

WESTERN MICHIGAN UNIVERSITY  
STUDENT CODE

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## Article I: General Provisions and University Mission Statement

Western Michigan University is a student-centered research university, building intellectual inquiry, investigation, and discovery into all undergraduate, graduate, and professional programs. The University provides leadership in teaching, research, learning, and public service. Nationally recognized and internationally engaged, the University:

- Forges a responsive and ethical academic community
- Develops foundations for achievement in pluralistic societies
- Incorporates participation from diverse individuals in decision making
- Contributes to technological and economic development
- Engenders an awareness and appreciation of the arts

The Student Code and Student Rights and Responsibilities are tangible examples that illustrate commitment to these ideals. The Student Code describes the boundaries of acceptable student behavior and is approved by the Board of Trustees. office of Student Rights and Responsibilities interprets and enforces the Student Code.

A student who chooses to enroll at Western Michigan University assumes the obligation for conduct that is compatible with the University's mission as an educational institution. While students have the privilege to enroll at the institution of their choice, choosing to enroll at Western Michigan University requires a student to become aware of, and abide by the behavior standards of the University. Ignorance of acceptable





## Article II: Definitions

1. The term "University" means Western Michigan University.
2. The term "student" or "students" includes all persons taking courses at the University, both full-time a a a

factor. Student Code sanctions are in addition to sanctions that can be imposed in other University forums such as, but not limited to, the Division of Intercollegiate Athletics or employment situations.

12. The term "Appeals Board" means the group of persons authorized to consider an appeal of cases that resulted in a sanction of suspension or expulsion.
13. The term "Appeal Officer" means the individual authorized by the VPSA/Dean of Students/or designee, on a case-by-case basis, to consider appeals from cases that result in a sanction(s) other than suspension or expulsion.
14. An "appointment" is any meeting (except a hearing) between a member of Student Rights and Responsibilities staff/Residence Life staff/or designee and one or more students to discuss a conduct case. Students are required to attend appointments.
15. A "conduct hearing" is the culminating meeting where all information deemed pertinent by the conduct body is heard. Final determinations as to responsibility, or lack thereof for violations of the Student Code, are the result of deliberations based on the information presented in the conduct hearing. Students may, but are not required, to attend conduct hearings.
16. The term "complainant" means a person alleged to have been subjected to behavior that violated the Student Code by a WMU student.
17. The term "respondent" means a student who, based on their behavior, could be in violation of policy outlined in the Student Code.
18. The term "information" means documentation submitted to staff in Student Rights and Responsibilities/or designee, that could be the basis for a formal charge of an alleged violation of the Code as determined by the appropriate staff in Student Rights and Responsibilities/or designee.
19. A conduct "charge" is determined by appropriate staff in Student Rights and Responsibilities/or designee based upon a complaint that has been brought forward. Cases involving a conduct charge will be processed according to the guidelines in the Student Code.
20. The term "shall" is used in the imperative sense.
21. The term "may" is used in the permissive sense.
22. The term "policy" is defined as the written regulations of the University as found in, but not limited to, *The Student Code*, the [Residence Hall Community Living Expectations](#), the [Registered Student Organization Handbook](#), the [University Computing Guidelines](#), *The Western Michigan University*

### Article III: Conduct Authority

1. The appropriate staff in Student Rights and Responsibilities/or designee, shall determine the composition of conduct bodies, provide training, determine which conduct body shall be authorized to hear each case, and impose sanctions consistent with stated guidelines within the Student Code.
2. The appropriate staff in Student Rights and Responsibilities/or designee, shall develop policies for the administration of the conduct program and procedural rules for the conduct hearings that are consistent with provisions of the Student Code.
3. There may be one or more Student Rights and Responsibilities Boards constituted to hear cases of alleged violations of the Student Code.

## Article IV: Proscribed Conduct

### A. Jurisdiction of the University

Generally, the Student Code shall apply to conduct which occurs on University premises and at University sponsored activities. The University may take action in off-campus situations involving flagrant disregard for any person or persons; or when a student's or student organization's behavior is judged to threaten the health, safety, and/or property of any individual or group; or any other activity which adversely affects the University community and/or t



4. Dishonesty – Including but not limited to the following:
  - a. Furnishing false information to any University official, faculty member, or office.
  - b. Forgery, alteration, or misuse of any University document, record, account, computer account, or instrument of identification.
  - c. Tampering with an election conducted by any Western Michigan University Registered Student Organization.
  - d. Acting as an agent of the University without authorization.
  - e. Furnishing false information to a law enforcement officer(s) acting in accordance with their duties
  
