s), the related evidence and the sanction(s) that will be imposed. The signed waiver form will include a statement of the charge(s), an admission of being in violation of the charges, and the sanction(s) imposed. The student(s) will be informed of how this information will be maintained (Section IV of this Code) by the University as well as the appeal process (as outlined in Section III. F. of this Code) should he/she (they) choose to appeal the decision of the Director of Residential Living, the Associate Vice President for Student Life or the Associate Director, Student Services.

6. In other situations, the case will be referred to the Residence Halls Judicial Board, the University Judicial Board or the Washburn Institute of Technology Judicial Board for consideration. The student shall be provided with a summary of the report and will be informed of the date, time and location of the hearing. The student shall be provided not less than three (3) business days if appearing before the Residence Halls Judicial Board and five (5) business days if appearing before the University Judicial Board or the Washburn Institute of Technology Judicial Board to prepare for his/her hearing unless he/she wishes to shorten that time. The student will be informed that the hearing will be conducted in his/her absence should he/she choose not to appear. An extension in time to prepare for the hearing may be granted upon request. Such requests should be delivered to the Director of Residential Living, the Associate Vice President for Student Life or the Associate Director, Student Services, as applicable.

7. Should the student fail to respond to the initial letter from the Director of Residential Living, Associate Vice President for Student Life or Associate Director, Student Services, a second letter will be sent to the student that gives him/her a specific hearing date and time. The student will also be presented with an additional charge of "failure to comply with a University official."

### C. Judicial Boards

There are hereby created three judicial boards, the Residence Halls Judicial Board, the University Judicial Board and the Washburn Institute of Technology Judicial Board, which shall hear and determine cases of student conduct violations under this Student Conduct Code, the Residence Hall Handbook or the Washburn Institute of Technology Student Handbook.

#### 1. Residence Halls Judicial Board

a. Jurisdiction: The Residence Halls Judicial Board shall have jurisdiction of those complaints of alleged violations of the Residence Hall Handbook.

b. Membership: Each hearing panel of the Residence Halls Judicial Board shall consist of six (6) students, including the Chairperson. Each hearing panel shall have two (2) students who are residents of the Living Learning Center, two (2) students from the Washburn Village, one (1) from Kuehne Hall, and one (1) from West Hall. All students appointed to a Residential Halls Judicial Board hearing panel shall have been trained on the student judicial process by the Associate Vice President for Student Life and the Director of Residential Living and shall be students in good standing at the University. Resident Assistants may not serve as members of the Residence Halls Judicial Board.

c. Advisor and Secretary: The Director of Residential Living or his/her designee shall serve as secretary to, and an advisor of, the Residence Halls Judicial Board and its hearing panels. The Director shall: 1) assign members to the hearing panels when necessary; 2) refer cases which have not been resolved administratively (Section III. B. 5); and 3) coordinate arrangements for hearings.

d. Judicial Liaison: The Assistant Director of Residential Living normally shall serve as Judicial Liaison for the hearing panels when convened.

e. Limitation of Action: In the event a hearing panel concludes a violation of the Residence Hall Handbook has been committed by the respondent, the panel shall be limited to the imposition of sanctions equal to or less than the sanction of

"removal from the suite or floor," described in this Student Conduct Code (Section III. D.)

## 2. University Judicial Board

a. Jurisdiction: The University Judicial and the Washburn Institute of Technology Judicial Boards shall have jurisdiction of all Washburn University and Washburn Institute of Technology cases respectively which allege violations of this Student Conduct Code.

b. Membership: Each hearing panel of the University Judicial Board and the Washburn Institute of Technology Judicial Board shall be comprised of six (6) voting members: three (3) full-time members of General Faculty and three (3) full-time students. Each panel shall be chaired by a faculty member who shall not have a vote. The persons appointed by the Associate Vice President for Student Life or the Associate Director, Student Services, to a hearing panel shall be selected from a pool of persons who have been trained on the student judicial process.

c. Advisor and Secretary: The Associate Vice President for Student Life or the Associate Director, Student Services, shall serve as secretary to, and an advisor of, the University Judicial Board and its hearing panels or the Washburn Institute of Technology Judicial Board and its hearing panels. The Associate Vice President for Student Life or Associate Director shall: a) assign members to the hearing panels when necessary; b) refer cases which have not been resolved administratively (Section III. B. 5); and c) coordinate arrangements for hearings.

d. Judicial Liaison: Student Life and Student Services administrative staff members shall serve as Judicial Liaison for the appropriate Judicial Board hearing.

