

Student Handbook

THE BUZZ



1891

WEST VIRGINIA STATE
UNIVERSITY

Revision Date: October 14, 2015



Welcome from the President

As President of West Virginia State University, it is my honor to welcome you to our campus community.

The time you spend pursuing your academic goals will introduce you to many new and exciting facets of your life. To get the most out of your West Virginia State experience, I urge you to take advantage of the many opportunities around you, both in and outside the classroom. You will learn from your professors, from students and staff in the residence halls, from your friends in student organizations, from internship experiences, and from so many other people and experiences that comprise the West Virginia State community. You will be stretched in ways that might not always feel comfortable, but I encourage you to keep an open mind to the possibilities and pay attention to what you are learning as you develop into the leaders of tomorrow.



As you pursue your degree, there are countless faculty and staff members who are dedicated to helping you succeed. Take advantage of the many resources and services that are available to you from academic assistance, to health, counseling, career services, and student support services. Each of these areas, and many more, can provide personalized assistance as you explore what you want to do now and in the future. Also take time to experience the many unique and interesting cultural events and student activities that will complement the lessons you learn in class.

As an institution, we are committed to fulfilling our mission of meeting the “higher education and economic development needs of the state and region through innovative teaching and applied research.” The Colleges of Arts and Humanities, Business and Social Science, Natural Sciences and Mathematics, and Professional Studies each fulfill an integral role in that mission as we all strive to prepare you, the heart and the future of West Virginia, with the skills you need to succeed. In addition, the partnerships we cultivate with those involved in education, business, agriculture, extension, and cultural initiatives further support your success at WVSU and beyond. Our purpose is focused on a sustained vision of “excellence in teaching, research, and service.”

As a member of the West Virginia State University community, you are now a part of our rich history that values our diverse beginnings and strives to create a dynamic future for us all.

Go State!

Brian O. Hemphill, Ph.D.
President



To the West Virginia State University Student:

The Buzz has been prepared especially with you in mind.

Your experience here at West Virginia State University will present you with many decisions, choices, and opportunities; it will offer you many new and exciting areas in which you can expand and grow. You may find this confusing and perplexing and the hectic pace of everyday affairs may distort your ever-so-distant goals. **The Buzz** is intended to serve as a guide to help you through this seemingly endless maze.

Established in 1891, West Virginia State University has served as the home for thousands of students for over 121 years. The list of alumni and their accomplishments is indeed impressive.

We hope that you will complete your work here and that you will join the ranks of the distinguished West Virginia State University alumni. To do this, you must recognize a mutual responsibility. The Institution is yours, and as such, it has an obligation to serve you - promoting your worthy interests and purpose in every possible manner. You, on the other hand, have an obligation to serve the best interests of the Institution by cooperating with the staff, the student body, the faculty, and program in general.

The student handbook, **The Buzz**, is published to provide you with a better understanding regarding the ideas and traditions of West Virginia State University as well as the responsibilities and opportunities that are yours. We hope that it will serve as a practical guide to you during your educational career.

In this publication, our aim has been to present an encompassing view of the Campus community along with a feeling of the West Virginia State University atmosphere and to provide factual information that will enable you to go about solving problems and answering your questions.

“West Virginia State University is what you make it” is more than a cliché; it is an accurate statement. It is our hope that you will make a rewarding experience of your academic career here at West Virginia State University and that we have in some small way made your educational journey just a little less difficult.

Office of Student Affairs



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Other useful handbooks that are available to you include:

[Student Organizations Handbook](#)

[WVSU Catalogue](#)

Residence Hall Manual

[Emergency Procedures Guide/Safety Manual](#)



WEST VIRGINIA STATE UNIVERSITY

MISSION STATEMENT

Founded in 1891, West Virginia State University is a public, land-grant, historically black university, which has evolved into a fully accessible, racially integrated, and multigenerational institution. The University, "a living laboratory of human relations," is a community of students, staff, and faculty committed to academic growth, service, and preservation of the racial and cultural diversity of the institution. Our mission is to meet higher education and economic development needs of the state and region through innovative teaching and applied research.

The Undergraduate education at the University offers comprehensive and distinguished baccalaureate and associate degree programs in business, liberal arts, professional studies, sciences, and social sciences. In addition, the University provides increasing opportunities for graduate education.

West Virginia State University offers encouragement and education through flexible course offerings in traditional classrooms, in non-traditional educational settings, and through distance learning technologies. With the goal of improving the quality of our students' lives, as well as the quality of life for West Virginia's citizens, the University forges mutually beneficial relationships with other educational institutions, businesses, cultural organizations, governmental agencies, and agricultural and extension partners.

The following values guide our decisions and behavior:

- academic excellence;
- academic freedom;
- advancement of knowledge through teaching, research, scholarship, creative endeavor, and community service;
- a core of student learning that includes effective communication, understanding and analysis of the interconnections of knowledge, and responsibility for one's own learning;
- lifelong growth, development, and achievement of our students;
- development of human capacities for integrity, compassion, and citizenship;
- our rich and diverse heritage;
- personal and professional development of our faculty and staff; and
- accountability through shared responsibility and continuous improvement.

West Virginia State University is a vibrant community in which those who work, teach, live, and learn do so in an environment that reflects the diversity of America. Our comprehensive campus provides numerous educational opportunities for our students. We take great pride in our accomplishments and envision building upon our community college programs, baccalaureate education, and graduate offerings to become a university recognized for excellence in teaching, research, and service.

Approved by the WV Higher Education Policy Commission on September 21, 2001
Revised September 21, 2004
Recommended October 21, 2004



Affirmative Action

The history of West Virginia State University (WVSU) is closely entwined with assisting individuals to receive equity through educational and cultural programs and activities. That focus has propelled the University to be recognized as "a living laboratory of human relations."

WVSU developed its first Affirmative Action Plan in 1978 and that original document has been revised many times since then. You may peruse the most recent plan on this website.

- [AFFIRMATIVE ACTION PLAN](#)

If you have any comments or suggestions regarding the Affirmative Action Plan, please contact:

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(304) 766-3156
hr@wvstateu.edu

Brief History of West Virginia State University

West Virginia State University was founded under the provisions of the Second Morrill Act of 1890 to provide education to black citizens in agriculture and the mechanical arts. Like many other states at that time, West Virginia maintained a segregated education system. On March 17, 1891, the Legislature passed a bill creating the West Virginia Colored Institute to be located in the Kanawha Valley. Federal funds provided \$3,000 for faculty salaries and the West Virginia Legislature appropriated \$10,000 to purchase land and to construct a building. We now celebrate March 17 each year as the official "Founders Day" of West Virginia State University.

For more WVSU history, including past presidents, visit the [History and Past Presidents](#) webpage.



West Virginia State University At a Glance

At West Virginia State University, this is much more than just words. It's the way we treat people. It's the way we approach your learning experience inside and outside the classroom.

At WVSU you will grow through academic and student life experiences that will prepare you for a career and for life. You'll discover a tremendous value and a friendly campus where it's easy to fit in - a place where students, faculty and staff go out of their way to help you reach your goals, and encourage you to exceed even your highest expectations.

Founded in 1891, WVSU has 2,677 students and a low 15-to-1 student/faculty ratio.

We offer 21 undergraduate degrees and four graduate degrees and an affordable tuition.

WVSU competes in athletics at the NCAA Division II level in five men's sports and five women's sports.

WVSU is located in Institute, W.Va., a suburb of Charleston, the largest city and the capital of West Virginia. With more than 300,000 people living in the metropolitan area, it's an active, exciting and engaging community, boasting cultural and historical events, music, festivals and entertainment.

For more information visit the [WVSU at a Glance](#) webpage



WEST VIRGINIA STATE UNIVERSITY

ALMA MATER

by

Ernest Wade ('30) and Martha Spencer ('31)

I

There is a place we love so dear –
Its name we'll ever praise and revere
Tis West Virginia State we love –
Just one more step from there is Heav'n above.

II

We'll love her more as days go by,
And send her praises to the sky.
To place her over all the rest,
And keep her e'er the dearest and the best.

III

Shadowed 'neath a deep blue sky;
Is State for whom we'll live and we'll die –
Arise! O men of God and sing,
We're loyal, and to her we'll always cling.

CHORUS

West Virginia's praise we'll sing –
Lift our voices 'til heavens ring –
As we gaily march along –
We'll sing a song –
For Alma Mater
How we love her
Pride of all our loyal hearts –
From her we will never part –
Thoughts of thee will ne'er be few
Alma Mater we love you.



STUDENT RIGHTS

The following is a summary of basic legal rights, state and local criminal laws, and legal terms about which students have frequently sought information. This summary is intended to provide a basic understanding of law, but this synopsis is no substitute for legal advice for a specific problem.

SELECTED LEGAL RIGHTS OF STUDENTS

Freedom of Religion and of the Press. The first amendment to the United States Constitution provides that:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Rights guaranteed by the United States Constitution cannot be violated by the States, including any state university. This protection is provided for in Section One of the Fourteenth Amendment, which in part provides that:

...No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Right to Vote. A student enrolled at West Virginia State University has the right to register and vote in Kanawha County, if he/she has reached the age of eighteen and is a citizen of the United States. Register at:

Voters Registration Office (Kanawha County Clerk's Office)
409 Virginia Street, Charleston, WV
Phone 357-0110

Right to Privacy. The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

Parents or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.

Parents or eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.

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Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):

- School officials with legitimate educational interest;
- Other schools to which a student is transferring;
- Specified officials for audit or evaluation purposes;
- Appropriate parties in connection with financial aid to a student;
- Organizations conducting certain studies for or on behalf of the school;
- Accrediting organizations;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies; and
- State and local authorities, within a juvenile justice system, pursuant to specific State law.

Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must tell parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify parents and eligible students annually of their rights under FERPA. The actual means of notification (special letter, inclusion in a PTA bulletin, student handbook, or newspaper article) is left to the discretion of each school.

A student may elect to withhold directory information by contacting the Office of Registration and Records (101 Ferrell Hall). The hold will: prevent the release of attendance, withdrawal or graduation information, even after the student leaves the university (unless the student submits a written authorization to release it); and prevent the university from releasing contact information. For students who withhold directory information, University officials are prohibited from releasing any form of information without a written release from the student. The University requires this release before it will verify employment, enrollment or the status of students who make applications for employment, auto loans, good student discounts, apartment leases, etc.

Eligible students need to sign a FERPA Consent Release Form if they consent to the release of personally identifiable information to their parents.

Security from Unwarranted Search and Seizure. The Fourth Amendment to the United States Constitution provides that:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or Affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The protection given by this Amendment are applicable to the entry of University residence hall rooms as well as private homes and to searches of student's person by police, security, and other government officials. (Under state law, University public safety officers are given the same powers and authority as county deputy sheriffs.)



Students should be aware that administrative actions by colleges and/or universities do not preempt criminal charges, which may be issued from state and city law enforcement agencies.

Students should be aware that, in addition to being in violation of the administrative sanctions provided in the Standard of Conduct Code and other pertinent portions of the Student Handbook, they may also be subject to criminal charges, penalties, and fines under city ordinances and State laws. A student at West Virginia State University is expected to conduct him/herself in a manner consistent with the city ordinances of the surrounding cities and the State of West Virginia.

Student Violations Involving Dual Jurisdiction

Students' actions on campus that violate both civil law and campus regulations give rise to the possibility of dual jurisdiction and are dealt with in one of the following ways:

The student is turned over to civil authority and subjected only to the sanctions imposed by that authority; or

The student may, in the case of minor infractions, be subjected only to sanctions imposed by campus authority. The exercise of campus authority, however, does not mean the Institution seeks to put itself and its students above the law; or

The student may be subjected to sanctions imposed by both civil authority AND campus authority. This is not considered double jeopardy.

Off-Campus Violations

Students apprehended for off-campus violations are clearly within the jurisdiction of civil authority. The Institution's concern does not ordinarily extend to off-campus activities except in exceedingly rare cases such as when a student uses the Institution's name to falsify its position or associate it with a cause not approved by the Institution; when a student interferes with a person entering or leaving the campus or interferes with classroom instruction or other essential functions of the institution even though he is not actually on campus at the time of such action: WHEN A STUDENT'S ACTION IS CLEARLY AND DISTINCTLY DAMAGING TO THE INSTITUTION'S SPECIAL INTERESTS AS AN ACADEMIC COMMUNITY.

The Student and the Law

When a student has been apprehended for violation of law, campus authorities cannot request special consideration for the student because of his/her status as a student. Such action promotes disrespect for the law, retards the growth of responsibility and tends to create the erroneous impression that the campus sees itself as a sanctuary for lawbreakers. Although the institution may want to ensure that its students are accorded their full civil and legal rights, neither civil nor campus authorities should unequally favor those citizens who are students.

The student is subject to the criminal sanctions administered within the judicial system and to penalties ranging from small fines to imprisonment. In his/her role as student, he/she is subject to the regulations of the Institution and to penalties ranging from probation to expulsion.



GLOSSARY OF LEGAL TERMS

Civil action - an action brought to enforce or protect private rights. If the action (lawsuit) is successful, it usually results in the defendant paying money damages or being ordered to do or not to do something.

Complaint - Filing original papers, which begin a court action.

Criminal action - an action in which the government charges a person with a crime; penalties are a fine and/or jail.

Defendant - the party who is sued.

Felony - a serious crime, punishable by a year or more of confinement in a state penitentiary.

Lease - any agreement concerning real property that gives rise to the relationship of landlord and tenant.

Magistrate Court - a court that is generally limited to cases involving misdemeanors or where the damages at stake are \$1500 or less.

Misdemeanor - a criminal offense lower than a felony which is generally punishable by a fine of no more than \$1000 and/or imprisonment for up to a year in a county or municipal jail.

Municipal Court - a city court that hears cases of those persons accused of violating municipal ordinances.

Ordinance - the equivalent of a municipal statute, passed by the city council.

Plaintiff - a party (person or entity) who sues another.

Warranty - a promise; a guarantee.

In landlord/tenant law, the **warranty of habitability** means that the landlord must deliver the premises in a fit and habitable condition at the commencement of the tenancy, and thereafter maintain the leased property in such condition.

In consumer law, the **warranty of merchantability** refers to the merchant's promise that the goods he is selling conform to legal standards and are fit for ordinary purposes and that in the case of automobiles and household appliances; for example, the goods are in good working order and will operate properly in normal usage for a reasonable period of time. Under the West Virginia Consumer Credit and Protection Act, no merchant can negate or limit this warranty.