5. Disruptive behavior – Behavior by any student, in class or out of class, which for any reason materially disrupts the class work of others, involves substantial disorder, invades the rights of others, or otherwise disrupts the regular and essential operation of the University. This includes, but is not limited to the following:
  - a. Disruption, or interference which impedes, impairs or obstructs teaching, research, administration, conduct proceedings, other University missions, processes, or functions including public-service functions or other authorized University or non-University activities when the conduct occurs on University premises.
  - b. Participation in a campus demonstration which disrupts the normal operation of the University and/or infringes on the rights of other members of the University community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; or intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus or other University property.
  - c. Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University-sponsored or supervised functions.
  - d. Conduct which is disorderly; breach of peace; or aiding, abetting, or procuring another person to breach the peace on University premises or at functions sponsored by, or participated in, by the University or members of the academic community.
  - e. Instances where a student engages, or threatens to engage, in behavior which poses an immediate danger of causing physical harm to others; or
  - f. Instances which cause significant property damage, or would directly and substantially impede the lawful activities of others; or
  - g. Instances where a student's behavior disturbs normal University operations, consumes an inordinate amount of University staff time and/or resources, or may interfere with the educational process and/or the orderly operation of the University.



- g. Harassment (verbal or physical) and/or intimidation of a member of a conduct body, complainant, or witness, prior to, during, and/or after a conduct proceeding.
  - h. Failure to comply with the sanction(s) imposed under the Student Code. A student who fails to complete any sanctions imposed upon them by the deadline imposed by the conduct body, is not eligible to register for classes, receive financial aid, receive a diploma, or obtain any transcripts (official or unofficial) until they comply with the terms of the original sanctions and any additional sanctions imposed due to the failure to complete the original sanctions in a timely manner.
  - i. Influencing or attempting to influence another person to commit an abuse of the conduct system.
13. Obscene or harassing communication – including but not limited to: Making obscene or harassing telephone calls, sending obscene or harassing letters, email, or using any medium to communicate in an obscene or harassing manner.
- a. Bullying / Cyber-bullying – Repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally (that is not speech or conduct otherwise protected by the 1<sup>st</sup> Amendment). This includes but is not limited to: creating web pages with a negative focus; posting insults on social networking sites; and/or spreading rumors with malicious intent.
14. Harm to persons - conduct which threatens or endangers the health, well-being, or safety of any person, including but not limited to:
- a. Causing physical harm to any person.
  - b. Threatening, intimidating, harassing, or coercing any person.
  - c. Failure or r G(p)yq0.00000912 0 612 792 r10 g0 BeW\*o4 ref\* EMC /Span MCID 17/Lang (en-US)BDC q0.00



- b. Unauthorized entry into a file to use, read, delete, or change the contents, or for any other purpose.
- c. Unauthorized copying or distribution of copyrighted computer software or other materials.
- d. Unauthorized transfer of a file.
- e. Use, or attempted use, of another person's identification and/or password or assisting another to misuse any identification or password.
- f. Use of computing facilities to interfere with the work of another student, faculty member, University official, or any other member of the University community.
- g. Use of computing facilities to send obscene or abusive messages.
- h. Use of computing facilities to send unauthorized mass emailing or chain mail.
- i. Use of computing facilities to interfere with normal operation of any University computing system network.
- j. Use of computing facilities/resources to violate any campus policy or rule to violate any local, state or federal law. (see <http://www.wmich.edu/oit/>) for a complete description of all computing policies.)



## Article V: Conduct Hearings

Anyone may provide information to Student Rights and Responsibilities regarding an alleged violation(s) of the Student Code by a WMU student. The information shall be presented in writing and directed to the appropriate staff in Student Rights and Responsibilities/or designee. Information should be submitted as soon as possible after the event takes place, preferably within five University business days.

The appropriate staff in Student Rights and Responsibilities may conduct an investigation to determine if the information has merit and/or if the situation can be resolved administratively by mutual consent of the parties involved on a basis acceptable to the appropriate staff in Student Rights and Responsibilities. Such resolution shall be final and there shall be no subsequent proceedings. If the situation cannot be resolved by mutual consent, the appropriate staff in Student Rights and Responsibilities/or designee, may later serve in the same matter as the conduct body or a member thereof. If the student admits responsibility for violating University policies, but sanctions are not agreed to, subsequent processes, including a hearing if necessary, shall be limited to determining the appropriate sanctions.