## 3. The Role of Judicial Liaison

a. Facilitating the hearing process. In that capacity, the Judicial Liaison may be called upon to:

1. assist the respective Judicial Board advisor by notifying the parties and witnesses of the hearing date, time and place; and
2. orient the parties and witnesses on the hearing process.

b. Presenting the complaint of alleged violation(s). In this capacity, the Judicial Liaison will present evidence and conduct an examination of the witnesses.

## 4. Hearing Procedures

a. Record: An audio-tape record will be made of the hearing, and the Secretary to the hearing panel shall also take minutes of the proceedings. Audio-tape records shall be retained for one (1) calendar year from the date of the hearing.

b. Respondent's Failure to Appear: In the event the student respondent fails to appear for the hearing, a "not in violation" plea will be entered on the student's behalf by the Chairperson of the hearing panel.

c. Advisor to Respondent: A student charged with a violation of a conduct code may be accompanied by another person to serve as his/her advisor during the hearing. The individual's role shall be limited to providing advice to the student.

The advisor shall not have the right to represent the student during the proceedings.

d. Charges and Plea(s): After the Chairperson reads the allegations of violation(s) by the respondent student, the student will be requested to enter a plea(s) either admitting or denying responsibility of the allegation(s).

e. Presentation of the Case: In the event the respondent denies, in whole or in part, the allegation(s) of violation of the applicable conduct code, the Chairperson will call upon the Judicial Liaison to present the evidence through witnesses related to the case. The respondent shall have the opportunity to ask questions of the witness(es). Following presentation of the case by the Judicial Liaison, the respondent shall have the opportunity to present any relevant evidence he/she would like to have considered by the hearing panel.

f. Deliberation: Following the presentation of the case by the parties, the hearing panel shall recess to closed session to discuss the evidence and make a determination on the merits on whether the respondent has committed the violation(s). If the hearing panel determines the respondent has committed a violation, it shall then determine the appropriate sanction(s) to be imposed.

g. Communication of the Decision: The decision of the hearing panel and the sanction(s), if any, shall be delivered orally upon return of the hearing panel to open session. The decision shall also be reduced to writing in a letter to the respondent and mailed within one (1) business day of the decision to the student's address on file in the Registrar's Office. (The student is responsible for having accurate mailing information on file with the University.)

h. Appeal: A student may appeal the decision of the hearing panel as provided in III. F. of this Student Conduct Code.

## D. Sanctions

The sanctions listed below may be imposed when a student is found to have committed a violation as outlined in Section II. The sanction(s) imposed depend(s) upon the severity of the violation(s), previous offenses, degree of involvement, and the individual circumstances as determined by the person or entity conducting the hearing. These sanctions and their descriptions shall serve as guidelines for the University Student Conduct Code and may be modified and used in any combination to meet the needs of the University and the individual student involved. The hearing officer(s) shall have the right and sole exercise of discretion to impose sanctions which such official(s) consider(s) appropriate for the student and the situation.

### 1. Written Reprimand

a. Notice in writing that the student has violated University regulations or has otherwise failed to meet the University's standard of conduct.

b. Such a reprimand will contain the statement that continuation or repetition of specific conduct involved or other misconduct will result in further judicial action.

### 2. Restitution

a. An individual student may be required to make restitution for damage to or loss of property and for injury to persons.



b. Failure to make restitution will result in an additional charge (see II. T.) and will result in additional disciplinary proceedings under this Code.

### 3. Service Hours

a. A creative sanction, e.g., service hours, set by the hearing officer(s) will depend on the severity of the violation, degree of involvement and the circumstances surrounding the incident.

b. The student will, in most cases, be directed to complete University service hours and will be given a specific amount of time in which to do so.

c. Failure to complete service hours will result in an additional charge (see II. T.) and will result in additional disciplinary proceedings under this Code.

### 4. Fines

a. Fines will depend on the severity of the violation, previous offenses, degree of involvement, and the circumstances.

b. A fine imposed by the Director of Residential Living or Residence Halls Judicial Board shall not exceed \$50 per violation. A fine imposed by the Associate Vice President for Student Life or University Judicial Board shall not exceed \$100 per violation. Fines of Washburn Institute of Technology students shall not exceed \$75 per violation.

c. The fine shall be paid within 30 days from the time it was imposed (and upon the completion of the appeals process, if applicable).

d. Other payment arrangements must be agreed to by the Director of Residential Living, the Associate Vice President for Student Life, or the Associate Director, Student Services, whichever appropriate.

e. Failure to pay the fine as specified will result in an additional charge (see II. T.) and will result in additional disciplinary proceedings under this Code.