STUDENT RESPONSIBILITY

Disciplinary Proceedings

If a student is accused of committing conduct violations, disciplinary proceedings must be consistent with constitutional provisions guaranteeing **due process of law**. Institutional disciplinary procedures shall guarantee a student adequate notice of the charges, notification of the time of adjudication, a fair and impartial hearing of those charges, the opportunity to present his/her own defense (including witnesses at the hearing), the right to question his/her accusers, and the right to appeal the decision to a higher authority.

At no time shall a presumption of guilt be attached to the accused party. Only when there is clear evidence that continued presence in the academic community may prove detrimental to others is the privilege of attendance to be suspended prior to adjudication - and then without unwarranted penalty.

STANDARDS OF CONDUCT CODE

Every student is responsible for understanding and acting in accordance with established regulations.

Any conduct or behavior which is in violation of Institution Regulations, the West Virginia State University Student Handbook, city, county, state, or federal ordinances, statutes or laws; to include any act which is considered detrimental to the safety and welfare of the campus community or which tends to bring disgrace or discredit upon West Virginia State University may be termed "misconduct."

The following specific examples of acts of misconduct warranting the educational sanctions of probation, suspension, or expulsion should be interpreted as being severe in nature, and if any court of competent jurisdiction finds any of these rules to be unauthorized, or unauthorized within the context in which it is enforced, it is the expressed intention of the Institution that all of the remaining rules shall remain in full force and effect.



PROHIBITED STUDENT CONDUCT

I. Type One Behavior

A student who has been found in violation of any provisions of this section and in the opinion of the appropriate authority does not merit a more severe sanction may receive an **official oral or written warning or reprimand**. A repetition of or any further violation may result in a more severe sanction(s). A copy of any warning letter or letter of reprimand will be kept in the Office of Student Affairs and remains active for the specified time stated in the letter.

II. Type Two Behavior

The following behavior may result in a maximum sanction of conduct **probation**, or any lesser sanction authorized by this code.

- A. **Alcoholic Beverages. (Alcoholic liquor, wine, or non-intoxicating beer.)** The legal age in West Virginia for purchasing alcoholic liquor, wine or beer is 21. An individual who is less than 21 years of age cannot purchase alcoholic liquor, wine, or beer. Any student who is disruptive **while under the influence of alcoholic beverages** is considered in violation of Institutional regulations. Possession or use of alcoholic beverages on state property is prohibited.
- B. **Placing Banners, Posters, and Stickers on Institution Property without Proper Authorization.**
- C. **Bringing Dogs or Other Pets onto the Campus.** For health and safety reasons, dogs and other pets (except Seeing Eye dogs accompanying blind persons) are not permitted in Institution buildings or on Institution property.
- D. **Gambling.** Gambling by organizations or individuals is prohibited.
- E. **Solicitation.** The term “solicitation” is used to describe the sale of products, the taking of orders, or the seeking of funds, services, signatures, or merchandise. Solicitation of any kind is not permitted on Institution property except by contract with the West Virginia Higher Education Policy Commission, or as a regular process that is necessary to support an administrative or academic service of West Virginia State University. All solicitation activities must be consistent with the educational and operational objectives of the sponsoring department. West Virginia State University will audit all solicitation activities.
- F. **Smoking (Tobacco).** For health and safety reasons, state law prohibits smoking in certain Institution owned buildings. Instructors are required to enforce this law in classrooms. Smoking is prohibited in all Institution facilities. Smoking is permitted outdoors farther than twenty (20) feet from all entrances and exits to buildings.
- G. **Failure to Appear on Official Request before a Duly Constituted Judicial Body.**
- H. **Public Use of Abusive or Obscene Language.**



- I. **Disrespect toward an Institution Faculty or Staff Member or Administrator.** Treats a faculty, staff, or administrator with contempt or is disrespectful in language or deportment.
- J. **Disturbing the Peace.** Disruption of peace on campus by fighting, disorderly conduct, etc. Includes violation of Institutional policies concerning demonstrations and use of sound amplifying equipment.
- K. **Failure to Maintain a Current Address with the College.**

III. Type Three Behavior

The following behavior may result in a maximum sanction of **suspension** from the Institution for a period not to exceed one year or any lesser sanction authorized by the Code.

- A. **Misuse of Institution Documents.** Forging, transferring, altering or otherwise misusing any student identification card or registration form or any other official student or Institution document.
- B. **Misuse of Institution Telephones.** Placing long-distance telephone calls by using fictitious and unauthorized billing numbers, and/or obtaining unauthorized access of telephone for long-distance calls.
- C. **Negligent Destruction of Institutional or Personal Property.** Failure to exercise care, thereby damaging, defacing, or destroying Institutional property or property of any person while on Institution premises or Institution related premises.
- D. **Negligent Infliction or Threat of Bodily Harm, including but not limited to:**
 - 1. Failure to exercise care, thereby causing bodily harm to any person while on Institution property or related Institution premises;
 - 2. Failure to exercise care, or willfully creating a risk or apprehension of bodily harm to any person on Institution property or related Institution premises.
- E. **Misbehavior at Sporting Events, Concerts, & Social/Cultural Events, including but not limited to:**
 - 1. Bringing onto the field, court, stage, or other venue any banners, flags, bottles, cans, or thermos jugs;
 - 2. Throwing of any article into a crowd or onto a playing field, a court, or a stage.
- F. **Use or Illegal Drugs.** Possession or use of any drug that is illegal by municipal, state, or federal law.



- G. **Unauthorized Use of Institutional Keys.** Causing the unauthorized duplication, attempted duplication, use, loan, or possession of any key to any building, room property, or facility owned or controlled by the Institution.
- H. **Bad Checks.** The passing of worthless check(s) or failure to redeem promptly a worthless check.
- I. **Violations of Housing Contract General Conditions.** Otherwise covered in this Code, all general conditions of the housing contract.
- J. **Violation of Residence Life or Dining Service Regulations.** Except as may be superseded by regulations previously set forth in this Code, this includes any and all rules, regulations, and policies established for student use of residence hall and dining service facilities.
- K. **Drunken or Reckless Driving.** Operation of any vehicle on the campus while drunk, high on illegal drugs, or in a reckless or wanton manner.
- L. **Under the Influence of Alcohol or Illegal Drugs in Class or on a Campus Job.** Found to be under the influence of alcohol or illegal drugs in class or on a campus job.
- M. **Unauthorized Possession of Institutional Property.**
- N. **Perjury.** In a hearing, willfully and knowingly giving any false testimony material to the issue of matter of inquiry.

IV. Type Four Behavior

The following behavior is considered of the utmost gravity by the Institution and may result in a maximum sanction of **expulsion** from the Institution or any other sanction authorized by this code. Expulsion is the cessation of all educational services.

- A. **Dishonesty** including, but not limited to:
 - 1. Stealing, forgery, alteration of documents or records, tampering with machines or misappropriation of Institutional or organizational funds.
 - 2. False statements in an Institution disciplinary hearing or to Institution officials conducting investigations.
- B. **Disruptive Conduct.** Disruptive picketing, protesting, or demonstrating on Institution owned or controlled property or at any place in use for an Institution sponsored or supervised function. Such disruptive activity includes but is not limited to:
 - 1. Unauthorized occupancy of Institution facilities or buildings;



2. Interference with the rights of students, faculty, staff, and/or administration to gain access to any Institution facility for the purpose of attending classes, going to work, participating in interviews and conferences, or any other authorized purpose;
3. Interference with the orderly operations of the Institution by destruction of property, breach of the peace, physical obstruction or coercion, or by noise, tumult, or other forms of disturbance;
4. Deliberate interference with Institution pedestrian or vehicular traffic;
5. Disorderly conduct or lewd, indecent, or obscene conduct or expression on Institution owned or controlled property or at Institution sponsored or supervised functions;
6. Failure to comply with the directions of Institution officials, police, and other law enforcement officers acting in performance of their duties.

C. Weapons and/or Explosive Devices. A student shall not supply, possess, handle, use, threaten to use, or transmit any weapon or any other tool or instrument capable of inflicting bodily injury as a weapon. The only exception to this rule is in an academic program where these activities are part of completion of the degree, program and/or course requirements. In these cases, the student must be under the direct supervision of the course instructor who must be present at the time the student engages in these activities. If the instructor is not present, then the student may not engage in these activities. The terms “weapons,” “tools,” or “instruments” shall include by way of illustration, but are not limited to, the following items:

1. any loaded or unloaded firearm (pistol, blank pistol, signal pistol, revolver, rifle, shotgun, stun gun, pellet gun, BB gun, bows and arrows, etc.)
2. any knife (Bowie, Dirk, lockblade, hunting, pen, pocket, X-Acto knives, dissection tools, switchblade, utility, etc.)
3. any martial arts device (Chinese Star, nunchaku, dart, etc.)
4. any razor (straight, regular, retractable, etc.)
5. any defensive device (gas repellent, mace, stun gun, chemical sprays, chemical acids, etc.)
6. any tool or instrument which school staff could reasonably conclude as being a violation of the intent of this offense section, which by way of illustration, shall include, but is not limited to:
 - a) blackjack
 - b) chains
 - c) clubs
 - d) metal, brass, or any artificial knuckles



- e) nightstick
 - f) rings
 - g) pipe
 - h) studded or pointed bracelets
 - i) ax handles
 - j) etc.
7. A student shall not supply, possess, handle, use, threaten to use, or transmit any explosive device or item that ejects or releases a spray, foam, gas, spark, fire, smoke, odor, etc.. By way of illustration, such devices or items shall include, but are not limited to:
- a) bullets
 - b) ammunition of any type
 - c) fireworks of any type and size
 - d) smoke or stink bomb
 - e) any type of homemade bomb
 - f) or item which by virtue of its shape or design give the appearance of any of the aforementioned (e.g., fake bombs, fireworks fuse, explosive devices, detonators, etc.)
 - g) chemical acids

A student is deemed to be in possession of an illegal and/or banned item(s) under this section when such item(s) is found on the person of the student, in his/her possession, in his/her locker, in a student's vehicle on Institution property, or in any vehicle a student brings on Institution property being used by the Institution, at any Institution function or activity, or any Institution event held away from the Institution.

The responsible administrator shall prosecute any violation of this policy that may constitute a violation of state and/or of federal criminal statutes in the form of a juvenile petition of a criminal complaint.

The use, possession, or transmittal on Institution property or at any Institution function or activity of non-facsimile water pistols or matches is not permitted. However, if such water pistols or matches are not used offensively, then the penalty for violation of this rule shall range from a conference with the student to suspension.

D. Infliction or Threat of Bodily Harm. Assault, battery, abuse of or threat to any person, or conduct that threatens or endangers the health, safety, or well-being of other persons on Institution owned or controlled property or at an Institution sponsored or supervised function.

E. Theft or Unauthorized Possession of Property. Theft, commandeering, or misuse of or to Institution owned or controlled property or to a member of the West Virginia State University community or any person on Institution owned or controlled property. Unauthorized possession of keys to Institution owned or controlled property.



- F. **Destruction of Institution Property.** Malicious destruction, misuse of, or damage to Institution owned or controlled property or to a member of the West Virginia State University community or any person on Institution owned or controlled property.
- G. **Unauthorized use of Emergency or Safety Equipment.** Tampering with or unnecessary use of Institution fire alarm systems and firefighting equipment, and or any other Institution equipment of an emergency or safety nature.
- H. **False Reporting of Emergency.** False reporting of a fire or that a bomb or other explosive has been placed in any Institution building or on Institution owned or controlled property.
- I. **Distribution or Sale of Illegal Drugs.** The distribution or sale of any drug of which is illegal by municipal, state, or federal law on the campus or in West Virginia State University owned or controlled property.
- J. **Hazing.** Any action or situation created intentionally, whether on or off campus, to produce a mental, emotional, or physical discomfort, embarrassment, harassment, or ridicule. Such activities and situations may include paddling in any form; creation of excessive fatigue, i.e., any activity which deprives a student of at least six (6) hours of continuous sleep; physical or psychological shocks; inappropriate suggestions, i.e., stealing of items; treasure hunts, scavenger hunts, off campus, or in Greek House. Wearing publicly any apparel which is conspicuous and not normally in good taste, as defined by the people hearing bodies; engaging in public stunts and buffoonery; morally degrading or humiliating games and activities; or any other activities which are not consistent with fraternal law, ritual, or policies or regulations of national organizations or this educational institution. Any act that would degrade or otherwise compromise the dignity of the individual, including forced uses and abuse of alcohol and drugs.
- K. **Trespassing.** Knowingly entering in, upon, or under a structure, conveyance, or vehicle owned or controlled by West Virginia State University without having been authorized, licensed, or invited and is requested to depart by the owner, tenant, agent, or official of West Virginia State University but refuses to do so.
- L. **Misuse of the Institution Computer Network and/or Computer System.**
 - 1. Disruption or interference with the normal use of computers, computer related equipment, data, or programs of individuals, the network, or the Institution;
 - 2. Use of this equipment, data, or programs in performance of any act listed as prohibited in this document;
 - 3. Attempts to breach security in any manner;
 - 4. Use of a computer account for other than the purpose for which assigned;



5. **Illegal Download & Distribution.** Includes any unauthorized distribution and/or downloading of copyrighted materials through use of University or personal computers on the institutional network.
- M. **Unlawful Discrimination.** Discrimination on the basis of race, sexual orientation, color, religion, national origin, political affiliation, handicap, or age.
- N. **Conspiracy.** Any student subject to this code who conspires with any other person to commit an offense under this code, if one or more of the conspirators does an act to effect the object of the conspiracy.
- O. **Rape.** Commits an act of sexual intercourse or sexual intrusion without the other person's consent or engages in sexual intercourse or intrusion with another person who would be outside the statutory age of consent for this person's age group.
- P. **Nonconsensual Sexual Intercourse and Contact.** Any student found responsible for violating the policy on Nonconsensual Sexual Intercourse will face a recommended sanction of suspension or expulsion*.

Nonconsensual sexual intercourse means any act between persons involving penetration, however slight, of the female sex organ by the male sex organ or involving contact between the sex organs of one person and the mouth or anus of another person.

Nonconsensual sexual contact means any intentional touching, either directly or through clothing, of the breasts, buttocks, anus or any part of the sex organs of another person, or intentional touching of any part of another person's body by the actor's sex organs, and the touching is done for the purpose of gratifying the sexual desire of either party.

Nonconsensual sexual intrusion means any act between persons involving penetration, however slight, of the female sex organ or of the anus of any person by an object for the purpose of degrading or humiliating the person so penetrated or for gratifying the sexual desire of either party.

