

The Student Code of Conduct



**WEST VIRGINIA
STATE
UNIVERSITY**

Revision Date: August 18, 2020

To the West Virginia State University Student:

This 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 distort your ever-so-distant goals. **The Student Handbook** is intended to serve as a guide to help you through this seemingly endless maze.

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

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

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

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 and answering your questions.

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

Office of Enrollment Management & Student Affairs

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Other useful handbooks that are available to you include:

[Student Organizations Handbook](#)

[WVSU Catalogue](#)

Residence Hall Manual

[Emergency Procedures Guide/Safety Manual](#)

WEST VIRGINIA STATE UNIVERSITY MISSION STATEMENT

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

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

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

The following values guide our decisions and behavior:

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

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

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

Affirmative Action

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

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

- [AFFIRMATIVE ACTION PLAN](#)

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

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Brief History of West Virginia State University

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

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

West Virginia State University At a Glance

At 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.

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WEST VIRGINIA STATE UNIVERSITY

ALMA MATER

by

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

I

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

II

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

III

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

CHORUS

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

STUDENT RIGHTS

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

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 at:

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

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

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

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

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

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):

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

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

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

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

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

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

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

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

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

Student Violations Involving Dual Jurisdiction

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

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

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

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

Off-Campus Violations

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

The Student and the Law

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

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

GLOSSARY OF LEGAL TERMS

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

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

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

Defendant - the party who is sued.

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

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

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

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

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

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

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

Warranty - a promise; a guarantee.

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

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

STUDENT RESPONSIBILITY

Disciplinary Proceedings

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

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

STANDARDS OF CONDUCT CODE

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

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

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

*The code of student conduct is established to foster and protect the core missions 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:

- (A) Academic course requirements or any credit bearing experiences, such as internships, field trips, study abroad or student teaching;
- (B) Any activity supporting pursuit of a degree, such as research at another institution or a professional practice assignment;
- (C) Any activity sponsored, conducted, or authorized by the university or by registered student organizations;

(D) 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

(E) 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 campuses of the university. However, students attending regional campuses, centers, or institutes are advised to consult their local resources for additional information or rules pertaining to those locations, which may create hearing bodies or processes for the locations, consistent with these rules.

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:

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

(B) "Student" includes an individual who has been admitted to the university, paid an acceptance fee, registered for classes, or otherwise entered into any other contractual relationship with the university to take instruction.

(1) It further includes persons who are eligible to receive any of the rights and privileges afforded a person who is enrolled at the university;

(2) Student status lasts until an individual graduates, is dismissed, or is not in attendance for two complete, consecutive terms;

(3) "Student" also includes registered student organizations.

(C) "Members of the university community" includes, but are not limited to, students, faculty, staff, and visitors to the campus.

(D) "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.

(E) "Crime of violence" includes the offenses stated in "The Buzz."

Good Samaritan Policy

I. Student health and safety are the primary concerns of the West Virginia State University community. Students are expected to contact the Office of Public Safety when they believe that assistance for an injured, ill, intoxicated/impaired student is needed. The Campus Police Officers will assist intoxicated/impaired individuals by providing or facilitating transport to medical facilities or by taking other protective measures. In case of medical emergency, students should call Campus Police and/or 911 for assistance by local police, fire safety or medical professionals. Failure on the part of an individual or organization to seek assistance may result in disciplinary action.

II. Students and/or organizations that seek assistance from Campus Police and/or emergency services and the individual(s) assisted will not be subject to College disciplinary action with respect to violation of the Alcohol Policy and/or the use of other drugs. This policy does not preclude disciplinary action regarding other violations of College standards, such as causing or threatening physical harm, sexual abuse, damage to property, harassment, hazing, and other violations of the Drug Policy, etc.

III. In order for this policy to apply, the intoxicated/impaired student(s) must agree to timely completion of medical recommendations, assessment, and/or treatment made by *Counseling and Accessibility Services. Serious or repeated incidents will prompt a higher degree of medical concern. Failure to complete recommended follow-up will normally result in disciplinary action. Likewise, organizations involved in an incident must agree to take recommended steps to address concerns.

Students should also be aware that this University policy does not prevent action by local and state authorities. In addition, West Virginia State University Departments and/or Offices may request and receive information regarding a student's history under the Good Samaritan Policy for purposes of determining eligibility, membership, certification, employment, internship and/or associations with West Virginia State University.