### 5. Computer Usage Restrictions

a. A student found in violation of computer usage policies can be restricted from certain campus computing privileges for a time to be set by the hearing officer(s).

### 6. Hall Probation

a. This is a form of probationary status for a period of time as specified by the Director of Residential Living or the Residence Halls Judicial Board.

b. Restrictions, provisions and/or assigned duties are individualized to allow for the particular needs of the student and the situation.

### 7. Removal from the Suite/Floor (Residence Halls)

- a. The student shall be directed to move from the residence hall suite or floor he/she previously occupied.
- b. In some cases, he/she may be directed to move to another residence hall.
- c. The hearing officer(s) shall state the terms of this removal, including when this sanction shall take effect as well as the length of time this change shall remain in effect.
- d. In most cases, the student shall also be restricted from that area of the hall for the term of the removal.

#### 8. Disciplinary Probation

- a. A formal sanction specifying the conditions under which an individual may continue to be a student at the University or WIT, including limitation of specified activities, movement, or presence on campus; or eligibility to receive University-funded scholarships.
- b. The conditions, including duration, will be specified by the hearing officer(s).
- c. Limitations may include the following:
  - 1. Ineligibility to hold an office in any student organization recognized by the University;
  - 2. Ineligibility to represent the University in any public performance, sporting event, intramural event, committee assignment;
  - 3. Ineligibility to receive a University-sponsored scholarship when the length of the suspension is greater than one semester;
  - 4. Additional restrictions or conditions may also be imposed, depending on the nature and seriousness of the misconduct.

#### 9. Dismissal from the Residence Halls

- a. The student is required to move out of the residence halls.
- b. The hearing officer(s) shall state the terms of the dismissal as well as the length of time this dismissal will remain in effect.
- c. In most cases, the student will also be restricted from the halls for the time of dismissal.

#### 10. Suspension

- a. Separation of the student from the University for a definite period of time.
- b. The student is not guaranteed reinstatement at the end of such period of time but is guaranteed a review of the case and a decision regarding eligibility for reinstatement by the Associate Vice President for Student Life, or Associate Director, Student Services.

- c. A two-thirds vote will be required by the Judicial Board to impose this sanction.
- d. Students who have been suspended under this Code shall vacate the premises within 48 hours following the findings of the hearing officer(s) or, in the event of an appeal, within 48 hours of the findings of the Appeal board. In some circumstances, students may be required to vacate the campus sooner (e.g., if there is reason to believe that the student's physical or emotional safety and well-being, the safety and well-being of the other University community members or the protection of University property requires such action).

## 11. Expulsion

- a. Separation of the student from the University whereby the student is not eligible for reinstatement to Washburn University.
- b. A two-thirds vote will be required by the Judicial Board to impose this sanction.
- c. Student who has been expelled shall vacate the premises within 48 hours following the findings of the hearing officer(s) or, in the event of an appeal, within 48 hours of the findings of the Appeal Board. In some circumstances, students may be required to vacate the campus sooner (e.g., if there is reason to believe that the student's physical or emotional safety and well-being, the safety and well-being of the other University community members or the protection of University property requires such action).

## E. Interim Suspension and Proceedings

The Associate Vice President for Student Life or the Associate Director, Student Services may suspend any student from the University pending investigation, action or prosecution of charges of an alleged conduct violation if they have reason to believe that the student's physical or emotional safety and well-being, the safety and well-being of the other University community members or the protection of University property requires such suspension.

If it is found necessary to exercise the authority to suspend a student on an interim basis, the Associate Vice President for Student Life or Associate Director, Student Services shall:

1. Provide the student a written notice of intent of the interim suspension to take effect immediately.
2. Inform the student of the alleged misconduct and violations(s).
3. Provide the student a written explanation in support of the charge(s).
4. Provide written notice of the time and place of the discipline hearing, which shall be within the guidelines as specified in Section III.B.
5. If a student has been instructed by the Associate Vice President for Student Life or the Associate Director, Student Services to appear for the hearing and then fails to attend at the time designated, the Associate Vice President for Student Life or Associate Director may suspend the student from the University and shall send written notice of suspension to the student at his/her last address of record on file with the University.

6. During the period of interim suspension, the student shall not enter the campus or the University other than to meet with the Associate Vice President for Student Life or the Associate Director, Student Services. However, the Associate Vice President for Student Life or Associate Director may grant the student special permission for the express purpose of meeting with faculty, staff or students in preparation for his/her hearing.