- Q. **Sexual Harassment** Gender-based verbal or physical conduct that unreasonably interferes with or deprives someone of educational access, benefits or opportunities.
1. **Hostile environment** sexual harassment includes any situation in which there is harassing conduct that is sufficiently severe, pervasive/persistent and patently/objectively offensive that alters the conditions of education or employment, from both a subjective (the alleged victim's) and an objective (reasonable person's) viewpoint.
 2. **Quid pro quo sexual harassment** exists when there are: Unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a



sexual nature; and Submission to or rejection of such conduct results in adverse educational or employment action

3. **Retaliatory harassment** is any adverse employment or educational action taken against a person because of the person's participation in a complaint or investigation of discrimination or sexual misconduct.

R. Sexual Exploitation occurs when a student takes nonconsensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

1. Prostituting another student;
2. Nonconsensual video- or audio-taping of sexual activity;
3. Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
4. Engaging in peeping or voyeuristic behaviors;
5. Knowingly transmitting a sexually transmitted disease (STD) or HIV to another student.

S. Stalking and Harassment. WVSU is determined to provide a campus environment free of violence for all members of the campus community. For this reason, WVSU does not tolerate stalking or harassment, and will sanction those found guilty to the fullest extent possible. WVSU is also committed to supporting victims of stalking or harassment through the appropriate provision of safety and support services. This policy applies to all students, employees, faculty and staff of WVSU.

What Behaviors Constitute the Crimes of Stalking and Harassment?

Stalking, according to West Virginia law, is clearly identifiable as repeatedly following another person. Harassment, using the West Virginia definition of "willful conduct," could include numerous behaviors. The following is a list of behaviors that could potentially be considered stalking or harassment (Stalking Resource Center; WV Foundation for Rape Information Services); however, note that the list is not all-inclusive:

- Surveillance or watching the victim (sitting in a car in front of the victim's house, going through the victim's trash, contacting the victim's family and friends, etc.);
- Pursuing/following the victim;
- Unexpected appearances where the victim works, lives, goes to school or visits;



- Approaching or confronting the victim, perhaps even in violation of a protective order;
- Telephone harassment, which might include playing disturbing music, hang-ups or threats;
- Sending/giving unwanted gifts, letters or e-mails to the victim;
- Monitoring of telephone calls or computer use;
- Use or misuse of technology to stalk and harass (see below);
- Spreading rumors or otherwise defaming the victim's character;
- Vandalism or other destruction of property;
- Threat to the victim and/or her/his family, friends and pets;
- Physical attacks; and
- Sexual assault.

It is the cumulative pattern of behaviors that forms the "course of conduct" that can cause the targeted individual to be afraid and distressed. For example, a single e-mail or bouquet of flowers may not be frightening, but 150 e-mails, bouquets of dead flowers and late night threatening calls become something that cannot and should not be ignored.

- T. Cyberstalking and Cyber Harassment.** WVSU addresses cyberstalking and cyberbullying as forms of harassment and/or discrimination. It is important that students report being harassed so investigations can occur, talk about options and students' rights, as well as be provided with on or off campus resources as needed.

Use of Technology to Stalk

Technology has provided stalkers with additional tools and added new dimensions to the impact on victims. This use/misuse of technology by stalkers is sometimes referred to as "cyberstalking." For example:

- Stalkers can use hidden cameras to watch their victims or global positioning systems (GPS) to track victims (Stalking Resource Center);
- "Spy phone" software programs and devices that utilize GPS allow stalkers to monitor victims' cell phone conversations and text messages;
- Software is available that enables stalkers to remotely access victims' computers and know their every keystroke or each website they visited;
- Stalkers can post comments and pictures about victims on message boards or social networking sites;
- Stalkers can fill victims' e-mail with spam or send a virus or other damaging programs to victims' computers; and
- Stalkers can easily and legally obtain public information about victims through online searches, such as phone and address listings, court records, property records, subscriptions, etc. (Stalking Resource Center). That information might later be used to gain access to victims' homes, pets, families and/or friends.

Stalking and harassment are crimes in West Virginia and are subject to criminal prosecution. Students perpetrating such acts of violence will be subject to disciplinary action through the WVSU Office of Judicial Affairs. This can include expulsion from WVSU and/or criminal prosecution simultaneously.



Reporting Stalking or Harassment

WVSU encourages reporting of all incidents of stalking or harassment to law enforcement authorities, and respects that whether or not to report to the police is a decision that the victim needs to make. Advocates at your local rape crisis center are available at **REACH Rape Crisis Center at 304-340-3676**. Additionally **Counseling and Academic Support Services (CASS)** can provide assistance if you are being stalked or harassed at **304-766-3168** or the **Campus Police at 304-766-3353**. These resources can also inform you of your legal options.

Reducing Your Risk

Although no prevention strategy is 100% effective, following basic safety measures can help reduce your risk of being a victim of cyberstalking or cyber harassment.

Individuals who consent to sex must be able to understand what they are doing. Anything but a clear, knowing and voluntary consent to any sexual activity is equivalent to a “no.”

V. Repetition of Misconduct

If a student is found in violation of an offense that occurred during the specified term of a previous disciplinary action sanction, the student will be subject to the maximum sanction of “expulsion” or any lesser sanction authorized by this Code. If a student has had a previous sanction of suspension or probation, the term of which has expired, and is subsequently found in violation of conduct proscribed in the code, that student may be subject to the next higher sanction authorized in the Code.

VI. Restitution

Restitution may be ordered by the appropriate official or West Virginia State University hearing or conduct committee in connection with, or in lieu of, any sanction which may be imposed in accordance with the rules of West Virginia State University for damages to, destruction of, or misappropriation of property.

VII. Failure to Observe Sanction

Failure to observe the terms and conditions of the sanction is a violation of this Code and subjects the student to the next higher sanction.

VIII. General Conduct Provision

All disorders and neglects to the prejudice of good order and discipline at the Institution, all conduct of a nature to bring discredit upon the Institution, and crimes and offenses not covered above of which a student is found guilty.



SANCTIONS

The purpose of a sanction, in addition to protecting others, is primarily to educate an individual by increasing his/her awareness of the consequences of conduct violations and the importance of responsibility to the Institution's community for one's actions. This will ordinarily be the guiding force behind imposition of sanctions. In some instances, however, the community's need to function properly outweighs the Institution's ability to educate an individual. In such a case, for the benefit of both the student and the community, suspension or expulsion from the Institution may result. The following sanctions may be imposed for violations of this **Code**:

Expulsion

Termination of all student status, including any remaining rights or privileges to receive some benefit or recognition or certification.

Suspension

This action involves separation of the student from the Institution for a period not to exceed one full academic year (any restriction of a condition of activities, if any.) A suspended student may apply for readmission to the Institution through the Office of Student Affairs at the end of the suspension period specified by the judicial action. During suspension, a student may not participate in any Institution activity, nor come onto properties owned, leased, or rented by West Virginia State University without express written permission from the Vice-President of Enrollment Management & Student Affairs or his/her designee. (Violators will be charged with trespassing.) If a suspended student violated these provisions, or any other Institution regulation while on Institution property, the student may, after the opportunity for a hearing, be subject to expulsion as provided above. Three alternative forms of suspension are also authorized:

- A. Probationary Suspension** - Actual suspension is withheld pending careful evaluation of the student's behavior a probationary period not to exceed one year. If the student is involved in any further offense, or if otherwise warranted, the Vice-President of Enrollment Management & Student Affairs may summarily revoke the probation and the full sanction of suspension enforced.
- B. Deferred Suspension** - This type of suspension becomes effective at a specified future date. It is normally used near the end of the semester to avoid the financial and academic penalties of immediate suspension. During this period, probationary status as described in Probationary Suspension above will exist.
- C. Immediate Suspension** - This suspension is used when, in the opinion of the President or Vice-President of Enrollment Management & Student Affairs in the absence of the President, the evidence in a case indicates a student's continued presence on campus constitutes a serious danger to the orderly operation of the Institution or the safety or welfare of members of the West Virginia State University community, including the student himself/herself.



Dismissal from Institution Housing, Class Activity, or Facility

In the event of violations of West Virginia State University regulations, policy, or conduct standards, a student may be dismissed for a specified length of time. Such dismissal may result in percentage refund of fees in accordance with the Institution refund policy. The student may apply for reconsideration of the dismissal following the period of dismissal or when it is clear the reason for the dismissal has been corrected in accordance with Institution procedures.

Conduct Probation

This action results in the student being excluded from participating in certain Institution activities, or from visiting certain Institution facilities for a definite stated period of time, not to exceed one year, and may be conditioned upon compliance with specified required activities in which a student is expected to show a positive change in behavior. Any conditions imposed for developmental experiences will be under the supervision of the Vice-President of Enrollment Management & Student Affairs or his/her designee. A violation of conduct probation may be the basis for more severe disciplinary action, resulting in the reconsideration of violations to which the probation status was originally applied.

Warning or Reprimand

- A. A warning may be an oral or written notification from an Institution official to a student stating that repeated infractions of regulations, rules, or policies may result in more severe disciplinary record.
- B. A reprimand may be an oral or written notification from an Institution official to a student condemning the student's action in violation of an Institutional regulation, rule, or policy. Written reprimands become a part of a student's disciplinary record.

Restitution

A student may be required to make payment or return to the Institution or to the involved person or group, for any property lost, damages (destroyed or stolen) as a result of a violation of an Institution regulation. Once ordered, restitution becomes an integral part of the student's sanction. Failure to make restitution constitutes a subsequent violation of sanction and may lead to more serious disciplinary action.

Organizational Sanctions

Sanctions that may be imposed in cases of student organization offenses are:

- A. Denial of use of Institution facilities;
- B. Denial of recognition of the group as an organization;
- C. Forfeiture of right to representation in other institutional organizations;
- D. Forfeiture of right to representation in Institutional publications;
- E. Denial of privilege of some or all social activities for a definite period;
- F. The Institution reserves the right to establish contact with the organization's regional or national office and to recommend that the organization forfeit its right to function as a group-including forfeiture of its charter;
- G. The organization's officers and its members may also be subject to the individual sanctions, dependent upon the nature of the violation.



Hazing Sanctions

Any person or persons who cause hazing is guilty of a misdemeanor, and, upon conviction thereof, shall be fined no less than one hundred dollars nor more than one thousand dollars, or confined in a county or regional jail, not more than nine months, or both fined and imprisoned: *Provided*, That if the act would otherwise be deemed a felony as defined in the hazing code, the person committing such an act may be found guilty of such a felony and be subject to penalties provided for such a felony. See the [Student Organizations Handbook](#) for more details.

Voluntary Community Service

For the types of violations outlined herein, students may be permitted to voluntarily undertake community service work in lieu of a sanction or in addition to a lesser sanction than that which would otherwise be imposed by the Vice-President of Enrollment Management & Student Affairs or imposed or recommended by any of the following hearing bodies. However, each case shall be reviewed individually as to its merits and such alternate sanctions are at the discretion of the Vice-President of Enrollment Management & Student Affairs or his designee.

In every instance where such recommendation of this option is made by anyone other than the Vice-President of Enrollment Management & Student Affairs, the Assistant Vice-President of Enrollment Management & Student Affairs, or their designee, shall review the recommended sanction options and in reviewing the appropriateness of such alternate sanctions, the following factors should be considered.

1. Type of misconduct – Community service work may only be substituted for other traditional sanctions for the following types of misconduct.

TYPE TWO BEHAVIOR

- A. Alcoholic Beverages.
- B. Placing banners, posters, and stickers on University property without proper authorization.
- C. Bringing dogs or other pets onto campus.
- D. Gambling.
- E. Solicitation.
- F. Smoking.
- H. Public use of Abusive or Obscene Language.
- I. Disrespect toward an Institution Faculty or Staff Member or Administrator.

TYPE THREE BEHAVIOR

- C. Negligent Destruction of Institution or Personal Property.
- D. Negligent Infliction or Threat of Bodily Harm.
- E. Misbehavior at Sporting Events, Concerts, & Social/Cultural Gatherings.
- I. Violations of Housing Contract General Conditions.
- J. Violation of Residence Life or dining Service Regulations.

TYPE FOUR BEHAVIOR

- B. Disruptive Conduct
- J. Hazing
- K. Trespassing
- M. Unlawful Discrimination



2. When community service work is used in lieu of or in addition to sanctions imposed for the above types of misconduct, the Vice-President of Enrollment Management & Student Affairs or his/her designee shall assure that the type of community service work performed is in line with the type of misconduct that has occurred. For example, for misbehavior at sporting or other cultural events, an appropriate type of community service work might be providing the student the alternate sanction of volunteering to distribute programs or brochures at such events for a given period of time.
3. In no instance may the community service work recommended displace regular employees or impinge upon the employment of others. Therefore, the Vice-President of Enrollment Management & Student Affairs shall closely scrutinize all types of community service work to assure that such does not occur and shall contact appropriate party or parties for which the work will be carried out to assure that no job description or positions exists that reflect the performance of such duties.
4. The Vice-President of Enrollment Management & Student Affairs or the Assistant Vice-President of Enrollment Management & Student Affairs shall make it clear to all students who may accept an alternate voluntary program of community service work that they shall receive no pay for community service work performed.
5. A person or persons shall be designated to supervise all community service work activities.
6. The Vice-President of Enrollment Management & Student Affairs or the Assistant Vice-President of Enrollment Management & Student Affairs shall review the performance of the student.

Other Sanctions

In accordance with the goal of educating and assisting student with conduct problems, the Vice-President of Enrollment Management & Student Affairs may recommend such other forms of disciplinary action as may be appropriate to the individual case. These may typically involve work or research projects or recommendation of counseling options.



PROCEEDINGS

Any West Virginia State University student shall be subject to disciplinary action by the Institution if that person is found to be in violation of any Board of Governor's Policies, Rules, and Regulations or the Institutional Code, notwithstanding the fact that at the time the student may also be an employee of the Board of Governors. In taking disciplinary action against a student, as defined herein, the Institution may act to remove any status of such a person or to revoke or remove any right or privilege of such person as a student or to withhold, remove, or cancel any benefit, recognition, or certification, including the conferring of a degree which such a person might yet have received from the Institution. The Institution will collect restitution for damages to, destruction of, or misappropriation of property.

Charges

Any member of the West Virginia State University community may file charges with the designated Campus official against any student for conduct or activities in violation of the Conduct Code. Either a security report or a personal letter is an appropriate means by which referrals may be made. In every case, the report must contain the name(s) of the student(s) charged; nature and circumstances of the incident, including specific dates, times, and locations; and name(s) and address(es) of the person(s) filing the report.

Preliminary Review/Hearing

In the event a student is reported to be in violation of the statute or rules enumerated in this section, the following shall prevail unless the student signs a waiver of the procedural requirements.

