

WVSU STUDENT HANDBOOK



WEST VIRGINIA STATE UNIVERSITY

Revision Date: August 4, 2021

West Virginia State University is an equal opportunity/affirmative action institution and does not discriminate against any person because of race, color, religion, sex/gender, national origin, ancestry, age, blindness, disability, pregnancy, genetic information, sexual orientation, gender identity, veteran or military status or other category that is protected under federal, State, or local anti-discrimination laws as protected characteristics.

FORWARD

Dear West Virginia State University Student:

The Student Handbook 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 obscure your ever-so-distant goals. **The Student Handbook** is intended to serve as a guide to help you through the challenges you may encounter as you progress toward those goals.

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

We want you to complete your education here, joining 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 being a contributing member of the campus community and cooperating with the staff, the student body and the faculty.

The Student Handbook will provide you with a better understanding of the ideals 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.

With this handbook, 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, answering your questions, and helping you achieve success.

“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 helped you navigate your educational journey.

Let us know how we can be of assistance to you. Please do not hesitate to contact us at the Office of Student Affairs. Wishing you much success at West Virginia State University.

Your Division of Student Affairs Team

TABLE OF CONTENTS

WVSU Mission Statement and Vision	1
Affirmative Action	2
Alma Mater	3
Where To Go	4
Drugs and Alcohol	7
Purpose	8
Smoking, Children in Class	9
Emergency Response Plan, Institutional Review Board	10
Classroom/Laboratory Safety	11
Student Complaint Process, BOG Policies	12
Family Educational Rights & Privacy Act	13
Search & Seizure	18
Cannons of Journalism	20
Involuntary Administrative (Medical) Withdrawal	22
Emergency Help Procedures	29
Student Government Association	30
Satisfactory Academic Process	31
Title IX Policy and Additional Resources	33
Student Disability Accommodation Requests Complaint Procedures	34
Academic Dishonesty	35
Student Code of Conduct	41
Student Rights	42
Glossary of Legal Terms	45
Prohibited Student Conduct	48
Charges	54
Hearing/Appellate Procedures	56
Sanctions	58

Other useful handbooks that are available to you include:

[Student Organizations Handbook](#)

[WVSU Catalogue](#)

Residence Hall Manual

[Emergency Procedures Guide/Safety Manual](#)

[Go to Table of Contents](#)

WEST VIRGINIA STATE UNIVERSITY

MISSION STATEMENT

West Virginia State University is a diverse, 1890 land-grant institution that advances knowledge through access and opportunity, innovative teaching and learning, interdisciplinary research, and impactful service. Our learners are equipped to meet the economic and social needs of the state, region, and nation, and contribute solutions to complex global challenges.

VISION

West Virginia State University is a premier, land-grant institution where an entrepreneurial spirit inspires innovative teaching and learning, transformative research, and relevant community engagement that empowers learners to live a life of impact.

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 the Office of Human Resources at (304) 766-3156.

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 Traditions](#) webpage.

West Virginia State University At a Glance

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.

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.

[Go to Table of Contents](#)

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.

WEST VIRGINIA STATE UNIVERSITY

WHERE TO GO

Academic Advising (Planning course study, scheduling of classes, arrange classes, credit by examination, etc.)	WVSU Academic Affairs Office 131 Ferrell Hall (304) 766-3145 or 3146	Changing Major	Registrar's Office 128 Ferrell Hall (304) 766-3136 or 3144
Accidents	University Police Ferrell House (304) 766-3353	Class Ring	University Bookstore 122 Wilson Union (304) 766-3351
Activities, Student	Student Life & Engagement 103 Wilson Union (304) 766-3288	Commuter Lounges	1st Floor, Fine Arts Building 1st Floor, Cole Complex 1st Floor, Hamblin Hall Main Floor Wilson University Union
Adding a Course	Registrar's Office 128 Ferrell Hall (304) 766-3136 or 3144	Counseling , Career	Career Services Office 108 Wallace Hall (304) 766-3250
Admissions	Admissions Office 121 Ferrell Hall (304) 766-3221 or 3619	Counseling , Disabilities	Student Accessibility Services 123 Sullivan Hall East (304) 766-3168
Alumni Affairs	Alumni Affairs Office East Hall (304) 766-3322	Counseling, Personal	Counseling Services 129 Sullivan Hall East (304) 766-3168
Athletics	Athletics Office 210 Fleming Hall (Gym) (304) 766-3165	Credit Load Exceptions	WVSU Academic Affairs Office 131 Ferrell Hall (304) 766-3145 or 3146
ATM	Wilson Union (Main Hallway)	Crime Reporting	University Police Ferrell House (304) 766-3353
Books & Supplies	University Bookstore 122 Wilson Union (304) 766-3351	Degrees (Applications & Requirements)	Registrar's Office 128 Ferrell Hall (304) 766-3136 or 3144
Bus Service (Kanawha Rapid Transit-KRT)	Schedules Available: First Floor, Ferrell Hall	Disability Services	Student Accessibility Resources 123 Sullivan Hall East (304) 766-3168
Career Planning (Job Interviews, Resume help, Placement Files, Part-time Employment, Computer-assisted decision making, etc.)	Career Services Office 108 Wallace Hall (304) 766-3250	Dropping Course	Registrar's Office 128 Ferrell Hall (304) 766-3136 or 3144

[Go to Table of Contents](#)

WHERE TO GO CONTINUED...

Email Account	Computer Services 123 Hamblin Hall (304) 766-3261	Housing, Campus	Housing & Residence Life S114 Judge Damon J.Keith Scholars Hall (304) 766-3037 or 4188
Employment, Off Campus	Career Services Office 108 Wallace Hall (304) 766-3250	Identification Cards	Cashiers Office Ferrell Hall (304) 766-3352
Employment, On Campus	Human Resources 105 Cole Complex (304) 766-3156	Information, Campus	Information Center Main Floor, Wilson University Union (304) 766-3378
Employment , Work Study	Career Services Office 108 Wallace Hall (304) 766-3250	Institutional Policies	President's Office 103 Ferrell Hall (304) 766-3111
Financial Aid	Financial Assistance Office 105 Ferrell Hall (304) 766-3131	Instructional Programs	WVSU Academic Affairs Office 131 Ferrell Hall (304) 766-3145 or 3146
Fire, Report of	911 or Institute Volunteer Fire Department (304) 357- 0191	Intramurals	Student Life and Engagement Office 103 Wilson University Union (304) 766-3288
Food Service	Main Floor Wilson University Union (304) 766-3358 or 3359	Library, Institution	Drain-Jordan Library (304) 766-3116 or 3117
Forgein Student Advisor	International Studies Office 327 Ferrell Hall (304) 766-4249	Loans, Student & Parent	Financial Assistance Office 324 Ferrell Hall (304) 766-3131
Graduation Announcements	University Bookstore 122 Wilson Union (304) 766-3351	Mail Service	Institute Post Office 6200 Fairlawn Ave Institute, WV 25112 (304) 768-8911
Graduation Cap & Gowns	University Bookstore 122 Wilson Union (304) 766-3351	Message Service (Message boxes are available for Student Leaders and Organizations)	Student Life and Engagement Office 103 Wilson University Union (304) 766-3288
Family Health Care Clinic	Wilson University Union (304) 766-3323		

WHERE TO GO CONTINUED...

