

## **Student Code of Conduct Policy**

Accommodations for individuals with disabilities in accessing these policies are available upon request by emailing [accessiblepolicy@wcupa.edu](mailto:accessiblepolicy@wcupa.edu)

### **Purpose and Scope**

West Chester University (WCU) is a community of educators committed to developing graduates to succeed personally and professionally and contribute to the common good. WCU expects that all students, undergraduates and graduate students, will act as responsible citizens and members of the WCU academic community.

The *WCU Student Code of Conduct* sets for the standards of conduct expected of individual students and all University-affiliated student organizations that occurs on-campus, online, off-campus teaching locations, off-campus, and University-Sponsored events. It guarantees due process and protects the individual freedom of the student as well as requiring accountability for their actions.

The *Student Code of Conduct* identifies those acts which constitute unacceptable behavior for students and student groups of the University. University action may be taken in addition to any action in civil or criminal courts. Students may be subject to University discipline in conjunction with citations or other charges of which the University becomes aware.

The President has appointed the Vice President for Student Affairs, the Associate Vice President for Student Affairs, the Dean of Students, and the Assistant Dean of Students in Student conduct as designees assigned to issue interim suspensions. Additionally, the President appoints the University Board Members.

Please reference the link for the most current [WCU Student Code of Conduct](#).

## **Policy Statement**

Students at West Chester University are expected to abide by the rules and regulations of the University, as well as local, state, federal, and international laws. The *Student Code of Conduct* does not create, alter, or detract from any rights otherwise afforded under federal or state law. Additionally, the rules and regulations of other institutions will also be applied when WCU students are engaged in academic pursuits at those institutions.

Disciplinary action may be imposed when a student engages in behavior, on or off University property, that is not consistent with University community standards as defined by the West Chester University *Student Code of Conduct*.

WCU students are responsible for familiarizing themselves with WCU's Student Code of Conduct.

## **Policy Framework**

The *Student Code of Conduct* includes sections on:

- I) Definitions
- II) Alleged Violations
- III) Procedures for Resolutions
- IV) Sexual Misconduct Resolution Process

- V) Sanctions
- VI) Appeals
- VII) Records Retention
- VIII) Revision Procedures

The *Student Code of Conduct* will be reviewed annually and is intended to be consistent with other University policies that are referenced herein. Every effort will be made to construe the Code in a manner that is consistent with such policies.

### **Definitions**

**Accused:** Also known as the respondent, is the individual or group who is alleged to have violated a University policy.

**Advisor:** An individual who may be present to provide support to a Party throughout an investigation and/or hearing.

**Appeal:** A review of the outcome determined by the University designee.

**Appeals Board:** A board comprised of three University Hearing Officers, a faculty member, staff and student, who are trained and authorized to weigh an outcome determined by a University hearing officer/board. In cases of sexual misconduct, the board does not include undergraduate students.

**Appeals Officer:** The individual or individuals with the authority under law or other-wise appointed by the University to decide appeals. The Appeals Officer will be free of conflict of interest and bias, and will not serve as the Investigator, Title IX Coordinator, Advisor to any Party or a Decision Maker in the same matter.

**Complaint:** The request for an alleged incident to be resolved or investigated through either a formal or informal process.

**Complainant:** An individual who has reported being or is alleged to be subjected to conduct that could constitute a violation of misconduct as defined under this Policy.

**Disciplinary Sanction:** The penalty imposed on an individual for violating this Policy. For Students, Disciplinary Sanctions are subject to applicable University/System policies, up to and including expulsion from the University. For Employees, Disciplinary Sanctions are subject to applicable collective bargaining agreement or University/System policies, up to and including separation from employment. For Officials or Volunteers, this may include the removal or the request for removal of the Official or Volunteer from their respective position.

**Employee:** An individual who is employed by the State System (either at a State System University or in the Office of the Chancellor) including, but not limited to, faculty members, coaches, staff, managers and student employees.

**Formal Complaint:** A document, including an electronic submission, filed by a Complainant with a signature or other indication that the Complainant is the person filing the Formal Complaint, or signed by the Title IX Coordinator, alleging sexual misconduct against a Respondent and requesting initiation of the process set forth in this Policy to investigate the allegation of sexual misconduct.

**Hearing:** A formal proceeding at which presentations are made by or on behalf of the Complainant and the Respondent or group to the hearing officer or University Hearing Board. The Hearing Officer(s) will determine the Respondent's responsibility for the violation. As further explained below, not all cases will warrant the convening of a University Hearing Board.

**Hearing Officer:** A University employee or graduate student who is appointed by the University, trained and authorized to weigh the information presented in a conduct meeting or University hearing. The Hearing Officer, also referred to as the Decision Maker(s), will be free of conflict of interest and bias, and will not serve as the Investigator, Title IX Coordinator, an Advisor to any Party, or Appeals Officer in the same matter.

**Incident Report:** An official document which provides information about an alleged policy violation and may include the names of the Complainant, Respondent, witnesses, location, date, time and a summary of the incident. Incident reports may be submitted anonymously except by a University employee. An incident report is not considered a Formal Complaint in sexual misconduct cases.

**Investigator:** The Title IX Coordinator or the individual designated to perform an investigation. The Investigator may not have a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general. The Investigator may not serve as a Decision Maker, Appeals Officer or Advisor to any Party in the same matter.

**Parties or Party:** A term that refers to the Complainant and the Respondent collectively or the Complainant or Respondent individually.

**Preponderance of Evidence:** The standard of proof used to determine whether violations of University policy have occurred and means “it is more likely than not” that a violation has occurred.

**Quorum:** Two hearing board members is the minimum number needed to decide an outcome.

**Reporter:** Any person other than the complainant who submits an incident report alleging that a person violated a University policy.

**Respondent:** Any individual who has been reported to be the perpetrator of conduct, also known as the accused, that could constitute a violation as defined under this Policy.

**Student Group:** Any organized group of students that has complied with or is in the process of complying with the University’s requirements for registration, recognition, or is formed through University academic, athletic, or auxiliary department, or is funded by Student Services Incorporated.

**University Hearing Board:** A board comprised of up to three University community members who are trained and authorized to weigh the information presented in a University hearing to determine an appropriate outcome. A typical board will include an employee and students. A sexual misconduct board includes three University employees and/or graduate students.

**Witness:** A person who has knowledge related to specific aspects of a case and may have reported such aspects to the institution.

## References

[PA State Code Chapter 505 Student Personnel](#)

[Pa General Assembly Antihazing Statute Chapter 28](#)

[Department of Education Title IX Final Rule](#)

[2020-21 WCU Sexual Misconduct Policy](#)

[2019-20 WCU Student Code of Conduct](#)

[2018-2019 WCU Student Code of Conduct](#)

[2017-2018 WCU Student Code of Conduct](#)

**Reviewed by:** Christina Brenner, Assistant Dean of Office of Student Conduct, Lynn Klingensmith, Director for Equity and Compliance in the Office of Diversity, Equity, and Inclusion, Joseph Miller, PASSHE University Legal Counsel and Dr. Gerald Martin, the Assistant Vice President/Dean of Students.

**Policy Owner:** Assistant Dean of Students, Office of Student Conduct



**Approved by:**

Dr. Zebulun R. Davenport

Vice President for Student Affairs

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