Any formal charge(s) that result from information brought to Student Rights and Responsibilities shall be presented to the respondent in written form by a conduct body. Cases that are likely to result in suspension or expulsion shall be heard no sooner than 24 hours after notice to the student. All other cases shall be dealt with in a more informal manner and may be heard simultaneously with notice.

Allegations of violations of Article IV, Section B.01 of the Student Code are brought forward by the faculty member of the course and reviewed using the process described in Article VI.

Complaints under the Western Michigan University Sexual and Gender-Based Misconduct Policy  
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hearing before a conduct body. All communications related to the case (before, during and after a hearing) shall be directed to the respondent and not to any support person.

- g. The respondent shall provide the hearing body with a written list of witnesses or any support person at least 24 hours in advance of the hearing.
- h. The respondent and the conduct body shall have the privilege of presenting



Responsibilities/or designee prior to readmittance. Also, a written plan for adherence to conditions of continued enrollment after readmittance from a suspension shall be provided to Student Rights and Responsibilities/or designee for review and approval.

- i. Expulsion: Permanent separation of the student from the University. An expelled student shall have no access to University premises and shall forfeit all rights of their student status immediately and permanently upon expulsion.
- j. Revocation of degree: A degree awarded from WMU may be revoked for fraud, misrepresentation, or other violation of University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation. Being a degree holding alumna is sufficient association with the University and basis for application of this sanction.
- k. Withholding degree: The University may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code, including the completion of all sanctions imposed, if any.



## D. Voluntary Assessment, Involuntary Assessment

In the following circumstances a voluntary or involuntary assessment can be requested:

1. Instances where a student engages, or threatens to engage, in behavior which poses a danger of causing physical harm to others; or
2. Instances which cause significant property damage, or would directly and substantially impede the lawful activities of others; or
3. Instances where a student's behavior disturbs normal University operations, consumes an inordinate amount of University staff time and/or resources, or may interfere with the educational process and/or the orderly operations of the University.

### Direct Threat

In determining whether an individual poses an imminent danger or a direct threat to the health or safety of others, the University will make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures will mitigate the risk.

### A. Voluntary Assessment

When a student is referred to the VPSA/Dean of Students/or designee based on behavior listed in Section D, #1-3, the student is required to meet with the VPSA/Dean of Students/or designee as requested. The VPSA/Dean of Students/or designee may include in this meeting staff from Western Michigan University's Counseling Services/Sindecuse Health Center or other units as appropriate. If, based on the content of the discussion, the student agrees to have an assessment; the VPSA/Dean of Students/or designee shall designate/refer the student to qualified professionals (licensed psychologist, counselor, psychiatrist, and/or physician) for assessment. The University will incur the cost for the assessment. The licensed professional is empowered by these regulations to share general information and the outcome of the assessment with the VPSA/Dean of Students/or designee and/or the Early Intervention Team (EIT). The minimum necessary information will be disclosed and will be held by the VPSA/Dean of Students/or designee and/or the EIT in confidence and will be shared only with those University employees with a legitimate need to know. The student may not be accompanied by anyone during the evaluation.

The licensed psychologist, counselor, psychiatrist, and/or physician shall evaluate the student to determine if there are serious concerns associated with the student's behavior. The licensed psychologist, counselor, psychiatrist, and/or physician shall advise the VPSA/Dean of Students/or designee of the outcome of the evaluation as a result of the assessment. The VPSA/Dean of Students/or designee may consult the (EIT), or other internal/external advisors.

The VPSA/Dean of Students/or designee shall be the sole decision maker as to the composition of this committee. The student may be requested to appear before the EIT. VPSA/Dean of Students/or designee will notify the student in writing. If the VPSA/Dean of Students/or designee determines that the student poses an imminent danger or a direct threat to the health or safety of others, they may recommend an immediate interim suspension.