Alcoholic Beverages

West Virginia State University is a “Dry” campus. West Virginia State University does not allow the use of alcoholic beverages and strongly discourages illegal or otherwise irresponsible use of alcohol, including the illegal sale of alcohol and distribution of alcohol to those not of legal drinking age; for students and student organizations, the illegal sale of alcohol will likely be considered a serious violation of the alcohol policy. Illegal sale is defined as any time money changes hands and there is unlimited access to alcohol, including but not limited to, selling cups and cover charges for entertainment when alcohol is available. Members of the university community are accountable for their decisions regarding use of alcohol and the behavior that occurs as a result of those decisions. West Virginia State University fully complies with the alcohol regulations of the state of West Virginia. All state laws apply to West Virginia State University students and student organizations. These laws prohibit possession and consumption of all alcoholic beverages by persons less than 21 years of age on all university grounds and buildings.

At West Virginia State University, members of the university community recognize that the possession and consumption of alcoholic beverages by those under the age of 21 and the illegal possession and use of controlled substances by any member of the university community violate laws of the West Virginia and university policy. Further, members of the university community recognize that the misuse or illegal use and possession of alcoholic beverages or controlled substances may pose serious health and safety risks to those engaged in such behavior. Accordingly, students, staff, and faculty are asked to support the following statement of responsibility:

As a member of the West Virginia State University community, I agree to

1. Abide by all state laws and university policies regulating alcoholic beverages and controlled substances;
2. Encourage the development of an environment in which individuals can make informed, healthy, and responsible decisions about alcohol and controlled substances;
3. Discourage the illegal or irresponsible behavior of others; and
4. Assume responsibility for my decisions and behaviors and accept the consequences resulting from those decisions and behaviors.

Statement on Self-Reporting and Bystander Intervention

West Virginia State University has a Statement on Self-Reporting and Bystander Intervention which is very similar to traditional “Good Samaritan” and “Medical Amnesty” policies. Being an active bystander, as well as student health and safety are primary concerns at West Virginia State University. This statement affirms our collective desire for students to seek medical assistance for themselves or others who are significantly intoxicated as a result of alcohol or other substances.

In an effort to avoid confusion around the terms of “Good Samaritan” and “amnesty,” which could imply no follow-up, consequence, or outcome, West Virginia State University created a statement to convey our response to when community members seek medical assistance for themselves or others in a medical emergency as a result of alcohol or drug use. We do not want students to feel as though they are choosing between conduct consequences and seeking assistance. If someone requires assistance, we want them to seek assistance for their health and safety. If medical assistance is sought, Student Conduct will not pursue conduct charges against the individual or organization who sought assistance, or the individual in need of assistance.

Actively assisting requires that an individual:

- Call the rescue squad or the police or seek other individuals qualified to assess the student’s condition, such as a professional or student staff member in Housing and Residence Life.
- Stay with the intoxicated student until help arrives.

Egregious alcohol/illegal drug violations, violations having a significant individual or community impact, and prior violations that demonstrate an actual, potential, or perceived pattern of behavior are not likely to have outcomes that are mitigated and are not likely to be protected under this policy. Those behaviors not covered under this statement include:

Violations of the Code of Conduct other than the alcohol/drugs policy. For example:

- Abusive conduct (i.e. assault, battery, harassment, stalking, recording/distributing images without consent)
- Sexual and gender-based violence
- Hazing
- Damage to property
- Fake ID
- Disorderly or disruptive conduct (i.e. behavior that interferes with the duties of a public/civil official, the rights and/or activities of others, or the orderly functioning of the university and/or the performance of the duties of university personnel)
- Endangering others through use, possession, or providing alcohol or the controlled substance
- Providing alcohol/ drugs to minors under the age of 18 years of age
- Providing alcohol/ drugs in bulk
- Bias related incidents
- Distribution or possession with the intent to distribute drugs
- Students who have prior alcohol/ drug related conduct history or have engaged in high-risk alcohol/ substance use before
- Action by police or other law enforcement personnel

Actions to be taken by Student Conduct:

- The assistance seeker and the individual in need of assistance will be required to meet with a member of Student Conduct if they met any of the current criteria for a violation of the alcohol beverage and/ or illegal drug policies
- Those persons will likely be issued educational requirements that may include, but are not limited to, alcohol and/or drug education, counseling, and/or a substance abuse assessment
- Document the actions taken by the student and the office

- Failure to complete the educational assignments or treatment recommendations will typically result in further conduct action

Accountability

West Virginia State University recognizes that the misuse and abuse of alcohol is a persistent social and health problem in our society and that it interferes with the goals and objectives of any educational institution. Accordingly, members of the university community who decide to serve or consume alcoholic beverages are reminded that they are personally responsible for their conduct under all circumstances. Intoxication or ignorance of the law does not release an individual from that responsibility. Violations of university policy occurring under such circumstances will be treated in the same manner as any other violation. Violations of the Alcoholic Beverage Policy and any associated guidelines will result in disciplinary action. Students who violate this policy will likely be required to attend an alcohol education seminar as part of their student conduct sanction. Students who are university employees are subject to disciplinary job action.