Parking & Traffic	University Police Ferrell House (304) 766-3353	Transcripts	Registrar's Office 126 Ferrell Hall (304) 766-3136
Institution Payments	Cashiers Office 117 C Ferrell Hall (304) 766-3141	Tuition & Fees	Cashiers Office 117 C Ferrell Hall (304) 766-3141
Payroll	Payroll Office 110 Cole Complex (304) 766-3151	Tutoring	Learning Enrichment Centers 117 Wallace Hall (Math) 216 Wallace Hall (Writing) 304-766-3041
Peer Programs	Counseling Services 117 Sullivan Hall East (304) 766-3168 or 3041	Undecided Majors, 4 YR	WVSU Academic Affairs Office 131 Ferrell Hall (304) 766-3145 or 3146
Photographic Services	University Relations 308 Ferrell Hall (304) 766-3211	University Police	University Police Ferrell House (304) 766-3353
University Relations	Advancement Center 308 Ferrell Hall (304) 766-3363 or 3020	University/BOG Policies	Click Here
Registration & Records	Registrar's Office 128 Ferrell Hall (304) 766-3136 or 3144	Veteran's Affairs	Registrar's Office 128 Ferrell Hall (304) 766-3136
Repairs, Campus	Physical Facilities Plant Harold McNeall Maintenance Building (304) 766-3181	Yellow Jacket Student Newspaper	Yellow Jacket Office 214 Wilson University Union (304) 766-3212
Schedule Changes	Registrar's Office 128 Ferrell Hall (304) 766-3136 or 3144		
Scholarships	Financial Assistance & Scholarship Office 105 Ferrell Hall (304) 766-4363		
Social Events	Student Life and Engagement Office 103 Wilson University Union (304) 766-3288		

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 State University Board of Governors [Policy #36](#).

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.

Purpose

West Virginia State University reaffirms its human resources development commitment that stresses respect for individuals' confidentiality of information and their personal goals and objectives regardless of their personal afflictions or disabling conditions. It also recognizes that such persons may wish to maintain their student or employee status for as long as their medical condition allows. To this end, West Virginia State University will refer to this policy in analyzing and responding to each person's condition and circumstances in determining the extent to which the person can remain associated with West Virginia State University.

Applicable Laws and Regulations

West Virginia State University will apply the same disability statutes, policies, procedures, and regulations to students, student applicants, employees, and employment applicants with HIV/AIDS as are applied to persons with other disabling conditions. Where applicable, West Virginia State University will adhere to health and safety laws, public health laws, and other appropriate requirements, which govern the control and prevention of communicable and infectious diseases. West Virginia State University recognizes its duty to provide an environment that is free from recognized hazards causing, or likely to cause, death or serious physical harm or serious illness.

Support Services

Through the Counseling Services Office and via the Office of Retention and Student Success West Virginia State University provides mental health counseling, consultation, referrals to community services, and educational workshops on wellness issues. .

Reasonable Accommodation

Where applicable, and under the meaning of reasonable accommodation as specified by law, West Virginia State University will reasonably accommodate the environmental restrictions or medical limitations of the affected person, provided the individual can perform the essential functions of his or her normal responsibilities with the accommodation. All accommodations will be considered on an individual basis.

In determining the reasonableness of any accommodation, the required investment will be weighed with the projected benefits obtained by the individual and West Virginia State University. Counselors will serve as the major resource on reasonable accommodation and related matters for affected students and student applicants. All students and employees may follow complaint procedures, found in the University/College handbook, as needed.

Confidentiality of Information

Recognizing the need for confidentiality, West Virginia State University will be guided by relevant state and federal privacy laws, policies and procedures, and disease reporting requirements of the County Health Department and the State Department of Health and Human Resources.

SMOKING

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. Please refer to West Virginia State University [Policy #8](#).

CHILDREN IN CLASSES

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.

[WVSU Board of Governors List of Policies](#)

EMERGENCY RESPONSE PLAN

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 University Police Department) and thoroughly understand it in order to be ready to react to an emergency situation.

INSTITUTIONAL REVIEW BOARD

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 ensure 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

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 Business & Finance Office and the WVSU University Police Department 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 University Police (#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 Business & Finance.

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 Natural 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 College of Natural Sciences and Mathematics, H-101.

STUDENT COMPLAINT PROCESS

When a student encounters a problem on campus that he/she does not know how to resolve, he/she should always try to work the problem out by first discussing it with those involved. Dealing with concerns in the most direct and honest fashion should always be the first step toward resolution. Many problems are resolved when a student makes an appointment with a faculty or staff member and calmly and honestly communicates their concerns.

If, however, an issue or problem still exists, a student may initiate the formal complaint procedures at WVSU. All formal complaints must be put in writing using the official WVSU Student Complaint Form found [here](#).

WEST VIRGINIA STATE UNIVERSITY BOARD OF GOVERNORS POLICIES

The approved West Virginia State University Board of Governors 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 University [website](#) and are also made available at the West Virginia State University Drain-Jordan Library at no cost.

[Go to Table of Contents](#)

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.

FERPA 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 with the University. Forms can be obtained in the following locations:

Office of the Registrar
Office of Student Financial Aid and Scholarships
Cashiers Office

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;
1. officials of other institutions in which students seek to enroll and to whom student have given written permission for such disclosures;
2. persons or organizations providing students' financial aid;
3. accrediting agencies carrying out their accreditation function;
4. persons in compliance with judicial order;
5. 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
6. persons in an emergency in order to protect the health and/or safety of students or other persons.
7. 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 of information from the student's education records, without the written consent of students, to parents of a dependent student or 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 Services, Office of Retention and Student Success, Office of Student Financial Aid and Scholarships, 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: student 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 requests 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 Enrollment Management 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). 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 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.

[Go to Table of Contents](#)

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 was unfair, or are not in keeping with the provisions of the Act, may appeal in writing to the Vice President of 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 police 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 an 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.

[Go to Table of Contents](#)

3. A search of Institution property.
4. The Institution President authorizes and delegates to the major administrators, the All University Hearing Council and the Vice-president for Business & Finance, 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 make or be present at the search, which should be carried out by the campus University Police Department.
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 instrumentalities 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 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.

[Go to Table of Contents](#)

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 a 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 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 (WVSU) recognizes that students may experience medical situations (physical or psychological) that significantly limit their ability to function successfully or safely in their role as students. In those situations, students should consider requesting a medical leave of absence (MLOA), which permits students to step away from the University and their studies, so that they may receive treatment and later return to the University with an enhanced opportunity to achieve their academic and co-curricular goals.