4. An Appeal Officer is appointed and authorized by the VPSA/Dean of Students/or designee to hear cases not involving suspension or expulsion as a sanction. An Appeal Officer may, at the sole discretion of the VPSA/Dean of Students/or designee, expand to a panel of a total of three people appointed by the VPSA/Dean of Students/or designee. The Appeal Officer shall be chairperson of the panel.
5. In cases involving suspension or expulsion, the decision of the Appeals Board may be appealed by the respondent or University to the Vice President for Student Affairs/or designee by submitting the online appeal form within five (5) University business days of receipt of the Appeals Board's decision.
6. The appeal process shall be limited to a review of the file and supporting documents (except as necessary to gain insight into any new information). The following are the only accepted bases for appeal.
  - a. To determine whether the original hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complainant a reasonable opportunity to prepare and present information that substantiates that the Student Code was violated, and giving the respondent a reasonable opportunity to prepare and present rebuttal of those allegations.
  - b. To determine whether the decision reached regarding the actions of the respondent were based on sufficient information, that is, whether the facts in the case were sufficient to establish that it is more likely than not that a violation of the Student Code occurred, and the student was responsible
  - c. To consider new information sufficient to alter a decision or other relevant facts not brought out in the original hearing because such information and/or facts were not known to the person appealing at the time of the original hearing.
7. The Appeals Board, the Appeal Officer or the Vice President for Student Affairs/or designee may take any of the following actions in response to an appeal: choose not to review the case, which leaves the findings and sanctions from the previous level intact; review the case and uphold the findings and/or sanctions from the previous level; review the case and reverse a finding of responsibility for any or all charges; review the case and modify the sanctions (enhanced or lessened); review the case and require that it be heard again by the original conduct body or a new conduct body at the discretion of the Appeal Board, the Appeal Officer or the Vice President for Student Affairs or designee.
8. Decisions made by a conduct body shall not be final until an appeal deadline is passed, when the appeal process is exhausted, or when a student chooses not to appeal. The appeal process shall be exhausted upon one review of the appeal by the appropriate appeal body.
9. Appeals regarding the resolution of complaints under the Western Michigan University Sexual and Gender-Based Misconduct Policy will be reviewed under the guidelines and procedures set forth in that policy.

## Article VI: Academic Conduct Hearing Process

Western Michigan University's academic honesty and conduct in research policies have been created and defined by members of its academic community, recommended by its faculty senate, and adopted by its board of trustees. The processes necessary to support these policies are managed and facilitated by Student Rights and Responsibilities (SRR).

This section applies to cases in which a student is to be charged with a violation of Article IV. Section B.01: Academic Misconduct.

1. Charging a student with a violation: A faculty member submits the academic misconduct charge form indicating the charge(s). Charges of academic misconduct should be made within 20 University business days of discovery of the misconduct. In some instances, academic misconduct may be discovered after a course or program of study is completed. No academic sanction shall be assessed without a finding of responsibility through this process. After submission of the charges, the course syllabus, original assignment, and supporting documentation shall be submitted electronically to Student Rights and Responsibilities. Upon submission of charges, a hold is placed on the student's account. SRR will contact

academic sanction including a reduced or failing grade for the assignment(s) in question up to failure of the course in which the student is enrolled. A decision by the faculty member regarding a grade sanction cannot be appealed by the student once the student has been found responsible and has exhausted or waived all appeals of the finding. Also, once the student has been found responsible and has exhausted or waived all appeals of the finding, that student's continued attendance in the relevant class depends on the grade penalty imposed by the faculty member and/or the sanctions from SRR. If the faculty member determines to fail the student in the course, the student is not permitted to continue attending or participating in class, whether virtually or in person. In all cases when a final finding of responsibility has been made, the finding will be included in the student's educational record. Students will not be permitted to withdraw from the course in question during the Academic Integrity Hearing process nor after a finding of responsibility.

7. If a finding of "not responsible" has been made: If a finding of "not responsible" has been made, the charge is dismissed, and sanctions shall not be imposed.
8. While a case is pending: A case is considered pending until one of two events occurs:
  1. The student accepts responsibility or
  2. the hearing process is completed.

While a case is pending, the student has the right to attend and participate in the class. If the case is pending at the end of the semester, the faculty member shall assign an Incomplete grade and then submit a change of grade consistent with the finding of responsible/not responsible within five University business days of the completion of the process.

9. Faculty member unavailable to assign grade: Circumstances may arise wherein a faculty member cannot or does not assign a grade in a timely manner. In such instances, the faculty member's academic unit chair/director shall make reasonable efforts to contact and ask the faculty member to supply a grade. If these efforts are unsuccessful, the faculty member's academic unit chair/director shall appoint another qualified faculty member to assign the grade.



Appendices:

Appendix A: Discrimination – Complaints and Grievance Procedure

At its discretion, the institution may provide Directory Information in accordance with the provisions of the Act to include: student name, address, telephone number, date and place of birth, curriculum and major field of study, dates of attendance, enrollment status (full/part time), degrees and awards received, the most recent previous educational agency or institution attended by the student, participation in officially recognized activities and sports, and weight and height of members of athletic teams.

Students may withhold Directory Information by notifying the Academic Records Office in writing within the official drop-add period of each semester or session.

Western Michigan University has established administrative procedures necessary to accomplish and ensure