PROHIBITED STUDENT CONDUCT

I. **Type One Behavior**

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

II. **Type Two Behavior**

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

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

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

III. Type Three Behavior

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

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

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

IV. Type Four Behavior

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

- A. Dishonesty** including, but not limited to:
 - 1. Stealing, forgery, alteration of documents or records, tampering with machines or misappropriation of Institutional or organizational funds.
 - 2. False statements in an Institution disciplinary hearing or to Institution officials conducting investigations.
- B. Disruptive Conduct.** Disruptive picketing, protesting, or demonstrating on Institution owned or controlled property or at any place in use for an Institution sponsored or supervised function. Such disruptive activity includes but is not limited to:
 - 1. Unauthorized occupancy of Institution facilities or buildings;
 - 2. Interference with the rights of students, faculty, staff, and/or administration to gain access to any Institution facility for the purpose of attending classes, going to work, participating in interviews and conferences, or any other authorized purpose;

3. Interference with the orderly operations of the Institution by destruction of property, breach of the peace, physical obstruction or coercion, or by noise, tumult, or other forms of disturbance;
4. Deliberate interference with Institution pedestrian or vehicular traffic;
5. Disorderly conduct or lewd, indecent, or obscene conduct or expression on Institution owned or controlled property or at Institution sponsored or supervised functions;
6. Failure to comply with the directions of Institution officials, police, and other law enforcement officers acting in performance of their duties.

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

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

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

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

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

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

- D. Infliction or Threat of Bodily Harm.** Assault, battery, abuse of or threat to any person, or conduct that threatens or endangers the health, safety, or well-being of other persons on Institution owned or controlled property or at an Institution sponsored or supervised function.
- E. Theft or Unauthorized Possession of Property.** Theft, commandeering, or misuse of or to Institution owned or controlled property or to a member of the West Virginia State University community or any person on Institution owned or controlled property. Unauthorized possession of keys to Institution owned or controlled property.
- F. Destruction of Institution Property.** Malicious destruction, misuse of, or damage to Institution owned or controlled property or to a member of the West Virginia State University community or any person on Institution owned or controlled property.

- G. **Unauthorized use of Emergency or Safety Equipment.** Tampering with or unnecessary use of Institution fire alarm systems and firefighting equipment, and or any other Institution equipment of an emergency or safety nature.
- H. **False Reporting of Emergency.** False reporting of a fire or that a bomb or other explosive has been placed in any Institution building or on Institution owned or controlled property.
- I. **Distribution or Sale of Illegal Drugs.** The distribution or sale of any drug of which is illegal by municipal, state, or federal law on the campus or in West Virginia State University owned or controlled property.

WVSU POLICY ON HAZING

Anti-Hazing Law

(Passed March 7, 1995, In effect ninety days from passage)

An ACT to amend chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article sixteen, relating to education; higher education; creating the anti-hazing law; providing definitions; prohibiting hazing; providing for enforcement by institutions; and providing civil and criminal penalties.

Be it enacted by the Legislature of West Virginia:

That chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article sixteen, to read as follows:

ARTICLE 16. ANTI_HAZING LAW>

18-16-1. Short title.

This article shall be known as the "Anti-hazing Law".

18-16-2. Definitions.

- a) Hazing means to cause any action or situation which recklessly or intentionally endangers the mental or physical health or safety of another person or persons or causes another person or persons to destroy or remove public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any organization operating under the sanction of or recognized as an organization by an institution of higher education. The term included, but is not limited to, any brutality of a physical nature, such as whipping, beating, branding, forced consumption, of any food, liquor, drug or other substance, or any other forced physical activity which could adversely affect the physical health and safety of the individual or individuals, and includes any activity which would subject the individual or individuals to extreme mental stress, such as sleep deprivation, forced exclusion from social contract, forced conduct which could result in extreme embarrassment, or any other force activity which could adversely affect the mental health or dignity of the individual or individuals, or any willful destruction or removal of public or private property: Provided, That the implied or expressed consent or willingness of a person or persons to hazing shall not be a defense under this section.