The Vice-President of Enrollment Management & Student Affairs, or his/her designee', shall conduct the preliminary review/hearing. Upon completion of preliminary review/hearing, the Vice-president or his/her designee' may:

- A. Dismiss the charges; or
- B. Take administrative disciplinary action not to include expulsion or suspension, after hearing the case, if it is determined that the conduct is in violation of the Institution Code; or
- C. Take administrative disciplinary action of immediate suspension pending a hearing before the All University Hearing Council at the earliest practical date if the Vice-President of Enrollment Management & Student Affairs finds the individual to be a danger to the West Virginia State University, him/herself, or others; or
- D. Make referral to the appropriate Institution review/hearing body or committee.

Hearing Bodies

The following hearing bodies have been formed to hear cases based on the location of the violation, the severity of the violation, and the professional judgment of the Vice-President of Enrollment Management & Student Affairs or his/her designee'.



- A. Residence Hall Disciplinary Committee** - Each residence hall will form a disciplinary committee consisting of four elected residents and two student staff members to hear those cases involving violation of hall rules and regulations by students living in the hall. Each Hall Director serves as an advisor to the committee. The disciplinary actions outlined under the Sanctions section may be recommended to the Director of Residence Life and Services and may be any combination of actions listed under the Sanctions section except suspension or expulsion, which must be recommended to the Vice-President of Enrollment Management & Student Affairs for appropriate action.
- B. Residence Hall Association Disciplinary Committee** - Each residence hall will elect two residents to serve on this committee which includes one Residence Assistant from each residence hall. It will hear those cases involving violations of hall rules and regulations occurring in residence halls other than the hall in which the accused student resides. One of the Residence Hall Directors serves as advisor to the committee and the disciplinary action recommended to the Director of Residence Life and Services may be any combination of actions listed under the sanctions section except suspension or expulsion, which must be recommended to the Vice-President of Enrollment Management & Student Affairs for appropriate action.
- C. All University Hearing Council** - The All University Hearing Council is composed of the students from the Student Hearing Council/student body and faculty/staff appointed by the University President. The All University Hearing Council hears those cases where suspension or expulsion may be the sanction recommended by the Council. The Council may recommend all disciplinary actions outlined under the Sanctions section. Final approval for the expulsion sanction is the University President. The Chairmanship of the All University Hearing Council rotates with each case throughout an academic year (e.g., the Student Hearing Examiner, followed by the Senior Tenured Faculty member and then the Staff member).

PRE-HEARING PROCEDURES

To insure due process of discipline cases, the various hearing bodies will follow the following procedures:

- A.** The Chairperson of the hearing body hearing the case is notified.
- B.** The Chairperson appoints, at random, a member of his/her hearing body to become familiar with the case.
- C.** The Chairperson will insure that the accused is informed, in writing, of the meeting time and date of the hearing and the charges against the accused. The accused will be informed of the procedures that the hearing will follow, of his/her rights, and that his/her right to have an advisor and the right to bring witnesses in his/her behalf. The accused will be allowed sufficient time to prepare his/her defense. (Three days for Residence Hall Discipline Committee, four days for Residence Hall Association Discipline Committee and SGA Student Hearing Council, and five days for the All University Hearing Council.)

Hearing Procedures

- A.** The Chairperson will administer the oath to all members.



- B. The Chairperson will introduce everyone (Hearing Body, Advisor, Counselor, and accused). The hearing will be confined and closed to the general public.
- C. The Chairperson will read or have the Counselor (if one has been appointed) read the alleged violations of Student Conduct Code.
- D. The Chairperson will ask the accused whether he/she has committed the alleged violation.
- E. The Chairperson will have the Counselor present witness.
- F. The Chairperson will ask the accused to present any evidence pertaining to the case and to present any witnesses.
- G. The Committee members, Counselor, and accused may ask questions at any time. The Chairperson will moderate order of questions but will not restrict questions relevant to the issues of the case under consideration.
- H. The Chairperson will invite any more comments from the Counselor and the accused.
- I. The Committee excuses the accused and the Counselor from the room to await recall.
- J. The Committee will discuss the case and decide if the accused is in violation of the alleged conduct, behavior, or activity. If found in violation, then the committee will decide on the appropriate Sanction(s) to recommend.
- K. The accused and the Counselor are recalled and the Chairperson discloses the findings of the Committee. The Chairperson also explains to the student, if found in violation, the next steps in the appeal procedure.

NOTE: The accused and the Counselor are present for **all** open deliberations of the hearing body. Witnesses are present only for their testimony.

APPEALS

- A. Any student may appeal a non-academic sanction to the appropriate Institution official within fifteen calendar days of the date of notice of the decision (**a written statement of intent to file an appeal must be done within three working days of the notice of decision**) except that:
 - 1. An appeal shall be limited to a review of the proceedings before the Institution adjudicatory body and any evidence which first became available after the adjudicatory proceedings; and
 - 2. An appeal shall not result in a more severe sanction.
 - 3. The imposition of sanctions may be stayed pending appeal depending on the circumstances surrounding the case.



- B.** Appeals are not automatic; the judicial body or Institution official appealed to will review the request for appeal on the three criteria listed below and may grant the appeal, or deny it, thus affirming the decision made by the original body or official. An appeal of sanctions for non-academic cases may be made whenever:
1. The original hearing was not conducted in conformity with established procedure;
 2. There is new evidence or fact not brought out in the original hearing;
 3. The sanction(s) imposed was inappropriate for the offense committed.
- C.** All Institution officials should respond to a written appeal within ten calendar days, except for the President or the Board of Directors.
1. Non-academic cases adjudicated by the Director of Residence Life and Services may be appealed to the Vice-President of Enrollment Management & Student Affairs.
 2. Non-academic cases adjudicated by the Director of Student Activities may be appealed to the Vice-President of Enrollment Management & Student Affairs.
 3. Non-academic cases adjudicated by the Vice-President of Enrollment Management & Student Affairs may be appealed to the President of the Institution of which he/she is enrolled.
 4. Non-academic cases adjudicated by the President of the Institution, when the sanction is suspension or expulsion, may be appealed to the Board of Governors.
 5. The President and the Vice-President of Enrollment Management & Student Affairs shall review the facts of each case appealed to them and take such action as may be appropriate under all the circumstances. The decision of the President shall be final in all cases, except those involved in the sanction of expulsion. The Board of Governors is the final appellate body for the review of cases with the sanction of expulsion.
 6. Review by the Board of Governors - In non-academic disciplinary cases where the West Virginia State University sanction is expulsion, the Board of Governors, following its standard procedures, may grant an appeal from the disciplinary action of the President on the record of the case submitted. Student(s) desiring to appeal the President's sanction of expulsion must, within three working days, indicate to the president in writing, their intent to appeal. A written petition of appeal must be filed with the Chair of the Board of Governors within fifteen calendar days of the decision. If the Board of Governors determines that the petition will not be heard, the decision is affirmed and sanctions imposed shall be effective upon the receipt of the initial statement of denial.

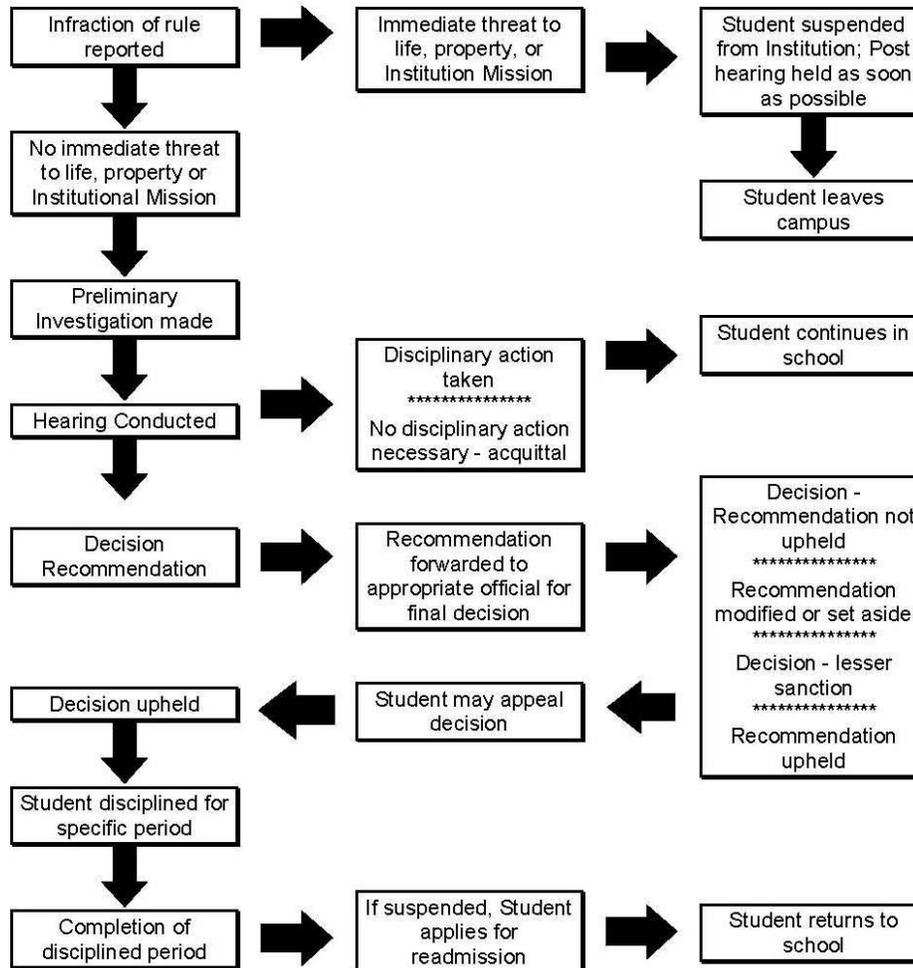
If the appeal is granted, the sanction imposed by the President's decision shall be stayed until the Board of Governors makes a final decision after a review of the case. In the event the decision of the President is affirmed after such review, the person appealing and the President shall be notified by mail, and the sanction imposed by the President shall be effective immediately upon receipt of the decision rendered by the Board of Governors.



In reviewing student appeals involving sanctions of expulsion, the Board of Governors will review all relevant information and records of applicable West Virginia State University disciplinary proceedings to ensure that the due process has been afforded. In any case of any review of disciplinary action, the Board of Governors may take such action as it deems reasonable and proper in all the circumstances and in answer to all its responsibilities under the law.



**GENERAL OUTLINE
PROCEDURAL DUE PROCESS
EXAMPLE**





WEST VIRGINIA STATE UNIVERSITY

PROCEDURE ON SEXUAL ASSAULT/RELATIONSHIP VIOLENCE

Statement

Sexual assault and relationship violence are prohibited by West Virginia State University. Sexual assault and relationship violence includes domestic violence, dating violence, and stalking. Coercive and violent behavior is not acceptable in this community and will be met with the strongest possible response. West Virginia State University is committed to providing a campus where all of its members and guests feel comfortable and are free from the fear of all forms of exploitation, intimidation, and injury as a result of sexual assault/relationship violence.

Rationale

West Virginia State University is committed to assuring the safety and respect of all student, staff, and faculty members. This administrative procedure contributes to our goal of creating a campus free of sexual assault and from other violence that may occur within a personal, intimate relationship.

It is essential and strongly encouraged by West Virginia State University, for students who are victims of sexual assault and relationship violence to report this crime to the appropriate officials. Reporting is the only way that action can be taken against an alleged violator. Therefore, timely reporting and a medical examination within 72 hours are critical in preserving evidence of sexual assault, and assist in responding effectively. A victim may report an incident at any time to campus police.

West Virginia State University provides a variety of confidential services to victims. The Department of Counseling & Academic Support Services provides counseling and support for the victims. West Virginia State University also provides educational programs and services to all students, staff, and faculty.

The following information includes excerpts of the WVSU Sexual Harassment Policy and may be read in full at: [http://www.wvstateu.edu/getattachment/Administration/Board-of-Governors/Board-of-Governors-Policies/BOG-Policy-14-\(4-1-15\).pdf.aspx](http://www.wvstateu.edu/getattachment/Administration/Board-of-Governors/Board-of-Governors-Policies/BOG-Policy-14-(4-1-15).pdf.aspx)



Definitions

As used in this policy, the phrases and words listed shall have the meanings set forth below:

Complainant - The person making an allegation or complaint of sexual misconduct or relationship violence.

Consent - Verbal statements or non-verbal actions which a reasonable person would understand to mean a voluntary agreement to engage in sexual activity. Someone who is incapacitated cannot consent. Past consent does not imply future consent. Silence or an absence of resistance does not imply consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Coercion, force, or threat of either invalidates consent.

Counseling employees - Counselors employed by the University and other employees working under the direct supervision and control of counselors are covered under statutory privilege.

Dating violence - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship. "Dating violence" includes, but is not limited to, sexual or physical abuse or the threat of such abuse, but it does not include acts covered under the definition of domestic violence.

Domestic violence - A felony or misdemeanor crime of violence committed by: (a) a current or former spouse or intimate partner of the victim, (b) a person with whom the victim shares a child in common, (c) a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner, (d) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (e) any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Educational setting - All of the University's academic programs and other activities of whatever nature on campus and at every other location where the University conducts authorized programs or activities.

Incapacitation - Any situation in which a person is incapable of giving consent due to the person's age, state of consciousness, use of drugs or alcohol, or an intellectual or other disability.

Intimidation - The intentional act of coercing or frightening someone to engage or not engage in conduct of a sexual nature against that person's will.

Hostile environment - "Hostile environment" means activity or conduct involving sexual harassment that is sufficiently serious that it interferes with or limits a person's ability to participate in or benefit from the University's program.

Non-consensual sexual contact - Any physical touching of a sexual nature which is not preceded by consent or which continues after a previous consent is withdrawn.



Non-consensual sexual intercourse - Any sexual intercourse which is not preceded by consent or which continues after a previous consent is withdrawn. "Sexual intercourse" includes vaginal or anal penetration by a penis, object, tongue or finger and oral copulation.

Respondent - The person against whom the allegation or complaint of sexual misconduct or relationship violence is made.

Responsible employees - The President, Vice Presidents, and Deans of the University, the Title IX Coordinator, Department Chairs, Program Coordinators, Faculty members, Directors, Supervisors, resident advisors (RAs), and University security officers are responsible employees.

Retaliation - The act of seeking revenge upon another person.

Sexual assault - An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting program.

Sexual exploitation - The abuse of a position of vulnerability, differential power, or trust for sexual purposes.

Sexual harassment - Gender-based verbal or physical conduct that unreasonably interferes with or deprives someone of educational access, benefits or opportunities.