WVSU has designed this policy to ensure that students are given the individualized attention, consideration and support needed to address medical issues (physical or psychological) that arise or escalate during their time at the University. This policy outlines a flexible and individualized process that students should follow to request a medical leave of absence to address their medical difficulties so that they can return to successfully matriculate at the University.

Note: Students may also be eligible to take other types of leave from their academic program.

Advantages of Taking a Medical Leave of Absence

Students who take a MLOA should consult with Student Financial Assistance about the possible impact to aid. International students must consult with the International Students Office before taking a Medical Leave of Absence in order to understand the impact of taking a medical leave on their visa status.

1. For undergraduate and graduate students, a MLOA does not necessarily disrupt the student's guarantee of scholarships or funding.
2. A MLOA may allow a student to initiate a leave of absence and withdraw from classes later in the semester than is normally permitted.
3. The length of time a student may take to recover while on a MLOA is typically longer than the length of time a student would need to recover from a short illness

Voluntary Medical Leave of Absence

The following procedures provide for an individualized approach for assessing a student's eligibility to take and return from a MLOA and are designed to be reasonable and flexible.

The Exit Process

Students who are experiencing significant health issues that are interfering with their academics or university life may choose to request a voluntary medical leave of absence. A MLOA will involve the following steps:

1. Contact Student Accessibility Resources (SAR) to discuss the process. The Student Accessibility Resources office will serve as a facilitator of the process on behalf of the student.

[Go to Table of Contents](#)

2. Schedule meeting to discuss the situation and submit documentation. The student will schedule a time to meet with SAR staff to discuss their situation in detail and submit any relevant documentation. If a health provider is already involved, their assessments and recommendations will be taken into consideration. The University in consultation with relevant staff (ie, Counseling Services for mental health concerns) will utilize this information in making any recommendations regarding the MLOA.
3. Make treatment recommendations - In recommending a medical leave, in consultation with relevant offices, the University will provide individualized treatment recommendations for students designed to help them become academically and personally ready to resume life at the University. SAR will forward the recommendations to the Dean's Office, who is responsible for granting leaves of absence.
4. Recommendation sent to Dean's Office. After a meeting with the student, reviewing any applicable documentation and consulting relevant offices and staff, SAR will forward the recommendation to the appropriate Dean's Office that a student's request for a MLOA be approved where the student's health, safety, or academic success has been compromised by a significant health issue. If the student's health, safety, or academic success has not been or will not be compromised, then a recommendation for not approving a MLOA will be forwarded to the Dean's Office.

The exit process proceeds as quickly as possible to allow a student experiencing difficulties due to a medical condition to immediately step away from University life and receive the support they need. Because every student's situation is different, the length of the recommended leave will be determined individually. The goal of taking a MLOA is to ensure that students return to the University with an increased opportunity for academic success and students should take the time to achieve this goal. Students should check in with their academic Dean's office prior to and during their leave as leaves may not be permitted indefinitely.

Returning from MLOA

When a student is interested in returning to the University from a voluntary medical leave of absence, the student should take the following steps in order to initiate the re-enrollment process:

1. Inform SAR that a request to return to the University is being made in advance of the intended return date. The Student Accessibility Resources office will serve as a facilitator of the process on behalf of the student.
2. Have treatment providers send a report. The report should document the provider's work with the student, the student's clinical status, and an opinion as to the student's readiness to successfully resume academics and university life. The University relies heavily on information received from the student's treatment provider. Students will be asked to provide Release of Information Forms to the appropriate provider so that its representative may communicate with SAR staff, other relevant staff and Deans, when appropriate, regarding their return.
3. Submit all materials to SAR in a timely manner. Documentation should be submitted by November 1 for consideration for the spring semester, April 1 for the summer sessions, and June 30 for the fall semester. This ensures the University's relevant staff and the Dean's office have sufficient time to review the student's request and re-enroll the student. If materials are received shortly after the relevant deadline, the University will attempt to be flexible and

review the student's request to return for the desired semester. However, if there is missing information and/or the University needs additional time to contact the student's treatment provider, as discussed below, consideration for a return may be made for the following semester rather than the semester for which they were initially seeking to return.

4. Check for any academic work that must be done prior to enrollment. Speak with the Dean's office to determine whether any unfinished course work, if applicable, should be completed prior to returning from the leave.
5. Submit documentation regarding functioning capability. Depending upon the nature and individual circumstances of the MLOA, the student may be asked to provide information showing that the student has reasonable capability of day-to-day functioning, with or without accommodations. The decision to require a student to provide this information is made on an individualized basis, and the decision and an explanation for this decision is conveyed to the student, in writing, during the exit process. The University may also require this information be submitted at a later time if it determines that the information provided by the student's treatment provider is not sufficient to make a recommendation about return. In those cases, the University will provide the student with a written explanation for this determination. There are many ways in which a student might be able to demonstrate their day-to-day functioning. Students may choose to provide documentation from a reliable adult community observer who can comment on a student's activities and readiness to resume university life. A reliable adult community observer could be a mentor, a member of the clergy, a work or community service supervisor, co-worker, personal trainer, athletic coach, or some other individual in a position to have observed the student during the course of the leave (not a family member). Where possible, the letter should be submitted on letterhead stationery, signed, dated, and describe the student's daily activities and the extent to which the writer feels the student is ready to resume studies at WVSU and participate productively in University life. Alternatively, a student may provide the name and contact information of a reference who will be able to provide information concerning the student's daily activity and readiness to resume studies. The student will not have to disclose the reason for the leave of absence to the letter writer or reference. The documentation from a provider or community member may be shared with the Dean.
6. If requested, submit brief personal statement. Depending upon the nature and individual circumstances of the MLOA, the student will provide a brief statement (no more than two pages) describing (1) the student's experience away from WVSU including the activities undertaken while away, (2) the student's current understanding of the factors that led to the need for the leave, and the insights the student has gained from treatment and time away, and (3) how the student plans to ensure a successful return to WVSU. The decision to require a student to provide this information is made on an individualized basis, and the decision and an explanation for this decision is conveyed to the student, in writing, during the exit process. The University may also require this information be submitted at a later time if the University determines that the other information submitted is not sufficient to make a recommendation about return. In those cases, the University will provide the student with a written explanation for this determination. Any requests for additional information may extend the University's timeframe for reviewing requests to return. The University will notify the student of any situations where its review is delayed and the cause for the delay

Processing a Student's Request to Return from a MLOA

[Go to Table of Contents](#)

Once a student has submitted the materials, he or she should contact staff with SAR to confirm the materials have been received. Following a review of these materials SAR will engage relevant staff to make a recommendation to the Dean who will determine if the student appears ready to resume academics and university life.