Students who have been suspended on an interim basis and whose suspension upon hearing or appeal is found to have been unwarranted shall be provided full opportunity to re-establish their academic and student standing to the extent possible within the abilities of the University, including the opportunity to take examinations, make up class assignments or otherwise complete course offerings missed by reason of the suspension.

## F. Appeals Procedures

Any student found in violation of the Student Conduct Code shall have the right to appeal his/her case to the Appeals Board.

### 1. Notice

a. If a student wishes to appeal a decision of the hearing officer(s), he/she must submit a written appeal to the hearing officer(s) within three (3) business days after the student has been orally presented the hearing officer's (officers') decision. Failure to file such a request within the required time period will constitute and be construed as full acceptance by all parties of the findings.

b. In the written request, the student should explain his/her reason for appeal by addressing one of the following issues:

1. The hearing officer(s) incorrectly interpreted a regulation and/or policy.
2. New evidence has been discovered that could have a direct bearing on the case.
3. The sanction imposed was inappropriate when considering the gravity of the violation.
4. The decision is not supported by the preponderance of the evidence or is arbitrary, capricious or unreasonable.

c. Upon receipt of the intent to appeal, the Associate Vice President for Student Life or the Associate Director, Student Services, will make arrangements for the hearing.

### 2. Appeals Board

#### a. Composition of the Appeals Board

1. The Appeals Board shall be appointed by the University President or his/her designee.

#### b. Jurisdiction of the Appeals Board

1. The right of appeal does not entitle the student to a full rehearing of his/her entire case. Rather, the Appeals Board shall limit its review of the

hearing officer's (officers') action to the four (4) items listed in Section III.F.1.b.

2. The matter will not be presented to the Appeals Board unless the student provides the Judicial Board with a written appeal stating a clear reason for challenging one or more of the findings of the hearing officer(s).

3. The Appeals Board may, at its discretion, ask the student or any other party to make an oral or written presentation for clarification.

4. The Appeals Board may accept the decision of the hearing officer(s); may reverse the decision and send it back to the hearing officer(s) for a re-hearing; or may reverse the decision and dismiss the case. The Appeals Board may not increase the sanction(s) but may, at its discretion, decrease the sanctions.

5. If the Appeals Board accepts the decision of the hearing officer(s), the matter shall be deemed final and binding upon all parties.

#### **IV. STUDENT CONDUCT RECORDS**

Student discipline information shall be maintained in a conduct file in the name of the accused student. A student's disciplinary records under this Student Conduct Code shall be retained for the latter of five (5) years from the date of the last sanction or the date of the student's graduation. Student conduct records may be retained for longer periods of time or permanently if the student was suspended, dismissed or expelled.

#### **V. STANDARDS OF CONDUCT FOR STUDENT ORGANIZATIONS**

Student organizations at Washburn University are expected to conduct their activities in accordance with the behavioral standards that the University has for all members of the University community. Students cannot expect that organizations as collective entities will be excused for behavior that would not be tolerated of individual students.

A. Any student organization shall be subject to disciplinary action based on inappropriate behavior as outlined in Section II of the Code as well as the following:

1. advocating, inciting or participating in any material interference or physical disruption of the University.

2. entering or attempting to enter into contractual obligations that will require the use of a University agency account without prior authorization by the University Business Office. Organizations are prohibited from entering into any contractual obligation for the University.

3. directly or indirectly utilizing University resources in support of any candidate for public office. Exceptions and conditions are described in the Facilities Use Policy for the University and separate policies for the Law School, Petro Center and Memorial Union.

4. directly or indirectly utilizing University facilities, services, or funds for the express benefit of external affiliates.

B. Investigation and hearing procedures of alleged violations.

1. A complaint alleging violation of the "Standards of Conduct for Student Organizations" may be filed by any student, faculty member or staff member. Complaints should be directed to the Associate Vice President for Student Life or the Associate Director, Student Services in writing.
2. Upon receipt of a complaint, the Associate Vice President for Student Life or the Associate Director, Student Services shall follow the procedures specified in the Student Conduct Code.
3. In the implementation of these procedures, the president of the organization shall serve as the representative to receive notification and to appear as required for hearings.
4. In applying the sanctions listed in the Student Conduct Code, "loss of registered status for a period of time" shall be substituted for the sanction of "suspension".
5. The Associate Vice President for Student Life's or Associate Director, Student Service's sanction may be appealed by the president of the organization. The Appeals Board will consider the case as outlined in Section III. F. The president will, again, serve as the representative of the organization before the Appeals Board, if requested.

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