Hostile environment sexual harassment includes any situation in which there is harassing conduct that is sufficiently severe, pervasive/persistent and patently/objectively offensive that alters the conditions of education or employment, from both a subjective (the alleged victim's) and an objective (reasonable person's) viewpoint. The determination of whether an environment is hostile must be based on all of the circumstances. These circumstances could include: the frequency of the conduct; the nature and severity of the conduct; whether the conduct was physically threatening; whether the conduct was humiliating; the effect of the conduct on the alleged victim's mental or emotional state; whether the conduct was directed at more than one person; whether the conduct arose in the context of other discriminatory conduct; whether the conduct unreasonably interfered with the alleged victim's educational or work performance; or whether the statement is a mere utterance of an epithet which engenders offense in an employee or student, or offends by mere discourtesy or rudeness: and whether the speech or conduct deserves the protections of academic freedom.

Quid pro quo sexual harassment exists when there are: unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and submission to or rejection of such conduct results in adverse educational or employment action.

Retaliatory harassment is any adverse employment or educational action taken against a person because of the person's participation in a complaint or investigation of discrimination or sexual misconduct.

Sexual misconduct - Any act of sexual harassment, sexual violence, sexual assault, nonconsensual sexual contact, non-consensual sexual intercourse, sexual exploitation, stalking, intimidation, dating violence, or domestic violence, or any act that creates a hostile environment or any act of retaliation against a complainant or anyone involved in a grievance procedure under this policy.



Sexual violence - Physical sexual acts perpetrated against a person's will or with a person who suffers from incapacitation. "Sexual violence" also means same-sex conduct that violates the University's prohibition on sexual violence, including, but not limited to, the following examples: sexual assault, non-consensual sexual intercourse, non-consensual sexual contact, dating violence or domestic violence.

Stalking - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for the person's safety or the safety of others, or (b) suffer substantial emotional distress. As used in this definition, "course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens or communicates to or about a person, or interferes with a person's property; "substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling; and "reasonable person" means a person under similar circumstances and with similar identities to the victim.

Title IX Coordinator - The person designated as such by the University's President or the person temporarily designated by the Title IX Coordinator to serve in that capacity during the Title IX Coordinator's incapacity or absence from the University's campus.

Options for Assistance Following an Incident of Sexual Misconduct

The University shall take prompt steps to protect the complainant once the University has notice of sexual misconduct. The University shall take interim measures, including accommodations, to protect the complainant and witnesses as necessary while any criminal or campus investigation is underway and before the final outcome of any investigation. University officials should be mindful that sexual misconduct can result in delayed decision-making by a person who has experienced sexual misconduct. In anticipation of the need for support services from other agencies in the community, the University shall enter memoranda of understanding with other agencies as may be necessary to meet the University's obligation under Title IX. All such memoranda shall comply with all FERPA requirements. In the event of an alleged off-campus sexual misconduct incident, the University shall protect the student and the University community in the same manner it would had the sexual misconduct occurred on campus. Further, the University shall handle off-campus sexual misconduct incidents as it would handle other off-campus incidents of misconduct or violence and consistent with any applicable law. The Title IX Coordinator must be consulted in identifying safety risks and interim measures that are necessary to protect the complainant.

Immediate Assistance - In the event of a sexual assault, various resources are available to students: Trained on- and off- campus advocates and counselors who can provide an immediate confidential response in a crisis situation:

- WVSU Counselor Contact Information: (304) 766-3262; 125 Sullivan Hall, East
- WVSU Counselor Contact Information: (304) 766-3224; 129 Sullivan Hall, East
- Off Campus Counseling Contact Information: REACH Advocate, The Counseling Connection 1021 Quarrier Street, Suite 414 Charleston, WV 25301; (304)-340-3676; www.tccwv.org

Emergency phone numbers for on- and off- campus safety, law enforcement, and other first responders, including the Title IX Coordinator:

- Campus Safety/Police: WVSU Campus Police (304) 766-3353
- Agency & Contact Information: Kanawha Co. Sherriff's Office 301 Virginia Street, East, Charleston, WV 25301; (304) 357-0169
- Ambulance: Kanawha Co. Emergency Ambulance Authority; (304) 342-1107



- Title IX Coordinator: Human Resources Director; (304) 766-5224

Advocates who can meet a victim at the hospital or other health care provider:

- Contact Information: REACH Advocate; The Counseling Connection; 1021 Quarrier Street, Suite 414 Charleston, WV, 25301; (304)-340-3676; www.tccwv.org

The Sexual Assault Response Team (SART) can provide the following resources and support and can be accessed by:

- REACH SART, 1021 Quarrier Street, Suite 414, Charleston, WV 25301; (304) 340-3676; and 1-800-656-HOPE.

Health care services are available as follows:

- On-Campus: Thomas Care Clinic (304) 759-6050
- Off-Campus: CAMC Women's and Children's Hospital; 800 Pennsylvania Avenue, Charleston, WV 25302; (304) 388-2550

A Sexual Assault Nurse Examiner (SANE) can be found or a rape kit can be obtained at:

- CAMC Women's and Children's Hospital; 800 Pennsylvania Avenue, Charleston, WV 25302; (304) 388-2550
- CAMC General Hospital; 501 Morris Street, Charleston, WV 25301; (304) 388-5432
- CAMC Memorial Hospital; 3200 MacCorkle Avenue SE, Charleston, WV 25304; (304) 388-5432

Any victim of sexual misconduct should be aware of the options to seek treatment for injuries, preventative treatment for sexually transmitted diseases, and other services. Victims are encouraged to discuss with health care providers, campus officials, and/or first responders the option of seeking medical treatment in order to preserve evidence which may be necessary to the proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protective order.

Alleged offenses may be reported to the law enforcement agencies or to University officials, and victims may (a) notify law enforcement authorities, (b) be assisted by campus authorities in notifying law enforcement authorities if the victim chooses, or (c) decline to notify such authorities. Victims may also be able to obtain orders of protection, no contact orders, restraining orders, or similar lawful orders issued by an appropriate court.

Additionally, West Virginia Law (WV Code 49-6A-2) mandates that any person over the age of eighteen who receives a disclosure from a credible witness or observes any sexual abuse or sexual assault of a child, shall immediately and not more than forty eight hours, report the circumstances or cause a report to be made to the Department and the State Police or other law-enforcement agency having jurisdiction to investigate the report. The law enforcement agency that receives a report regarding sexual abuse must report the allegations to the WV Department of Health and Human Resources (WVDHHR). West Virginia Law also mandates that in any case where a mandated reporter believes that the child suffered serious physical abuse, the reporter shall also immediately report, or cause a report to be made, to the State Police and any law-enforcement agency having jurisdiction to investigate the complaint. Reports of sexual or physical abuse made to the Title IX Coordinator involving minors will be forwarded to the WVSU Campus Police for further investigation and reporting to WVDHHR.



University officials should be mindful of the University's obligation to provide **interim measures** to protect the complainant in the educational setting. The University must consider a number of factors in determining what interim measures to take, including, (a) the specific need expressed by the complainant, (b) the age of the students involved, (c) the severity or pervasiveness of the allegations, (d) any continuing effects on the complainant, (e) whether the complainant and the alleged perpetrator share the same residence hall, dining hall, class, transportation or job location, and (f) whether other judicial measures have been taken to protect the complainant. The University shall minimize the burden of any interim measures on the complainant. The University will provide counseling services without charge to the complainant if the University determines that counseling is necessary as a part of its Title IX obligation to protect the complainant while the investigation is ongoing. The University shall notify the complainant of options to avoid contact with the alleged perpetrator and allow the complainant to change academic and extracurricular activities or complainant's living, transportation, dining, and working situation as appropriate. The University shall ensure that the complainant is aware of (a) complainant's Title IX rights, (b) any available resources, such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, and legal assistance, and (c) the right to report a crime to campus or local law enforcement. The University shall not dissuade a complainant from filing a criminal complaint either during or after the University's internal Title IX investigation.

Reporting Options – Complainants may use any combination of the following options to report sexual misconduct:

Criminal Complaint - Criminal complaints are filed with local law enforcement officials and the University is not involved in that process. Criminal complaints can be filed with the following agencies:

- WVSU Department of Public Safety; 122 Wallace Hall, Institute, WV 25112; (304)766-3353
- Kanawha Co. Sherriff's Office; 301 Virginia Street, East, Charleston, WV 25301; (304) 357-0169
- West Virginia State Police; 725 Jefferson Road; South Charleston, WV 25309; (304) 746-2100

Institutional Complaint - Institutional complaints are filed with the University, and upon receipt of the complaint, the University will initiate an investigation by the University in accordance with this policy. Institutional complaints may be filed with the Title IX Coordinator. The Title IX Coordinator's contact information is:

- Title IX Coordinator; Human Resources Director, 105 Cole Complex; (304) 766-5224

Report to Responsible Employee - Reports made to responsible employees are required by federal law to be relayed to the University's Title IX Coordinator and will initiate an investigation by the University in accordance with this policy. Responsible employees are identified as The President, Vice Presidents, and Deans of the University, the Title IX Coordinator, Department Chairs, Program Coordinators, Faculty members, Directors, Supervisors, Resident Advisors (RAs), and University security officers. You can report sexual misconduct to any responsible employee.

Privileged and Confidential Reporting - Either as an alternative to the reporting options listed above or in lieu of reporting sexual misconduct to the individuals or offices listed above, complainants may make privileged and confidential reports of sexual misconduct to certain health or mental health providers or to off-campus pastoral counselors. While criminal complaints, institutional complaints, and reports to responsible employees will result in the initiation of an investigation, reports to health or mental health providers or to certain pastoral counselors are privileged and will remain confidential so long as the student filing the report does not represent a threat to his or her self or to others. Privileged and confidential reports may be made to:



- On-Campus Health Provider and Contact Information: Thomas Care Clinic ; 004 Wilson University Union, (304) 759-6050
- Off-Campus Health Provider and Contact Information: CAMC Women’s and Children’s Hospital 800 Pennsylvania Avenue; Charleston, WV 25302; (304) 388-2550
- On-Campus Mental Health Care Provider and Contact Information: (304) 766-3262; 125 Sullivan Hall, East or (304) 766-3224; 129 Sullivan Hall, East
- Off-Campus Mental Health Care Provider and Contact Information: REACH, The Counseling Connection; 1021 Quarrier Street, Suite 414; Charleston, WV 25301; (304) 340-3676

Reports of sexual misconduct may be made by third-parties (individuals who were not the victim or perpetrator) or anonymously to: Title IX Coordinator, Human Resources Director 105 Cole Complex; (304) 766-5224. Requests for amnesty from drug, alcohol, and other student conduct policies should be directed to the Title IX Coordinator who shall consider the request and make a recommendation to the Vice President for Enrollment Management and Student Affairs or the Vice President for Business and Finance if the Title IX Coordinator believes the request should be approved in order to further the objectives of Title IX. The President or his/her designee (Vice President for Enrollment Management and Student Affairs or the Vice President for Business and Finance) may approve or disapprove the request after considering all of the University’s interests.



WEST VIRGINIA STATE UNIVERSITY

STUDENT DISABILITY ACCOMMODATION REQUESTS

APPEAL and/or COMPLAINT PROCEDURES

This appeal process shall apply to situations where a student, based on a disability related issue, has requested an accommodation which has been **denied or is experiencing problems or concerns with an approved accommodation**. Students are requested to begin with a First Level Appeal and have the option to continue the appeal process through level four.

Student experiencing problems/complaints with an **approved** accommodation are referred to the Disability Services Office for assistance. If the problem/complaint involves the Disability Services Office, or is not resolved to the student's satisfaction at that level, then the student may request an [Accommodations Appeal/Complaint Form](#) and begin with Level Two and proceed through the remainder of the process.

First Level Appeal/Complaint

Complete an [Accommodations Appeal/Complaint Form](#) and submit it to the Disability Services Office within ten days of the concern/issue. The Disabilities Services Office may render a decision or request additional information. Upon receiving the additional information, a decision must be rendered in writing within ten days, exclusive of weekend, holiday, vacation, etc. The final decision of the Disability Services Office can be appealed to Level Two.

Second Level Appeal/Complaint

The decision at the First Level may be appealed within ten days of the Level One final decision by notifying in writing, the Director of Counseling & Academic Support Services. The Director may request additional information, but must rule in writing within ten days upon receiving the additional information, exclusive of weekend, holiday, vacation, etc. The final decision of the Director of Counseling & Academic Support Services can be appealed to Level Three.

Third Level Appeal/Complaint

The decision at the Second Level may be appealed within ten days of the Level Two final decisions by notifying in writing, the ADA Coordinator for West Virginia State University. The ADA Coordinator may request additional information, but must rule in writing within ten days upon receiving the additional information, exclusive of weekend, holiday, vacation, etc. The final decision of the ADA Coordinator can be appealed to Level Four.

Fourth Level Appeal/Complaint

The decision at the Third Level may be appealed within ten days of Level Three final decisions by notifying the appropriate Institution President. The President may request additional information, but must rule in writing within ten days upon receiving the additional information, exclusive of weekend, holiday, vacation, etc. The President's decision is final.



Disclaimer

Maximum confidentiality will be maintained, although the appellant may be asked for permission on a “need-to-know” basis to provide or allow disclosure of pertinent medical, academic, and other significant records as necessary in order to decide the appeal/complaint. Failure by the student to release information may result in a halting of the process at the last level of which the information was disclosed, or cancellation of the appeal in its entirety due to lack of supporting documentation if the needed information was never disclosed.

Nothing in the West Virginia State University ***Student Disability Accommodations Requests Appeal/Complaint Procedures*** should be construed to impede or prohibit a timely filing of an ADA or discrimination complaint with the appropriate external governmental agency.



WEST VIRGINIA STATE UNIVERSITY ADMINISTRATIVE POLICIES

INSTITUTION REGULATION ON DRUGS AND ALCOHOL

West Virginia State University is composed of a community of faculty, staff, and students who have come together for the purpose of education. The abusive use of alcoholic beverages and drugs and the resultant effects constitute one of the most serious problems facing our nation today. In keeping with the educational purpose of the Institution, the following policy defines the regulation of alcoholic beverages and illegal drugs on campus property.

West Virginia State University is required to enforce those portions of West Virginia State law pertaining to the regulation and control of the manufacture, sale, distribution, transportation, storage, and consumption of alcoholic beverages. Under these provisions, 21 years is established as the legal age for consumption of alcoholic liquors.