The University gives significant weight to the documentation of the opinion of student's treatment providers regarding the student's ability to function academically and safely at the University with or without accommodations. During the process of reviewing an application, if the University determines that information provided by the treatment provider is incomplete, requires further explanation or clarification, or when there is a disconnect between the medical information provided by the treatment provider and other information in the student's files, SAR staff will contact the treatment provider to obtain additional information. In extraordinary circumstances (e.g., the University is concerned about the medical provider's credentials), the University may request that the student undergo an additional assessment to allow the University to make a determination about the student's readiness for return. In those rare instances, SAR staff will notify the student of the University's rationale for making this request.

Once a student receives a satisfactory review, SAR will contact the student to schedule a check-in visit with relevant University staff to review the students' safety and review their plan for sustained health, including recommendations for ongoing treatment, on or off campus. Students with disabilities may be eligible for reasonable accommodations and/or special services in accordance with the Rehabilitation Act of 1973 and the Americans with Disabilities Amendments Act (ADAA) of 2008.

Students are responsible for communicating their requests for academic accommodations to Student Accessibility Resources. Detailed information on the process for requesting accommodations may be found on the [SAR website](#).

The relevant staff will recommend a student for a return where the documentation demonstrates that he or she is ready to resume studies and be a successful member of the campus community. Every effort will be made to respond to the student's request for return within 14 calendar days of submission of all the required materials. A longer response time may result from the inability to reach a student's treatment provider, high volume workload in the relevant staff offices, or other extenuating circumstances. SAR will forward a written recommendation for return to the Dean's office of the student's College, and the Dean will make the final determination of whether a student is able to return. The College Dean will be in touch with students regarding any applicable academic requirements upon returning to the University.

If upon review, SAR forwards a recommendation to the Dean that a student is not ready for return, the student will be advised of this in writing along with recommendations that will enhance the student's chance of a positive recommendation the next time the student's request is considered. A student may appeal SAR's recommendation that he or she is not ready to return to the University by submitting an appeal letter in writing to the Provost/Associate Provost within 10 business days or receiving notice of the negative recommendation. The student may also submit any information he or she believes to be relevant to the appeal. The Provost/Associate Provost will review the student's submission and make a final determination as to a recommendation for return.

Involuntary Leave of Absence

West Virginia State University has existing policies and procedures that seek to provide a safe and secure environment for all members of the University community, including, its students, faculty, staff, employees and guests. The policies and procedures that address potential risk to others by students, based upon a student's conduct, behavior or other factors, are applied equally to all students, without regard to disability.

When the potential risk of injury to the health or safety of others is based, in whole or in part, on the medical conditions of a student (physical or mental), it is critical that the rights of those students be protected and that decisions are made based upon objective information, not assumptions or stereotypes. The purpose and intent of this process is not to single out students with disabilities from other students, but to provide protection for students with disabilities before any adverse action based upon a determination that the student poses a direct threat to the health or safety of others.

1. Scope

Under Section 504 and ADA, the University may exclude a student with a disability from, or place special conditions on a student's participation in, some or all of its programs or activities when the University concludes that the student, because of his/her disability, presents a direct threat (i.e. a high probability of substantial harm) to the health or safety of others.

This process applies when a University employee is considering placing any restrictions or special conditions on the participation of a student with a disability in any University program or activity, because the nature of a student's actual, past or perceived disability or physical or mental impairments poses a risk to the health and safety of others. Examples of situations that might be covered under this policy include:

- A physical or mental impairment that may interfere with a student's ability to perform certain cognitive or physical activities involved in a particular program or activity, and thereby pose a risk to the health or safety of others.
- A medical condition, such as meningitis, that by its nature may cause a risk to the health of others.
- The potential side effects of medication that may interfere with a student's ability to perform certain cognitive or physical activities involved in a particular program or activity, and thereby pose a risk to the health or safety of others.
- A reasonable belief that a particular person with a mental impairment may pose a threat to the health or safety of others.

This process does not apply to assessments or decisions involving students with disabilities based upon their inability to perform essential requirements of a program or activity, after consideration of possible accommodations or modifications. This policy also does not apply to assessments or decisions based upon violations of neutral conduct and behavior rules that are applied equally to all students.

2. Interim Actions

Pending the outcome of the individualized assessment under Section 3 of this process, the University may set interim restrictions on the student, up to and including removal from campus. The student must be afforded minimal due process (i.e., notice of the proposed action, the opportunity to present information on his or her behalf, and a right to appeal) either prior to, or in emergency situations, as soon as reasonably practical after, any interim conditions are imposed.

3. Individualized Assessment

When the University has a reasonable basis for believing that a student with a physical or mental impairment poses a direct threat to the health and safety of others, the University will make an individualized assessment of the risk posed by the student. Such assessment will be undertaken by the [Behavior Intervention Team](#). This risk assessment must be based on reasonable judgment and objective factors that relies on current medical knowledge or on the best available objective evidence, to ascertain:

- a. Nature, duration, and severity of the risk;
- b. Probability that the risky behavior will actually occur
- c. Whether reasonable modifications of the University's policies, practices, or procedures will mitigate the risk.

During the individualized assessment, the University will provide the student an opportunity to present relevant information.

If the University makes a determination based upon its individual assessment that the student does pose a direct threat to the health and safety of others, the student will be provided a further opportunity and/or forum to review the basis for this determination. If the student wishes to challenge this determination, the student will be provided an opportunity and/or forum to present any additional relevant evidence. After consideration of any additional information from the student, the University shall make a final determination.

4. Requirements When There is No direct threat

If the University determines as a result of its individualized assessment, or thereafter, that the student does not pose, or no longer poses, a direct threat to the health or safety of others, the University will:

- a. Provide written notification to the student of this determination;
- b. Promptly reinstate the student at the same academic level, restore all of the student's privileges, and place the student in the same position he/she was in prior to the determination of direct threat or imposition of any interim conditions; and
- c. Not exclude the student from, or place special restrictions upon, participation in the University's programs or activities based upon the prior determination or reasonable belief that he/she was a direct threat.

5. Requirements When a Direct Threat Exists

If the University makes a final determination that the student poses a direct threat to the health or safety of others, it shall promptly communicate that determination in writing to the student.

- a. This notice must communicate in detail the nature of the restrictions (e.g. leave of absence from the University, exclusion, or other restrictions, on participation in particular programs or services). The notice must also communicate to the student the exact circumstances, terms or conditions and timetables (if applicable) under which the student would no longer be considered a direct threat, reaffirm the student's status as a qualified individual with a disability, and would be allowed to return to the University or to participate, without restrictions, in any programs of the University.
- b. The University may condition the student's return to the University, future receipt of a benefit or service, or participation in a particular program, upon the student's provision

of documentation showing that the student is no longer a direct threat. Such evidence may include, but not be limited to, a treatment plan or periodic reports from a physician.

- c. In considering whether to restore a student after a determination of a direct threat, the University may not condition the provision of a benefit or service, or participation in any program, upon a showing by a student that he or she has eliminated behaviors that are a manifestation of a disability, unless such behaviors significantly contributed to the determination that the student was a direct threat to the health or safety of others.