1. Alcoholic beverages, including alcohol, beer, wine, spirits, or alcoholic liquor, will not be allowed in residence halls. The institution could not effectively control alcoholic consumption by minors if alcoholic beverages were to be allowed in the residence halls. Under West Virginia State law, conviction for the furnishing of beer or alcoholic beverages to persons under the age of 21 is a misdemeanor with a fine of no more than \$100 and/or jail sentence of not more than 10 days. (State Code -60-7-12a, 1986)
2. Alcoholic beverages will not be allowed in any other campus facilities except as provided by West Virginia Board of Regents Policy Bulletin 42. Policy Bulletin 42 specifically states:

BE IT RESOLVED, That the possession or use of alcoholic is prohibited on or in property or facilities (including student housing) of the public colleges and universities except as hereafter provided:

- a. As allowed under the policy of the Board of Regents adopted September 17, 1971, and published in Policy Bulletin No. 14 regarding the sale of non-intoxicating beer; and
- b. In dwelling located thereon and occupied as a family residence.



NON-DISCRIMINATION POLICY

It is the policy that West Virginia State University does not discriminate on the basis of race, color, national origin, sex, disability or age in admission to its programs, services or activities and does not discriminate in its hiring or employment practices.

This notice is provided as required by the Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, and the Americans with Disabilities Act (ADA) of 1990.

Any persons having questions, complaints or requests for additional information regarding the regulations may be forwarded to the designated compliance coordinator(s).

Director
Department of Human Resources
West Virginia State University
105 Cole Complex
Institute, WV 25112
304-766-3156

COMPLIANCE WITH MILITARY SELECTIVE SERVICE ACT

State law provides that a male person who has attained the age of eighteen (18) years may not enroll in a state-supported institution of postsecondary education unless he is in compliance with the Military Selective Service Act (50 U.S. Code, Appendix §451, et seq. and the amendments thereto).

Also, a male person may not receive a loan, grant, scholarship, or other financial assistance for postsecondary higher education funded by state revenue, including federal funds or gifts and grants accepted by this State, or receive a student loan guaranteed by the State unless he is in compliance with the Military Selective Service Act. Selective Service Act registration information should be available at all U.S. Postal Service facilities and may be available at some high schools. The Selective Service System also provides information through a web site at www.sss.gov.



West Virginia State University is Equal Opportunity/Affirmative Action Institutions. The Institution does not discriminate on the basis of race, sex, age, handicap, veteran status, religion, sexual orientation, color, or national origin in the administration of any of its educational programs, activities, or with respect to admission or employment. The Institution neither affiliates knowingly with nor grants recognition to any individual, group, or organization having policies that discriminates on the basis of race, sex, age, handicap, veteran status, religions, sexual orientation, color, or national origin, as defined by the applicable laws and regulations. Furthermore, faculty, staff, students, and applicants are protected from retaliation for filing complaints or assisting in an investigation under the Institution's Equal Opportunity Policy/Affirmative Action Plan.

SMOKING (REVISED, 8/04)

West Virginia State University is committed to providing, to the extent possible, a smoke-free environment in all campus facilities. Smoking of tobacco or other similar products is prohibited inside of all buildings and motor vehicles owned, leased, or otherwise operated by the University. Examples of areas in which smoking is prohibited includes classrooms, auditoriums, laboratories, and libraries, hallways, elevators, lounges, multi-person work areas, waiting rooms, health center, conference center, indoor athletic facilities, the bookstore, and residence halls, and university-owned vehicles. Faculty housing is excluded. Non-compliance with the smoking policy should be reported to the employee's immediate supervisor and could result in disciplinary action.

CHILDREN IN CLASSES (REVISED, 8/01)

In the event that an emergency child supervision situation occurs, the University recommends the following in regard to child visitation in classrooms, office areas, or campus grounds. These procedures are designed to avoid disturbance of the regular activities of students, faculty, and staff and yet to provide for the safety of a child needing supervision:

- a. The presence of children in the classroom requires prior approval of the instructor. Children are not to attend classes with parents on a regular basis;
- b. The presence of children in the workplace requires prior permission of the supervisor. Employees are not to bring children to the workplace on a regular basis;
- c. Children are not to be left unattended in hallways, public areas, buildings, or University grounds.



EMERGENCY RESPONSE PLAN (REVISED, 8/00)

There is a comprehensive [Emergency Response Plan](#) for the University. The plan may be activated in the event of environmental situations that potentially affect the safety of the campus citizenry. In almost all instances, grouping of persons in designated shelter areas is the most safe and proper response. This point cannot be emphasized enough. There is considerable safety associated with staying inside buildings with windows closed and air circulating systems shut down to protect against outside air.

For the most extreme cases, the plan does allow for the evacuation of campus occupants to a safer location as a precautionary measure.

When the siren sounds for a continuous three minutes, faculty, staff, and students are to "shelter in place" in designated areas referenced in the WVSU [Emergency Response Plan](#). (One exception: the siren is usually tested at noon on the last Wednesday of every month.)

Unannounced and announced drills are held throughout the year to familiarize faculty, staff, and students with the Emergency Response Plan. Every faculty member should read the Plan (published in a booklet and available from the WVSU Public Safety Department) and thoroughly understand it in order to be ready to react to an emergency situation.

INSTITUTIONAL REVIEW BOARD (5/2005)

The West Virginia State University Institutional Review Board was reconstituted in 2003 to review all research activities involving human and animal subjects carried out by faculty, staff, and students at WVSU. The purpose of this IRB is to safeguard the rights and welfare of all people who participate in research as well as to insure the humane care and use of animals in teaching and research. WVSU supports responsible experimentation that promises to increase knowledge and understanding and encourages the highest ethical standards among University researchers.

Typically a University-level IRB categorizes research proposals as "exempt," "expedited," and "subject to full review," and the WVSU-IRB accepts these categories. However, the WVSU-IRB requires all research involving human or animal subjects to be formally proposed and explained to the IRB; in the application process researchers may request "exempt," "expedited," or "full review." The full policy and application form – and definitions of these terms – can be found in Appendix FF of the Faculty Handbook.



CLASSROOM/LABORATORY SAFETY (REVISED, 8/01)

West Virginia State University is committed to providing a safe work and study environment. Because we are educators, it is important that we practice safety rules and procedures so that our students may learn by example. To that end, it is the responsibility of each member of the University academic community to ensure the safety of himself, herself, students and others. This is particularly true of department staff and faculty who work with chemicals which might be harmful or with equipment that might cause injury. Faculty and staff are asked to be sure that:

- a. The dangers of working with harmful items are fully explained to students.
- b. Safety precautions are taught.
- c. Emergency procedures are developed, printed and clearly communicated to all who work with dangerous items.
- d. Material Safety Data Sheets are on file and readily available whenever hazardous materials are used in the classroom, laboratory or studio.
- e. All safety equipment is in place and is in good working condition.
- f. Any person injured in class is taken to the Health Center, no matter how slight the injury seems to be. Call the Health Center at # 3323 so that initial treatment, assessment, and a recommendation can be made if the situation allows. Dial 911 for an ambulance if the condition of the individual(s) warrants immediate health care.
- g. An accident report is filed with the Academic Affairs Office within twenty-four (24) hours after the accident has occurred. In addition, the Fiscal Affairs Office and the WVSU Department of Public Safety should be notified. (Forms are available in dean's offices and in the Academic Affairs Office.)
- h. Mishaps with equipment or hazardous materials that do not involve injury are reported to the department chair and appropriate dean so that corrective action can be taken.
- i. Injured persons unable to walk to Health Services are transported by Campus Security (#3353) or Emergency Service (# 9-911).
- j. Hazardous materials are to be disposed of properly.

Faculty should familiarize themselves with the existing documents describing precautions necessary to make the workplace a safer environment. An important part of the West Virginia State University commitment to a safe workplace is the WVSU Emergency Response Plan. Please find a summary of this plan above. The Fire Marshall's codes for colleges and universities can be found in the Institutional Policies and Procedures Manual located in each dean's office, the Office of Academic Affairs and the Office of Administrative Affairs.

The West Virginia State University Hazard Communication Program Booklet entitled "Chemical Safety in the Workplace and Classroom" outlines the applicable provisions of environmental laws and regulations relative to the use and disposal materials. A copy of this document may be found in the Office of Administrative Affairs and the Office of the School of Natural Sciences and Mathematics, H-101.

Faculty in the School of National Sciences and Mathematics are required to adhere to the laboratory safety policies, procedures, and tips found in the booklet entitled "Safety Program for Science Department." Other faculty may find this document helpful. This pamphlet may be obtained from the Office of the School of Natural Sciences and Mathematics, H-101.



WEST VIRGINIA STATE UNIVERSITY
STUDENT COMPLAINT PROCEDURE
AFFIRMATIVE ACTION TITLE IX. SECTION 504, DISABILITY ACT

As a student at West Virginia State University, you are entitled to the benefits of the affirmative action policy. Should you feel that your rights have been violated regarding this policy, the proper student complaint procedures are as follows:

Human Relations Counselor

At any stage of the Pre-Complaint Procedure (see below), a member of the counseling staff will be available to serve in an advisory or mediating role for you if you have an affirmative action, Title IX, or Section 504 complaint. If you, for any reason, prefer not to discuss a complaint directly with the person(s) involved, or if you find the Pre-Complaint Procedure inappropriate for the situation, you may take your case initially to the Human Relations Counselor, who will determine the nature of the complaint, discuss it with the person immediately in charge, and arrange a meeting of all involved parties. After the meeting, the Human Relations Counselor will write a brief report of the disposition of the complaint, which all parties will sign.

The Human Relations Counselor is available to you at each stage of the complaint procedure up to the point at which the complaint is taken to the Affirmative Action Coordinator or, in the case of disability complaints, the Section 504 Coordinator (Stage 3).

Pre-Complaint Procedure

The procedure should be started at the point at which the problem originated by bringing it to the attention of the person immediately in charge. It is expected that the problem will be resolved at that point and the decision immediately communicated to you. If you are not immediately informed of the decision, it must be communicated to you within five (5) days (exclusive of weekends) after the problem has been brought to the attention of the person in charge.

Complaint Procedure

1. If no satisfactory resolution to the problem is found at the pre-complaint step, you may:
 - a) Appeal to the department chairperson if the complaint originated in an academic unit;
 - b) Appeal to the Vice President of Enrollment Management & Student Affairs if the complaint originated in a Student Affairs Unit;
 - c) Appeal to the Vice-president of Administrative Affairs if the complaint originated in any other unit besides those listed above.
2. In the case of a complaint that originates in an academic area, you may appeal to the Vice-president of Academic Affairs if no satisfactory resolution to the problem results from the appeal to the department chairperson.



3. If the Vice President of Enrollment Management & Student Affairs reaches no satisfactory resolution to the problem, you may appeal to the Affirmative Action Coordinator or in the case of disability complaints to the Section 504 Coordinator. The Affirmative Action Coordinator and/or Section 504 Coordinator will review the complaint to determine if it does, indeed, involve an affirmative action, Title IX, or Section 504 issue. If the Coordinator agrees that an affirmative action, Title IX, or Section 504 issue is involved, he/she may:
 - a) Examine the evidence and make a recommendation for disposition of the case to the President; or
 - b) Recommend to the President that an informal hearing be held before the Affirmative Action Committee or Disability Advisory Committee for the purpose of reviewing the problems and formulating an opinion for the President's consideration.
4. If the President agrees with the recommendation made to him by the Affirmative Action Coordinator, the Section 504 Coordinator, or the respective Committee, he will adopt this recommendation and inform you of his decision.
5. If the President does not agree with the finding of the Affirmative Action Coordinator, the Section 504 Coordinator, or the respective committee, he will formulate an independent decision and notify you.
6. If you are not satisfied with the decision communicated to you by the President, you may appeal to the Board of Directors by addressing the question to:
Chancellor and Board of Directors
1018 Kanawha Boulevard East
Charleston, WV 25301
7. If you remain dissatisfied with the decision of the Board of Directors, you may contact the specific agencies responsible for the enforcement of the particular equal rights law or regulation in question. Relevant agencies and addresses appear in Appendix I of the West Virginia State University Affirmative Action Policy Statement (Revised 1980) or are available from either the Affirmative Action Coordinator or Section 504 Coordinator.



WEST VIRGINIA STATE UNIVERSITY BOARD OF GOVERNORS POLICIES

The following policies have been approved and constitute the current West Virginia State University Board of Governors (BOG) policies and procedures. All approved BOG policies and related guidelines which might be generated are maintained here on the [Board of Governors Policies](#) webpage and are also made available at the West Virginia State University Drain-Jordan Library at no cost. Certain policies that specifically pertain to students have links included below.

1. Procedures for Generating Policies, Guidelines, and Rules
2. Salary Policy
3. Academic Standards for Students to Participate in Intercollegiate Athletics
4. Seniority as Related to Reduction in Work Force
5. Travel Regulations
6. Credit Card Solicitation
7. Holidays
8. Smoking
9. Role of Adjunct Faculty
10. --
11. Balance of Part-Time/Full-time Classified Employees
12. Classified Employees
13. Naming or Renaming of Buildings and Organizational Units
14. [Sexual Harassment](#)
15. Use of Institutional Facilities
16. --
17. [Equal Opportunity and Affirmative Action](#)
18. Employee Leave
19. Personnel Administration
20. Assessment, Payment and Refund of Fees
21. Social Justice
22. Ethics
23. [Student Rights and Responsibilities](#)
24. Grade-Point Averages for Associate and Baccalaureate Degrees
25. Awarding of Undergraduate Fee Waivers
26. Fee Waivers for Graduate Students and Graduate Assistants
27. Change in the Organization of Colleges, Schools, Divisions, Department or other Administrative Units
28. [Student Academic Rights](#)
29. Faculty Development
30. Alien Employment Control
31. Sabbatical Leave
32. --
33. --
34. Standards and Procedures for Undergraduate Admissions
35. Performance Review for Non-Classified Employees
36. Alcoholic Beverages
37. Fiscal Responsibility and Oversight of Intercollegiate Athletics



38. Parking of Vehicles on Campus
39. Administrators Required to Do Teaching or Research
40. Tuition and Fee Waivers for Those 65 or Older
41. Making Agendas Available to the Public
42. Disposition of Obsolete and Unusable Equipment and Supplies
43. Separation of Academic and Faculty Personnel Policies
44. Faculty and Administrative Productivity
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WEST VIRGINIA STATE UNIVERSITY

POLICY ON THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

FERPA (Family Educational Rights and Privacy ACT), also known as the Buckley Amendment, was passed by Congress in 1974. It grants four specific rights to a postsecondary student:

- To see the information that the institution is keeping on the student.
- To seek amendment to those records and in certain cases append a statement to the record.
- To consent to the disclosure of his/her records.
- To file a complaint with the FERPA Office in Washington DC.

FERPA applies to all educational agencies or institutions that receive funds under any program administered by the Secretary of Education.