6. Evaluation/Documentation

Under this procedure, or in connection with any direct threat assessment, the University will not require any student with a disability to provide a comprehensive mental health evaluation and/or similar documentation as a condition of participation in, or continued participation in, the University's programs, except:

- a. in the course of conducting an individualized assessment under this procedure of whether that student poses a direct threat to the health or safety of others, when it has a reasonable basis to believe the student may pose such a threat;
- b. as otherwise reasonably necessary for the University to comply with its obligations under Section 504 or ADA Title III (e.g. in connection with a request for modifications or accommodations, or following a medical leave of absence).

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:

1. call 911 (who maintains round-the-clock hours).
2. University Police, at the point, (1) can arrange to have an ambulance transport the individual, if necessary, to a local hospital and/or (2) call the on campus Family Care Health Clinic, if on duty. (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.)
3. after the immediate emergency is handled, University Police personnel will notify an executive officer of the Institution, such as the Vice President for Enrollment Management, Vice President for Student Affairs, Vice President for Academic Affairs, Vice President for Business & Finance, or the Office of 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 Office of Student Affairs 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.

Counseling Services and the Office of Retention and Student Success have a primary goal to help students with their general academic adjustment. Counselors may provide personal counseling, but extreme psychological situations listed above are usually beyond the expertise or purpose of this group. Similarly, the Family Care Health Clinic Staff may not be equipped to handle major health emergencies on campus.

WEST VIRGINIA STATE UNIVERSITY

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 university 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 University 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 replaced the West Virginia State University Student Government Association Constitution dated July 1, 2017.

WEST VIRGINIA STATE UNIVERSITY
SATISFACTORY ACADEMIC PROGRESS
for Students Receiving Financial Aid

Federal regulations require that West Virginia State University monitor the academic progress of students who receive federal, state, and institutional 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. See the below criteria required to maintain SAP:

Undergraduate Students		
Academic Standing	Overall GPA	Hours Passed vs. Hours Attempted
Freshman (0-29 hours)	1.75	67%
Sophomore (30 to 59 hours)	1.75	67%
Junior (60 to 89 hours)	2.00	67%
Senior (90 + hours)	2.00	67%

Graduate Students		
Academic Standing	Overall GPA	Hours Passed vs. Hours Attempted
First Time and Continuing	3.00	67%

Students who fail to maintain SAP requirements will be ineligible to receive financial aid. 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 their aid based on the period of time the student remained enrolled. The Office of Financial Aid and Scholarships 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 they remain enrolled. A student who remains enrolled beyond the 60% point earns all aid for that period.

More information on the [net price calculation](#) is available on the University webpage.

WEST VIRGINIA STATE UNIVERSITY

Board of Governors Policy # 14

TITLE IX POLICY INFORMATION AND ADDITIONAL RESOURCES CAN BE FOUND AT

[HTTPS://WWW.WVSTATEU.EDU/ABOUT/TITLE-IX.ASPX](https://www.wvstateu.edu/about/title-ix.aspx)

OFFICE OF EEO/TITLE IX BUSINESS HOURS OF OPERATION

MONDAY THRU FRIDAY 8:30 AM - 5:00 PM.

CONTACT THE COORDINATOR AT:

416 WALLACE HALL;

CAROLYN.STUART@WVSTATEU.EDU;

304-204-4018.

NON-WORK HOUR ACCESS:

**FOR TITLE IX EMERGENCIES OCCURRING AFTER BUSINESS HOURS,
ON WEEKENDS, OR DURING SCHOOL CLOSURES ACCESS THE FOLLOWING RESOURCES FOR ASSISTANCE:**

TITLE IX EMERGENCY PHONE: 304-533-5392

UNIVERSITY POLICE: 304-766-3181

911

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.

Students 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 Student Accessibility Resources 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 Student Accessibility Resources 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 Provost for Academic Affairs. The Provost 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 Provost 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.

[Go to Table of Contents](#)

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.

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.

WVSU position on Academic Dishonesty for Graduate and Undergraduate Studies

Academic honesty and integrity lie at the heart of any educational enterprise. West Virginia State University (WVSU) is committed to the values of academic honesty and integrity, and ensuring that these values are reflected in behaviors of the students, faculty, and staff.

WVSU is committed to the prevention of academic dishonesty. To reinforce that commitment, information, including definitions and examples of academic dishonesty, will be published in the WVSU Student Handbook and the university catalog. The intention of this information is to prevent acts of academic dishonesty. Prevention is the primary goal of the University in general and the Office of Academic Affairs in particular.

Academic dishonesty is any attempt by a student to: 1) submit work completed by another person without proper citation or 2) give improper aid to another student in the completion of an assignment, such as plagiarism. No student may intentionally or knowingly give or receive aid on any test or examination, or on any academic exercise that requires independent work. This includes, but is not limited to using technology (i.e., instant messaging, text messaging, or using a camera phone) or any other unauthorized materials of any sort, or giving or receiving aid on a test or examination without the express permission of the instructor.

When there is evidence that a student has disregarded the University’s position Academic Dishonesty, that student will be subject to review and possible sanctions. Students are expected to do their own work and neither to give nor to receive assistance during quizzes, examinations, or other class exercises.

One form of academic dishonesty is plagiarism. Plagiarism is intellectual larceny: the theft of ideas or their manner of expression. Students are urged to consult individual faculty members when in doubt. Because faculty and students take academic honesty seriously, penalties for violation may be severe, depending upon the offense, as viewed by the committee selected by the appropriate Dean to review such matters. The minimum sanction for cases of proven cheating is left to the instructor. Instructors will explain procedures for taking tests, writing papers, and completing other course requirements so that students may fully understand their instructor's expectations.

One of the objectives of WVSU is to promote the highest standards of professionalism among its students. The integrity of work performed is the cornerstone of professionalism. Acts of falsification, cheating, and plagiarism are acts of academic dishonesty, which show a failure of integrity and a violation of our educational objectives; these acts will not be accepted or tolerated. The following definitions and guidelines should be followed:

1. Falsification is unacceptable. Falsification includes but is not limited to
 - a. creating false records of academic achievement;
 - b. altering or forging records;
 - c. misusing, altering, forging, falsifying, or transferring to another person, without proper authorization, any academic record;
 - d. conspiring or inducing others to forge or alter academic records.

2. Cheating is also unacceptable. Cheating includes but is not limited to
 - a. giving answers to others in a test situation without permission of the tester;
 - b. taking or receiving answers from others in a test situation without permission of the tester;
 - c. having possession of test materials without permission;
 - d. taking, giving, or receiving test materials prior to tests without permission;
 - e. having someone else take a test or complete one's assignment;
 - f. submitting as one's own work, work done by someone else;
 - g. permitting someone else to submit one's work under that person's name;
 - h. falsifying research data or other research material;
 - i. copying, with or without permission, any works, (e.g., essays, short stories, poems, etc.), from a computer hard drive or discs and presenting them as one's own. This is to include internet sources, as well.

3. Plagiarism as a form of cheating is also unacceptable. Plagiarism is the act of presenting as one's own creation works actually created by others. Plagiarism consists of following:
 - a. taking ideas from a source without clearly giving proper reference that identifies the original source of the ideas and distinguishes them from one's own;
 - b. indirectly quoting or paraphrasing material taken from a source without clearly giving proper reference that identifies the original source and distinguishes the paraphrased material from one's own compositions;
 - c. directly quoting or exactly copying material from a source without giving proper reference or otherwise presenting the copied material as one's own creation.Acts of falsification, cheating, plagiarism, and other forms of academic dishonesty are grounds for failure of a course. The University reserves the right to impose more severe penalties for any of these forms of academic dishonesty. The penalties may include, but are not limited to, suspension from the University, probation, community service, expulsion from the University, or other disciplinary action the reviewers believe to be appropriate.

ACADEMIC DISHONESTY PROCEDURES

Students accused of plagiarism and other forms of academic dishonesty will be given due process. When an instructor believes that a student has committed plagiarism or other acts of academic dishonesty, the following steps will be taken:

1. A faculty member who has sufficient reason to believe that a student is guilty of academic dishonesty will notify and subsequently meet with the student within five calendar days from the time the alleged academic dishonesty is discovered.
2. Prior to the initial meeting of the faculty member and the accused student, the faculty member should check the files on academic dishonesty kept in the office of the Vice President for Academic Affairs to determine whether the student has been previously disciplined for academic dishonesty. The University reserves the right to impose more severe disciplinary action against a student who is a repeat offender or who has previously been found guilty of egregious incidents of cheating.
3. At the initial meeting the student will be given the complete and detailed charges in writing, and an opportunity to respond to the faculty member regarding the charges.
4. If the student wishes, he/she may submit a written response to the charges. This response must be delivered to the aforementioned faculty member within five calendar days of the initial meeting.
5. If the student admits to the charge of academic dishonesty, and the offense is his/her first offense, he/she will be asked to sign a statement consenting to the punishment imposed. Consent statements will be filed with the appropriate records in the Office of the Vice President for Academic Affairs. For first offenses, the punishment will be at the discretion of the instructor. If the student refuses to sign the consent form, the faculty member will proceed to the next step in the process.
6. The faculty member will notify the student whether or not the matter will be taken to the next step in the process within five calendar days of receiving from the student a written response to the charges. The student shall file his/her written response with the Office of the Vice President for Academic Affairs.
7. If the student does not respond within the time indicated, the faculty member must proceed to the next step in the process. If, upon receiving the written response, the faculty member does not accept the student's explanation, the faculty member is required to send the matter forward to the next level of review.
 - a. If the case is a repeat offense, the faculty member is also required to send the matter forward to the next level of review.
 - b. If the case is not a repeat offense and, upon receiving the written response the faculty member does not accept the student's explanation, the faculty member is required to send the matter forward to the next level of review.

8. Once the student has been duly notified of the charges, he/she will not be permitted to drop the course, but will continue as a student, completing and submitting all work required throughout the remainder of the semester.
9. The faculty member will notify the department chair and the Dean of his/her findings, and within five calendar days of the notification of the student, forward to the Dean a written explanation of the circumstances, along with copies of any pertinent evidence.
10. The Dean will review the explanation and any supporting evidence, and may at his or her discretion, interview the accused student and/or the faculty member for purposes of clarification and adherence to the University's position on Academic Dishonesty Policy. If the matter cannot be resolved at that level to the satisfaction of the faculty member bringing the charges, within five calendar days it will then be forwarded to the College's Academic Dishonesty Committee.
11. A five-member committee on academic dishonesty will be appointed by the respective Dean of each school at the beginning of the academic year. It will comprise three full-time tenured faculty, one exempt employee of the University, and one junior or senior level student. In the event that the alleged dishonesty occurred on the graduate level, the student member will be a graduate student. The Dean will appoint the chair of the committee. In order for its actions to be official, at least three members of the committee must be present when decisions are made. The verdict will be decided by the majority, in this case two votes of three. If four or more members are present, the majority shall be three or more votes.
12. A faculty member who has brought or is in the process of bringing charges against a student for academic dishonesty in the current academic year will not be eligible to serve on the committee. The Dean will appoint a replacement.
13. The committee will meet to review cases and to hear any testimony it considers relevant to the matter on dates requested by the Dean. At the meeting, the student will be allowed the opportunity to appear and respond to the charges and answer any additional questions from the committee. All proceedings will be electronically recorded, and the recording will be entered into the academic dishonesty records maintained in the Office of the Vice President for Academic Affairs. In the event of academic dishonesty allegedly occurring during summer sessions or during final work at the conclusion of a semester, the alleged dishonesty charge will be reviewed during the committee's first meeting in the ensuing semester (fall or spring). In the interim, the student will receive a grade of "I."
14. The committee review shall be informal, with neither party represented by an advocate. Witnesses may be asked and/or permitted to make a statement to the committee if the committee is informed prior to the meeting. The meeting shall not be open to the public. If the student wishes, they may have an associate present for consultation purposes only. Lawyers, parents, or any form of professional advocate may not serve as an associate.
15. The committee shall meet privately at the close of the meeting to decide whether a majority believes a preponderance of evidence supports the allegation of falsification, cheating, or plagiarism.

16. If the allegation is sustained, the committee will also determine whether the standard minimum penalty of failure in the course shall be accompanied by an additional penalty or penalties. If the allegation is not sustained, the student is not guilty of violating the Academic Dishonesty Policy.
17. The records of the proceedings, both written and electronically recorded, are to be kept in the files on academic dishonesty maintained in the Office of the Vice President for Academic Affairs.
18. The committee shall notify, in writing, the student, the instructor, and the Dean within five calendar days of having reached its decision. The decisions of the committee may be appealed on procedural grounds only. All appeals should be made to the Vice President for Academic Affairs, who will then have the following options:
 - a. affirm the decision and the penalty imposed by the committee;
 - b. affirm the decision, but amend the penalty; or
 - c. vacate the decision and order a new hearing with a different committee. After a careful review of the record of the proceedings, the Vice President for Academic Affairs will render the final decision of the University.

ACADEMIC DISMISSAL AND REINSTATEMENT

When a student is academically dismissed from WVSU, he/she is not eligible to register with any campus or program of the University. To become eligible for registration once again, he/she must complete the Application for Readmission prior to the desired date of reinstatement. Applications for Readmission must be filed by the following deadlines:

Fall Semester

April 1st - Students who have been out one or more semesters and want to return for the Fall Semester.
June 15th - Current semester students on dismissal at the end of the Spring Semester and want to return for the Fall Semester.

Spring Semester

November 1st - Students who have been out one or more semesters and want to return for the Spring Semester.

January 5th - Current semester students on dismissal at the end of the Fall Semester and want to return for the Spring Semester.