FERA ensures the privacy of student records (other than directory information). Student records including information about registration, grades, financial aid and billing are considered confidential and may not be released without written consent from the student.

If you wish to allow anyone other than you (the student) to access this information you must file a [FERPA release form](#).

The Family Educational Rights and Privacy Act of 1974 is a Federal law which states that:

- A. a written institutional policy must be established; and
- B. a statement of adopted procedures covering the privacy rights of students be made available. The law provides that the institution will maintain confidentiality of student education records.



Annually, West Virginia State University informs students of the Family Educational Rights and Privacy Act of 1974. This act, with which West Virginia intends to comply fully, was designed to protect the privacy of education records, and to provide guidelines for the correction of inaccurate or misleading data through informal and formal hearings. Students also have the right to file complaints with The Family Educational Rights and Privacy Office (FERPA) concerning alleged failures by West Virginia State University to comply with the Act.

The West Virginia State University Policy on the Family Educational Rights and Privacy Act explains in detail the procedures to be used for compliance with the provisions of the Act. Copies of the policy can be found in the offices of all Institution administrators. Current amendments and updates can be viewed in the Office of Student Affairs.

Questions concerning the Family Educational Rights and Privacy Act may be referred to the Office of Registration and/or the Office of Admissions.

West Virginia State University accords all the rights under the law to students who are declared independent. No one outside West Virginia State University shall have access to (nor will the Institution disclose any information from) students' education records without the written consent of students except:

1. personnel within the Institution and the West Virginia Board of Directors;
2. officials of other institutions in which students seek to enroll and to whom student have given written permission for such disclosures;
3. persons or organizations providing students' financial aid;
4. accrediting agencies carrying out their accreditation function;
5. persons in compliance with judicial order;
6. organizations conducting studies for, or on behalf of, educational agencies of institutions for the purpose of developing, validating, or administering predictive tests, administering students and programs, and improving instruction; and
7. persons in an emergency in order to protect the health and/or safety of students or other persons.
8. A person or company with whom the University has contracted as its agent to provide a service instead of using University employees or officials (such as an attorney, auditor, collection agent, insurance agent or official of the National Student Clearinghouse);

Also specifically, records may be disclosed to authorized representatives of:

- A. the Comptroller General of the United States,
- B. the Secretary of the Department of Education, and



- C. an administrative head of an educational agency having authority for records which may be necessary in connection with audit and evaluation of federally supported education programs.

These records are released under the provisions that, except, when collection of personally identifiable information is specifically authorized by Federal law, any data collected by such officials shall be protected in a manner which will not permit the personal identification of students and their parents by other than these officials, and such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation, and enforcement of Federal legal requirements. A record shall be made, and kept with the student's records, of every person who requests or obtains access to that student's records – except for the institution's employees who have authorized access. All these exceptions are permitted under the Act.

The Act also permits disclosures on information from the student's education records, without the written consent of students, to parents of a dependent student of such parents, as defined in Section 152 of the Internal Revenue Code of 1954, as amended.

Within the University community, only those members, individually and collectively, acting in the students' educational interests are allowed access to student education records. These members include personnel in the Registrar's Office, Admissions Office, Office of Student Affairs including Counseling & Academic Support Services, Office of Financial aid, the Office of Academic Affairs maintaining student education records, and other administrative and academic personnel within the limitations of their need to know. (Their need to know must be established in written form and shall be included in the student's file.)

At its discretion, West Virginia State University may provide directory information in accordance with the provisions of the Act to include: students name, address, student e-mail, telephone number, date and place of birth, names and addresses of parents, major field of study, date of attendance, 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 Registrar's Office before the close of the late registration period for the fall semester.

West Virginia State University assumes that failure on the part of any student to specifically request, on the official form, the withholding of "Directory Information" indicates individual approval for disclosure.



To assure that the request for non-disclosure of directory information is properly processed and honored, the student should use the official form available in the Registrar's Office. West Virginia State University will honor request for non-disclosure for **only one** academic year. Therefore, authorization to withhold directory information must be filed annually in the Registrar's Office. For this purpose, the academic year of West Virginia State University commences with the summer session.

The law provides students with the right to inspect and review information contained in their education records, to challenge the contents of their education records, to have a hearing if the outcome of the challenge is unsatisfactory, and to submit explanatory statements for inclusion in their files if they feel the decisions of the hearing panels be unacceptable. The Registrar's Office has been designated to coordinate the inspection and review procedures for student education records, which include admissions, personal, and academic records, and the Office of Student Affairs has been designated to coordinate the inspection and review procedures for student financial files. Students wishing to review their education records must make requests to the office maintaining the particular education record desired to be reviewed listing the item or items of interest. Only records covered by the Act will be made available within 45 days of the request. Students may have copies made of their records with certain exceptions, e.g., a copy of the academic record for which a financial "hold" exists, or a transcript of an original or source document that exists elsewhere. These copies would be made at the students' expense at the prevailing rates charged at copying machines operated by the Institution. Education records **do not** include records of instructional, administrative, and educational personnel which are in the sole possession of the maker and are not accessed or revealed to any individual except a temporary substitute, records of the law enforcement unit, student health records, employment records, or alumni records. Physicians of the students' choosing, however, may review health records.

Students may not inspect and review the following as outlined by the Act: financial information submitted by their parents; confidential letters and recommendations associated with admissions, employment, or career placement, or honors to which they have waived their rights of inspection and review; or education records containing information about more than one student, in which the Institution will permit access only to that part of the record which pertains to the inquiring student. West Virginia State University is not required to permit students to inspect and review confidential letters and recommendations placed in their files before January 1, 1975, provided those letters were collected under established policies of confidentiality and were used only for the purpose for which they were collected.

Students who believe that their education records contain information that is inaccurate or misleading, or is otherwise in violation of their privacy or other rights, may discuss their problems informally with the Registrar's Office. If the decisions are in agreement with the students' request, the appropriate records will be amended (such amendments must be filed jointly by the students and the Vice President of Enrollment Management & Student Affairs). If not, the students will be notified within a reasonable period of time that the records will not be amended; and they will be informed by the Registrar's Office of their right to a formal hearing. Students' requests for a formal hearing must be made in writing to the Vice President of Enrollment Management & Student Affairs who, within a reasonable period of time after receiving such requests, will inform students of the date, place, and time of the hearings. Students may present, to the hearing panel, evidence relevant to the issues raised and may be assisted or represented at the hearings by one or more persons of their choice, including attorneys, at the students' expense.



Decisions of the hearing panel will be final, will be based solely on the evidence presented at the hearing, and will consist of written statements summarizing the evidence and stating the reasons for the decisions, and will be delivered to all parties concerned. The education records will be corrected or amended in accordance with decisions of the hearing panel, if the decisions are in favor of the students. If the decisions are unsatisfactory to the students, the students may place with the education records statements commenting on the information in the records, or statements setting forth any reasons for disagreeing with the decisions of the hearing panel. The statements will be placed in the education records, and released whenever the records in question are disclosed.

Students who believe that the adjudication of their challenge were unfair, or are not in keeping with the provisions of the Act, may appeal in writing to the Vice President of Enrollment Management & Student Affairs or to the President of West Virginia State University for those challenges brought to the Office of Student Affairs. Decisions made by the President may be appealed to the Chancellor and West Virginia Board of Directors, 950 Kanawha Boulevard East, Charleston, West Virginia, 25301. Furthermore, students who believe their rights have been abridged may file complaints with the Family Education Rights and Privacy Act Office, Department of Education, Washington, D.C. 20201, concerning the alleged failure of West Virginia State University and/or the West Virginia Board of Directors to comply with the Act. Revisions and clarifications of this policy will be published as expressed by the law and West Virginia State University's policies warrant.



WEST VIRGINIA STATE UNIVERSITY

SEARCH AND SEIZURE

1. A University official or University security officer should get a search warrant from a neutral and detached magistrate if the formal criminal process might be invoked, or from a neutral and detached senior administrator of the Institution authorized by the President to issue warrants if any evidence found is to be used solely for Institution disciplinary hearing purposes.
2. Securing a warrant to search a student's room, whether from a civil magistrate or from the Institution judiciary means some inconvenience to the Institution officials. However, this is not an inconvenience to be weighed against the claims of administrative efficiency.
3. Securing a search warrant in advance is not without important collateral benefits. The record of a Institution hearing in any case, directed only toward the question of whether or not the Institution complied with its own regulations, would find it difficult to establish "probable cause" for a search by after-the-fact testimony alone. A prior warrant builds a record, establishes the presumptive validity of the search, and minimizes the burden of justification on post-search hearings. A proper warrant minimizes the chances of obtained evidence being ruled inadmissible against an accused. The following searches are among those which are lawful:

A search conducted in accordance with the authority granted by a lawful search warrant.

A search conducted as an incident of lawfully apprehending a person, which may include a search of his/her person, of the clothing he/she is wearing, and of property which, at the time of apprehension, is in his/her immediate possession or control, and a search of the place where the apprehension is made; but a search which involves an intrusion into his/her body, as by taking a sample of his/her blood for chemical analysis, may be conducted under his rule only where there is a clear indication that evidence of a crime will be found, there is reason to believe that delay will threaten the destruction of the evidence, and the method of conducting the search is reasonable.

A search incident to a lawful hot pursuit of a person, including a search reasonably necessary to prevent his/her resistance or escape.

A search under circumstances demanding immediate action to prevent the removal or disposal of property believed on reasonable grounds to be criminal goods. Search of one's person with his/her freely given consent, or of property with the freely given consent of a person entitled in the situation involved to waive the right to immunity from an unreasonable search, such as an owner or occupant, as the case may be under the circumstances.

A search of any of the following three kinds which has been authorized upon probable cause:

1. A search of property owned, used, or occupied by, or in the possession of, a person subject to West Virginia law or Institution regulations, property being situated on the University campus or some other place under Institution control.
2. A search of the person of anyone subject to West Virginia law or Institution regulations who is found on the University campus or some other place under Institution control.



3. A search of Institution property.
4. The Institution President authorizes and delegates to the major administrators, the Chief Justice of the All University Hearing Council and the Vice-president for Administrative Affairs, the general authority to order searches upon a finding of probable cause, and a search ordered by virtue of any such delegation is to be considered as having been authorized by the Institution President. The person who orders a search need not him/herself make or be present at the search, which should be carried out by the campus Department of Public Safety.
5. The examples of lawful searches set forth above are not intended to indicate a limitation upon the legality of searches otherwise reasonable under the circumstances.
6. To be lawful, even under circumstances that would permit a lawful search, searches by Institution officials or police officers of a student's room or apartment, automobile, effects, papers, or person without his freely given consent must be for instrumentality's or fruits of crime, or of a violation of Institution rules, regulations or policies, things which might be used to resist apprehension or to escape, property the possession of which is itself a crime, or evidence in which there is reason to believe will otherwise aid in a particular apprehension or conviction. This restriction does not apply to administrative residence hall room and Prillerman Hall apartment inspections or inventories conducted in accordance with law, regulation, or custom.
7. Probable cause for ordering a search exists when there is reason to believe that items of the kind indicated above as being properly the subject of a search are located in the place or on the person to be searched. Such reasonable belief may be based on information which the authority requesting permission to search has received from another if the authority ordering the search has been apprised of some of the underlying circumstances from which the informant concluded that the items in question were where he claimed they were and some of the underlying circumstances from which the authority requesting permission to search concluded that the informant, whose identity need not to be disclosed, was credible or his information reliable.
8. When the accused objects to evidence obtained as a result of a search on the grounds that the search was unlawful, the burden is on the Institution to show, as an interlocutory matter, either that the search was lawful or that for some other reason the search would not render the evidence in question inadmissible against the accused. If the justification for using evidence obtained as a result of a search is that there was a freely given consent to the search, that consent must be shown by clear and positive evidence.

In a University judicial hearing concerning disciplinary matters, the All University Hearing Council may exclude evidence found as a result of a search if that search is challenged by a student who is a party to the proceeding and the Institution seeks to use the evidence obtained in the search against that student, and if the Institution cannot show by clear and convincing evidence that the search was authorized by administrative search warrant or by a freely-given consent of the person searched. Challenges to a search or seizure shall be made in the course of the hearing itself, and will not be by a pre-hearing by the All University Hearing Council which has no authority to entertain a motion for, or to order, return of property obtained as a result of what it determines to be an unlawful search or seizure. That petition must be presented to the Institution President.



WEST VIRGINIA STATE UNIVERSITY

CANNONS OF JOURNALISM

(American Society of Newspaper Editors)

The primary function of newspapers is to communicate to the human race what its members do, feel, and think. Journalism, therefore, demands of its practitioners the widest range of intelligence, of knowledge, and of experience, as well as natural and trained powers of observation and reasoning. Its opportunities as a chronicle are indissolubly linked to its obligations as teacher and interpreter.

To the end of finding some means of codifying sound practice and just aspirations of American journalism, these cannons are set forth:

Responsibility

The right of a newspaper to attract and hold readers is restricted by nothing but consideration of public welfare. The use a newspaper makes of the share of public attention it gains serves to determine its sense of responsibility that it shares with every member of its staff.

A journalist who uses his/her power for any selfish or otherwise unworthy purpose is faithless to a high trust.

Freedom of the Press

Freedom of the press is to be guarded as a vital right of mankind. It is the unquestionable right to discuss whatever is not explicitly forbidden by law, including the wisdom of any restrictive statute.

Independence

Freedom from all obligations except that of fidelity to the public interest is vital.

1. Promotion of any private interest contrary to the general welfare, for whatever reason, is not compatible with honest journalism. So-called news communications from private sources should not be published without public notice of their source or else substantiation of their claims to value as news, both in form and in substance.
2. Partisanship in editorial comment that knowingly departs from the truth, does violence to the best spirit of American journalism; in the news columns it is subversive of a fundamental principle of the profession.

Sincerity, Truthfulness, and Accuracy

Good faith with the reader is the foundation of all journalism worthy of the name.

1. By every consideration of good faith, a newspaper is constrained to be truthful. It is not to be excused for lack of thoroughness or accuracy within its control, or failure to obtain command of these essential qualities.
2. Headlines should be fully warranted by the contents of the articles that they surmount.



Fair Play

A newspaper should not publish unofficial, charges affecting reputation of moral character without opportunity given to the accused to be heard; right practice demands the giving of such opportunity in all cases of serious accusation outside judicial proceedings.

1. A newspaper should not invade private rights or feelings without sure warrant of public rights as distinguished from public curiosity.
2. It is the privilege, as it is the duty, of a newspaper to make prompt and complete correction of its own serious mistakes of fact or opinion, whatever their origin.