Applications received after the deadlines indicated above will be considered for the next session. Applications may be obtained online [here](#), or by writing to the Office of the Registrar, West Virginia State University, P.O. Box 1000, Institute, WV, 25112.

A student wishing to transfer to another program at WVSU must wait until reinstatement has been granted before applying for admission to that program. WVSU will not normally grant reinstatement until at least one semester has elapsed from the time of the student's dismissal.

A student who is reinstated after academic dismissal will be on academic probation. The same conditions of probation may be imposed on any student who seeks admission by transfer from another university or college and whose record at the previous school warrants this action.

Any appeal concerning the regulation governing academic probation or academic dismissal shall be directed to the Office of the Provost and Vice President for Academic Affairs, which is empowered to grant relief in unusual cases if the circumstances warrant such action.

No student on academic probation is permitted to register for more than twelve (12) semester hours. The student on academic probation should carry twelve (12) academic semester hours in order to absolve academic probation in one semester. Students on probation are urged to work with a faculty advisor before registering in order to take full advantage of the exceptions and special provisions.

WVSU Student Code of Conduct

Revision Date: August 4, 2021

Periodic review and approval of the Student Code of Conduct will be updated and modified as required by the university's Board of Governors.

West Virginia State University is an equal opportunity/affirmative action institution and does not discriminate against any person because of race, color, religion, sex/gender, national origin, ancestry, age, blindness, disability, pregnancy, genetic information, sexual orientation, gender identity, veteran or military status or other category that is protected under federal, State, or local anti-discrimination laws as protected characteristics.

The purpose of the student code of conduct is to outline behavioral expectations for West Virginia State University students. The student code of conduct sets specific expectations for student behavior, identifies behaviors prohibited at the university, and describes the overall process and stated procedures for addressing allegations of student code of conduct violations, as well as the possible consequences for students who violate these standards.

The student code of conduct serves to protect individual rights, while cultivating a cooperative living and learning environment. The university views its students as adults and expects that they will act with the requisite maturity and responsibility. As adults, students are accountable for their behavior under the student code of conduct, whether it takes place on or off university property. The overarching goal of this system is to establish behavioral expectations with the objective of improving the overall quality of the communal university experience.

West Virginia State University uses technology, staff, and policy enforcement in its efforts to provide a safer and more secure environment for all students, faculty, staff, and campus guests. Although West Virginia State University has established its own student code of conduct, the university adheres to all federal, state and local laws and incorporates these statutes into the student code of conduct system.

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.

STANDARD OF PROOF

In the event of a hearing, the hearing adjudicator's determination of responsibility shall be based on a preponderance of the evidence. "Preponderance of the evidence" means evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which, as a whole, shows that the fact sought to be proved is more probable than not.

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 to vote [online](#) or at:

Voters Registration Office (Kanawha County Clerk's Office)

409 Virginia Street, Charleston, WV

Phone 304-357-0110

[Go to Table of Contents](#)

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.

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 Police 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 the student 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 their status as a student. Such action promotes disrespect for the law, inhibits 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 their role as students, they are 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 of limited jurisdiction that hears criminal cases involving misdemeanors, felony preliminary examinations, and traffic citations. Magistrate's issue emergency orders including domestic violence petitions and personal safety orders. Lastly, Magistrates have jurisdiction over civil cases in which the financial amount in dispute is less than \$10,000.

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 their own defense (including witnesses at the hearing), the right to question their 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 Code, 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.

*The code of student conduct is established to foster and protect the core mission of the university; to foster the scholarly and civic development of the university's students in a safe and secure learning environment and to protect the people, properties and processes that support the university and its missions. The core missions of the university are research, teaching and learning, and service. Preservation of academic freedom and free and open exchange of ideas and opinions for all members of the university are central to these missions.

Jurisdiction

The code applies to the on-campus conduct of all students and registered student organizations, including conduct using university computing or network resources. The code also applies to the off-campus conduct of students and registered student organizations in direct connection with:

1. Academic course requirements or any credit bearing experiences, such as internships, field trips, study abroad or student teaching;
2. Any activity supporting pursuit of a degree, such as research at another institution or a professional practice assignment;
3. Any activity sponsored, conducted, or authorized by the university or by registered student organizations;
4. Any activity that causes substantial destruction of property belonging to the university or members of the university community, or causes or threatens serious harm to the safety or security of members of the university community, or creates or could reasonably create a hostile environment on campus as defined in the sexual misconduct policy; or
5. Any activity in which a police report has been filed, a summons or indictment has been issued, or an arrest has occurred for a crime of violence.

The code governs all university premises.

The university reserves the right to administer the code and proceed with the hearing process even if the student withdraws from the university, is no longer enrolled in classes, or subsequently fails to meet the definition of a student while a disciplinary matter is pending.

Students continue to be subject to federal, state, and local laws while at the university, and violations of those laws may also constitute violations of the code. In such instances, the university may proceed with university disciplinary action under the code independently of any criminal proceeding involving the same conduct and may impose sanctions for violation of the code even if such criminal proceeding is not yet resolved or is resolved in the student's favor.

Definitions

As used in the code:

1. "University premises" includes all lands, buildings, facilities, and resources owned, leased, managed, or operated by the university.

2. "Student" includes an individual who has been admitted to the university, registered for classes, or otherwise entered into any other contractual relationship with the university to take instruction.
 - a. It further includes persons who are eligible to receive any of the rights and privileges afforded a person who is enrolled at the university;
 - b. Student status lasts until an individual graduates, is dismissed, or is not in attendance for one complete semester;
 - c. "Student" also includes registered student organizations.
3. "Members of the university community" includes, but are not limited to, students, faculty, staff, and visitors to the campus.
4. "Complaint" includes information alleging a violation of the code of student conduct or other published rule, policy, standard, or guideline applicable to students at the university, provided to an authorized university official, per paragraph (A) of rule of the Administrative Code.

PROHIBITED STUDENT CONDUCT and listed behavior levels

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. Click [here](#) for alcohol policy.
- B. **Placing Banners, Posters, and Stickers on Institution Property without Proper Authorization.** Visit the Office of Student Life and Engagement located in room 103 of the University Union for proper approval and authorization of your flyer or poster prior to distribution. Failure to do so may result in removal of the item in addition to any other penalty as authorized by this code.

- C. **Bringing Dogs or Other Pets onto the Campus.** For health and safety reasons, dogs and other pets (except service animals and approved emotional support animals) are not permitted in institution buildings or on Institution property.
- D. **Gambling.** Gambling by organizations or individuals is not permitted on campus.
- 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/Vaping.** For health and safety reasons, state law prohibits smoking in institution owned buildings. University officials are required to enforce this law when applicable. Smoking of legal tobacco products 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 University.**

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:**
 - a. Failure to exercise care, thereby causing bodily harm to any person while on Institution property or related Institution premises;
 - b. 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:**
 - a. Bringing onto the field, court, stage, or other venue any banners, flags, bottles, cans, or thermos jugs;
 - b. Throwing of any article into a crowd or onto a playing field, a court, or a stage.
- F. **Use or possession of 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 and Residence Life Contract General Conditions.** Otherwise covered in this Code, all general conditions of the housing contract.
- J. **Violation of 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 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.** Found to be under the influence of alcohol or illegal drugs on campus or at on/off campus classes, university activities/events, or university student employment.
- 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.
- O. **Drones/Unmanned Aircraft (WVSU) Use on Campus.** Currently it is not permissible for individual students, staff or outside entities to operate unmanned aircraft/drones on the West Virginia State University campus, interiors or exteriors. This is due to both Federal Aviation Association requirements, and risk management/liability issues.

Exceptions may be made for official institutional use or research/teaching use; those instances will be managed and or approved through the office of Business & Finance and the office of Communications and Marketing.

West Virginia State University is not only concerned with physical harm but privacy as well could become an issue. The ability to collect digital information on a massive scale could go from a tool of potential liberation into an instrument of abuse, surveillance and asymmetrical control. **(S.2658 Federal Aviation Administration Reauthorization Act of 2016**

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 university 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 their possession, in their 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. **Possession, Cultivation, 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. Additionally, using or possessing marijuana in any form, including without limitation tinctures, edibles and topicals, is prohibited by the WVSU Student Code of Conduct, and students who use or possess marijuana are subject to discipline. Marijuana use or possession is prohibited across the entire campus, including all open areas and buildings, such as the residence and dining halls.

STUDENT CONDUCT 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 Governors 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 or information submitted should 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 Student Affairs, or their designee', shall conduct the preliminary review/hearing. Upon completion of preliminary review/hearing, the Vice-president or their designee' may:

Dismiss the charges; or 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

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 Student Affairs finds the individual to be a danger to the West Virginia State University, him/herself, or others; or 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 Student Affairs or their designee'.

Administrative Hearing Panel – Consists of the Assistant Vice President of Student Affairs, or their designee, and two other university administrators designated by the Vice President for Student Affairs.

Residence Hall Disciplinary Council - Each residence hall shall have two residents, appointed by the Director of Residence Life to serve on this committee which includes one Resident 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.

The Residence Hall Directors or a Residence Life Graduate Assistant 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 Student Affairs or their designee for appropriate action.

All University Hearing Council - The All University Hearing Council is composed of students from the student body and faculty/staff appointed by the Vice President for Student Affairs. The All University Hearing Council hears those cases where suspension or expulsion may be the sanction as outlined by the student code of conduct. After hearing the case, the Council may recommend all disciplinary actions outlined under the Sanctions section. Final approval for the expulsion sanction is the University President.

Note: In some incidents involving two or more people in conflict with each other, mediation, an alternative method of dispute resolution, may be employed with the voluntary consent of those involved and a university mediator, who serves as a neutral facilitator of the problem-solving process.

Hearing Notification

All charges of misconduct referred to a hearing body are heard as promptly as circumstances permit. Conduct proceedings will be imitated as follows:

A student or organization shall be informed of charges, in writing, by mail or hand delivery by a university official and notified of the time, date and place to appear before a specific conduct board. Notification for conduct hearings are delivered at least five days prior to the hearing. Notice must include the possible sanctions and a brief recitation of factual allegations supporting the charge. If expulsion is being contemplated for any violation, a notice that expulsion precludes matriculation at WVSU shall be included. A student may choose to waive the student's rights to a hearing. If so the case will still be adjudicated and the outcome and the decision will be final.

In the case of the student conduct regulations, based on the type of charge(s) and the information available, the Assistant Vice President for Student Affairs or their designee may decide to have a pre-hearing conference, in which case the student shall be notified by telephone or a hand delivered letter.

In the case of serious violations, the student shall be given the opportunity to review any written evidence to be used at the hearing and to obtain a list of the witnesses before the hearing. Further, a student facing a serious violation must be given the opportunity to challenge a committee member or hearing official on the grounds of conflict, bias or interest in the case.

PRE-HEARING PROCEDURES

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

The Chairperson of the hearing body hearing the case is notified. The Chairperson appoints, at random, a member of their hearing body to become familiar with the case. 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 their rights, and that their right to have an advisor and the right to bring witnesses in their behalf. The accused will be allowed five days to prepare their defense.

Hearing Procedures

The Chairperson will administer the oath to all members. The Chairperson will introduce everyone (Hearing Body, Advisor, Counselor, and accused). The hearing will be confined and closed to the general public. The Chairperson will read or have the Counselor (if one has been appointed) read the alleged violations of Student Conduct Code. The Chairperson will ask the accused whether he/she has committed the alleged violation. The Chairperson will have the Counselor present witness. The Chairperson will ask the accused to present any evidence pertaining to the case and to present any witnesses.

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. The Chairperson will invite any more comments from the Counselor and the accused. The Committee excuses the accused and the Counselor from the room to await recall. 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.

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.

APPELLATE PROCEDURES

The vice president for student affairs or their designee receives and reviews all initial appeals regarding conduct prohibited by the university. In cases that do not involve suspension or expulsion, the appeals process concludes with the vice president for student affairs regarding misconduct prohibited by the university and in cases of academic dishonesty violations, with the provost/vice president for academic affairs and based on that policy. The vice president for student affairs, or the provost/vice president for academic affairs, may call in appropriate parties necessary to assist in making a final decision.

In appeal cases involving suspension or expulsion, the vice president for student affairs (for violations of misconduct prohibited by the university), or the provost/vice president for academic affairs for academic dishonesty violations) will forward the appeal to the president or their designee, who may call in appropriate parties necessary to assist in making a final decision.

Important Note: It is at the discretion of the vice president for student affairs and the president or their designee, as to whether, or not, a student remains under suspension pending the appeal outcome. Factors to be considered include the nature of the violation, interference with the university's education mission and the safety and welfare of other members of the university community.

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, 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

An appeal shall not result in a more severe sanction. The imposition of sanctions may be stayed pending appeal depending on the circumstances surrounding the case. 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: The original hearing was not conducted in conformity with established procedure; There is new evidence or fact not brought out in the original hearing; The sanction(s) imposed was inappropriate for the offense committed. The Vice-President of 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 Vice 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.

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.

SANCTIONS

The purpose of a sanction, in addition to protecting others, is primarily to educate an individual by increasing their 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 Student Affairs or their 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:

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 Student Affairs may summarily revoke the probation and the full sanction of suspension enforced.

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.

Immediate Suspension - This suspension is used when, in the opinion of the President or Vice-President for 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.

[Go to Table of Contents](#)

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 Student Affairs or their 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 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. 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:

Denial of use of Institution facilities;

Denial of recognition of the group as an organization;

Forfeiture of right to representation in other institutional organizations;

Forfeiture of right to representation in Institutional publications;

Denial of privilege of some or all social activities for a definite period;

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;

The organization's officers and its members may also be subject to the individual sanctions, dependent upon the nature of the violation.