Decency

A newspaper cannot escape conviction of insincerity if, while professing high moral purposes, it supplies incentives to base conduct, such as are to be found in details of crime and vice, publication of which is not demonstrably for the general good. Lacking authority to enforce its canons, the journalism here represented can but express the hope that deliberate pandering to vicious instincts will encounter effective public disapproval or yield to the influence of a preponderant professional condemnation.



WEST VIRGINIA STATE UNIVERSITY

STANDARDS AND PROCEDURES FOR INVOLUNTARY ADMINISTRATIVE (MEDICAL) WITHDRAWAL

Introduction:

West Virginia State University maintains both a Health Center and a Counseling Center. Neither service is equipped to provide psychological counseling or psychiatric care. Every effort is made by both services to cooperate with agencies or individual practitioners who are working with students who have mental disorders. But, the college/university staff is not equipped to identify the potential for violent or disruptive behavior and is not trained to intervene safely in violent situations. In rare instances, students may exhibit behavior that is beyond the capabilities of the Counseling Center and/or Health Center, thus necessitating the use of involuntary withdrawal procedures.

Standards for Withdrawal:

A student will be subject to involuntary administrative withdrawal from the Institution, and/or from University housing, if it is determined, by clear and convincing evidence that the student is suffering from a mental disorder and as a result of the mental disorder:

- a) engages, or threatens to engage, in behavior which poses a danger of causing physical harm to self or others; or,
- b) engages, or threatens to engage, in behavior which would cause significant property damage to directly and substantially impede the lawful activities of others.

A student accused of violating Institution disciplinary regulations may be diverted from the disciplinary process and withdrawn in accordance with these standards, if the student, as a result of mental disorder:

- a) lacks the capacity to respond to pending disciplinary charges, or
- b) did not know the nature or wrongfulness of the conduct at the time of the offense.

Students subject to disciplinary charges who wish to introduce relevant evidence of any mental disorder must so inform the Vice President for Enrollment Management & Student Affairs, in writing, at least two business days prior to any disciplinary hearing. If the Vice President for Enrollment Management & Student Affairs determines that the evidence may have merit, the case shall then be resolved in accordance with these standards and procedures. Thereafter, if it is determined that the student does not meet the criteria set forth in part three, the case will be turned to the disciplinary process. Evidence of any mental disorder may not be admitted into evidence or considered by the hearing panel in any disciplinary proceeding.



Referral for Evaluation:

The Vice President for Enrollment Management & Student Affairs or his/her designee may refer a student for evaluation by an independent licensed psychiatrist or psychologist chosen by the institution, if the Vice President reasonably believes that the student may meet the standards set forth above.

Students referred for evaluation shall be so informed, in writing, and shall be given a copy of these standards and procedures. Said referral shall be served upon the student by one of the following means:

- a) handing a copy to the student in person, if he/she can be found with reasonable diligence in the town where the institution is located and the evaluation is to take place; or,
- b) mailing, via certified mail, a copy to the student at the residence used while in attendance at the institution, as last noted on his/her official records at the institution; or,
- c) if the student is not presently registered at the institution, or in any event, by mailing, via certified mail, a copy to his/her last known permanent or home residence as disclosed by official records at the institution.

The evaluation must be completed within five business days from the date of the referral letter, unless an extension is granted by the Vice President or designee, in writing. A licensed psychologist or psychiatrist of their choice, who may observe, but not participate in the evaluation process, may accompany students. Legal representation will not be permitted.

Any pending disciplinary action may be withheld until the evaluation is completed, at the discretion of the Vice President for Enrollment Management & Student Affairs.

A student who fails to complete the evaluation in accordance with these standards and procedures may be withdrawn on an interim basis, as set forth in the next section on Interim Withdrawal or referred for disciplinary action, or both.

Interim Withdrawal

An Interim Administrative Withdrawal may be implemented immediately if a student fails to complete an evaluation, as provided above. Also, an interim withdrawal may be implemented immediately if the Vice President for Enrollment Management & Student Affairs determines that a student may be suffering from a mental disorder and the student's behavior poses an imminent danger of:

- a) causing serious physical harm to the student, or others; or,
- b) causing significant property damage or directly and substantially impeding the lawful activities of others.



Should a situation involving imminent danger exist, any member of the College/University staff or faculty shall call Security. The Security Office shall secure appropriate assistance from the College Health Service, College Physician, local medical emergency personnel and/or outside law enforcement personnel. After the emergency has been handled, the Security Officer shall notify the Vice President for Enrollment Management & Student Affairs or other senior administrative officers of the Institution. The Institution may inform the student's family or others closely associated with the student about the situation.

A student subject to an interim withdrawal shall be given written notice of the withdrawal and shall then be given a copy of these standards and procedures. Said notice shall be served upon the student by one of the following means:

- a) handing a copy to the student, in person, if he/she can be found, with reasonable diligence in the town where the institution is located and the evaluation is to take place; or,
- b) mailing, via certified mail, a copy to the student at the residence used while in attendance at the institution, as last noted on his/her official records at the institution; or,
- c) if the student is not presently registered at the institution, or in any event, by mailing, via certified mail, a copy to his/her last known permanent or home residence as disclosed by official records at the institution.

The student shall then be given an opportunity to appear personally before the Vice President for Enrollment Management & Student Affairs or a designee within two business days from the effective date of the interim withdrawal in order to review the following issues only:

- a) reliability of the information concerning the student's behavior;
- b) whether or not the student's behavior poses a danger of causing imminent, serious physical harm to the student or others, causing the significant property damage, or directly and substantially impeding the lawful activities of others;
- c) whether or not the student has completed an evaluation, in accordance with these standards and procedures.



A student subject to interim withdrawal may be assisted in the meeting with the Vice President for Enrollment Management & Student Affairs or designee by an advisor. Such advisor may be a family member, a licensed psychologist or psychiatrist, or a member of the faculty or staff of the institution. An advisor may consult with the student, but may not speak on behalf of the student or otherwise participate directly in the meeting, unless given specific permission to do so by the Vice President for Enrollment Management & Student Affairs or designee. Furthermore, legal counsel may accompany the student, although role of counsel will be limited to an advisory capacity to the student. Counsel may not speak on behalf of the student or otherwise participate directly in the meeting.

Informal Hearing:

An informal hearing will be held within seven business days after the student has been evaluated by the appropriate mental health professional. Such evaluation should be undertaken within two business days after the student submits a proper request for an appointment. The student will remain withdrawn on an interim basis pending completion of the informal hearing, but will be allowed to enter the campus to attend the hearing, or for other necessary purposes, as authorized, in writing, by the Vice President for Enrollment Management & Student Affairs or designee.

Students subject to an involuntary withdrawal shall be accorded an informal hearing before the Vice President for Enrollment Management & Student Affairs or a designee. The following guidelines will be applicable:

- a) Students will be informed of the time, date and location of the informal hearing, in writing, at least two business days in advance. Such notice shall be served either by personal delivery or certified mail in accordance with guidelines set out under the Interim Withdrawal process.
- b) The entire case file, including an evaluation prepared pursuant to these standards and procedures, and the names of perspective witnesses will be available for inspection by the student in the Office of the Vice President for Enrollment Management & Student Affairs during normal business hours. The file, which should be available at least two business days before the informal hearing, need not include the personal and confidential notes of any institutional official or participant in the evaluation process.
- c) The informal hearing shall be conversational and non-adversarial. Formal rules of evidence will not apply. The Vice President for Enrollment Management & Student Affairs or designee shall exercise control over the proceedings to avoid needless consumption of time and to achieve the orderly completion of the hearing. Any person who disrupts the hearing may be excluded.
- d) The student may choose to be assisted by an advisor. Such advisor may be a family member, a licensed psychologist or psychiatrist, or a member of the faculty or staff of the institution. Furthermore, legal counsel may accompany the student, although the role of counsel will be limited to providing legal advice to the student. Students retain legal counsel at their own expense and must notify the Vice President for Enrollment Management & Student Affairs or designee at least forty-eight hours prior to the hearing if an attorney will be present at the proceedings.



An advisor and/or counsel may not speak on behalf of the student or otherwise participate directly in the proceedings unless given specific permission to do so from the Vice President for Enrollment Management & Student Affairs or designee where the student lacks the capacity to respond to charges or conduct his/her own defense.

- e) The institution may request legal counsel through the Office of the Chancellor. Counsel retained by the institution may participate only in an advisory capacity and may not speak on behalf of the institution or otherwise participate directly in the proceedings except in those instances where student's advisor actively participates.
- f) The student will be given reasonable time to ask relevant questions of any individual appearing at the informal hearing, as well as to present relevant evidence.
- g) Whenever possible, the student will be expected to respond to questions asked by the Vice President or designee. Students who refuse to answer on grounds of the Fifth Amendment privilege may be informed that the Vice President or designee could draw a negative inference from their refusal that might result in their dismissal from the institution in accordance with these standards and proceedings.
- h) The informal hearing may be conducted in the absence of a student who fails to appear after proper notice.
- i) The mental health professional who prepared the evaluation pursuant to these standards and procedures may be asked to appear at the informal hearing to present evidence in support of any withdrawal recommendation and/or to respond to relevant questions, upon request of with party, if the Vice President or designee determines that such participation is essential to the resolution of a dispositive issue in the case.
- j) The Vice President or designee may permit an official of the institution to appear at the informal hearing and to present evidence in support of any withdrawal recommendation.
- k) The informal hearing shall be tape recorded by the Vice President or designee.
- l) The Vice President or designee shall render a written decision within five business days after the completion of the informal hearing. The written decision should contain a statement of reasons for any determination leading to extending the Interim Involuntary Withdrawal for a longer period of time. The student should also be advised as to when a petition for reinstatement would be considered together with any conditions for reinstatement.
- m) Time periods for these procedures may be extended or modified by agreement of parties involved and approval by the Vice President for Enrollment Management & Student Affairs.
- n) An appeal may be made to the President.

Deviations from Established Procedures:

Reasonable deviations from these procedures will not invalidate a decision or proceeding unless significant prejudice to a student may result.



WEST VIRGINIA STATE UNIVERSITY EMERGENCY HELP PROCEDURES

West Virginia State University Procedures for Medical Emergencies are:

If an individual begins to exhibit bizarre, disruptive behavior or suddenly appears **very** ill (physically or possibly due to psychological causes), or attempts suicide, any West Virginia State University staff or faculty member should:

- a) call Security (who maintains round-the-clock hours).
- b) Security, at the point, (1) can arrange to have an ambulance transport the individual, if necessary, to a local hospital and/or (2) call the University Health Center Staff, if on duty, and/or (3) call the University physician for instructions. (Although certain behavior may be resulting from illness, if that behavior is threatening to others or self, appropriate outside law enforcement officers may be called to help deal with the behavior of the individual.)
- c) after the immediate emergency is handled, Security personnel will notify an executive officer of the Institution, such as the Vice President for Enrollment Management & Student Affairs, Vice President for Academic Affairs, Vice President for Administrative Affairs, or the President, so that an official, of West Virginia State University is aware of the episode. In the case of severe illness or a suicide attempt, the Student Affairs Office retains the right to call parents or other close relatives to inform them of the situation. It is the position of the Institution that it **may** decide to inform others in the best interest of the individual and for the protection of others at the Institution.

(The Collegiate Support Services and Counseling Center has a primary goal to help students with their general academic adjustment. Counselors may provide light personal counseling, but extreme medical situations listed above are usually beyond the expertise or purpose of this group. Similarly, the Health Center Staff may not be equipped to handle major health emergencies on campus. However, **the University physician and his staff become the main contact persons in medical emergencies and can make appropriate referrals to outside health professionals where individuals may receive assistance needed**).



WEST VIRGINIA STATE UNIVERSITY STUDENT GOVERNMENT ASSOCIATION

Most out-of-classroom activities involving the student body are carried out under the direction of the Student Government Association. The purpose of the Student Government Association is:

- To provide a central agency by which students may assist in promoting the interest and welfare of the College community;
- To cooperate with the faculty and staff in the regulation and promotion of student activities;
- To further the development of a wholesome relationship between the administration and student body;
- To encourage student participation in the control of those problems which relate particularly to student life;
- To promote College spirit;
- To stimulate intelligent thinking on College problems and to serve as an agency for the crystallization and expression of student thought.

Although all students are members of the Student Government Association (SGA), the SGA Constitution provides for a governance system consisting of students elected or appointed by students, who operate on behalf of students.

The basic structure of the SGA governance system consists of three co-equal branches: The Executive Branch, (Cabinet), the Legislative Branch, known as the Student Senate, (a policy-setting group composed of five voting members), and the Judicial Branch, known as the Student Hearing Council, (composed of three students).

The West Virginia State University [Student Government Association Constitution](#) revised and replaces West Virginia State University Student Government Association Constitution dated July 1, 2003.

View [SGA Job Descriptions](#) on the University webpage.



WEST VIRGINIA STATE UNIVERSITY

SATISFACTORY ACADEMIC PROGRESS

for Students Receiving Financial Aid

When students accept financial aid, they also accept the responsibility to make Satisfactory Academic Progress (SAP). This progress is based on the number of attempted and earned credit hours you enroll in per semester, your term and cumulative GPA, as well as the length of enrollment at West Virginia State University in addition to any courses taken at other institutions.

The Office of Student Financial Assistance has revised the Satisfactory Academic Progress Policy effective July 1, 2013.

Students can find a detailed description of the revised [Satisfactory Academic Progress Policy](#) on the University Web Page.

RETURN OF TITLE IV FUNDS POLICY

Title IV funds are Federal Direct Loans, PLUS Loans, Federal Pell Grants, and Federal Supplemental Educational Opportunity Grants (FSEOG). Federal law specifies how West Virginia State University must determine the amount of Title IV program assistance that you earn if you withdraw from school.

The funds will be returned to the programs based on a concept of earned versus unearned aid. The "Return of Title IV Funds" rule assumes that a student earns his or her aid based on the period of time he or she remained enrolled. The Division of Student Services is required by federal statute to determine how much financial aid was earned by students who are dismissed, withdraw, drop out, or take a leave of absence prior to completing 60% of a payment period or term. For a student who withdraws after the 60% point-in-time, there are no unearned funds. However, a school must still complete a return calculation in order to determine whether the student is eligible for a post-withdrawal disbursement.

Unearned Title IV funds, other than Federal Work-study, must be returned. Unearned aid is the amount of disbursed aid that exceeds the amount of Title IV aid earned. During the first 60% of the enrollment period, a student earns Title IV funds in direct proportion to the length of time he or she remains enrolled. A student who remains enrolled beyond the 60% point earns all aid for that period.

More information on the [Return of Title IV Funds](#) is available on the University webpage.