- b) “Institutions of higher education” or “institution” means any public or private institution as defined in section two, article one, chapter eighteen-b of this code.

Distinctions between Hazing by Organizations and by Individuals.

The following will help distinguish hazing violations by individuals from hazing violations by student organizations. It is presumed that hazing incidents involve only those persons directly participating in the incident and those who are present at the time it occurs and who do nothing to stop its occurrence. A hazing incident may also be an organizational activity, for which the organization itself may be disciplined, if any of the following characteristics are present:

- The faculty advisor, or any of the executive officers of the organization, or the person charged with the administration of an orientation or pledge program is aware of the incident sufficiently in advance of its occurrence to prohibit its taking place, and takes no action to prohibit it.
- The faculty advisor, or any of the executive officers of the organization, or the person with the administration of an orientation or pledge program knows the identity of the members involved in the incident and refuses to divulge that information to the appropriate university authorities or the police.
- The incident takes place in any public area within a chapter house or in any public place.
- The incident involves the expenditure of any organizational funds.
- The incident involves or is actively or passively endorsed by a majority of the members of the organization.
- The incident involves six or more members of the organization.

18-16-3. HAZING PROHIBITED

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

PROCEDURES

All complaints and/or request for definition of hazing are to be filed with the Director of Student Life & Engagement. All cases decided by the Director may be appealed to the Vice-president of Enrollment Management & Student Affairs and finally to the President of WVSU.

*Harmful Behavior (Hazing Behaviors)

a) **Physical violence** towards another person or group.

(b) **Harassment**: Defined as conduct (including written or electronic communication) based on a protected category (such as race, color, religion, national origin, et al.) which, due to the severity and pervasiveness of the conduct and its targeted nature on the basis of a protected category, (i) has the purpose or effect of creating an objectively intimidating, hostile or offensive educational or work environment; and (ii) has the purpose or effect of unreasonably interfering with an individual's schooling or employment with the University. Harassment under this provision is conduct (verbal or physical behavior) that would constitute harassment under federal or state civil rights laws or under University Regulation.

c) **Bullying**: Defined as behavior (including written, visual, electronic or oral means) that is and repeated, or meant to be done in humor or in jest, that results in the intimidation, injury, or distress of another individual physically, mentally, or socially. Bullying, however, is not speech or conduct otherwise protected by the First Amendment of the United States Constitution and any other applicable law.

(d) **Verbal or written abuse**, threats, intimidation, coercion and/or other conduct that endangers the health, safety or well-being of another person or group, or which would place a reasonable person in the victim's position in fear of bodily injury or death. This definition, however, shall not be interpreted to abridge the rights of the University community to freedom of expression protected by the First Amendment of the United States Constitution and any other applicable law.

(e) **Failure to respect** the privacy of other individuals.

(f) **Retaliation** against or harassment of complainant(s), other person(s) alleging misconduct, or who participates in an investigation of harassment and/or an alleged Hazing incident.

(g) **Condoning or encouraging acts of harmful behavior** as defined above or failing to stop an act of harmful behavior while it is occurring

- J. Trespassing.** Knowingly entering in, upon, or under a structure, conveyance, or vehicle owned or controlled by West Virginia State University without having been authorized, licensed, or invited and is requested to depart by the owner, tenant, agent, or official of West Virginia State University but refuses to do so.
- K. Misuse of the Institution Computer Network and/or Computer System.**
1. Disruption or interference with the normal use of computers, computer related equipment, data, or programs of individuals, the network, or the Institution;
 2. Use of this equipment, data, or programs in performance of any act listed as prohibited in this document;
 3. Attempts to breach security in any manner;
 4. Use of a computer account for other than the purpose for which assigned;
 5. **Illegal Download & Distribution.** Includes any unauthorized distribution and/or downloading of copyrighted materials through use of University or personal computers on the institutional network.
- L. Unlawful Discrimination.** Discrimination on the basis of race, sexual orientation, color, religion, national origin, political affiliation, handicap, or age.
- M. Conspiracy.** Any student subject to this code who conspires with any other person to commit an offense under this code, if one or more of the conspirators does an act to effect the object of the conspiracy.
- N. Rape.** Commits an act of sexual intercourse or sexual intrusion without the other person's consent or engages in sexual intercourse or intrusion with another person who would be outside the statutory age of consent for this person's age group.
- O. Nonconsensual Sexual Intercourse and Contact.** Any student found responsible for violating the policy on Nonconsensual Sexual Intercourse will likely face a recommended sanction of suspension or expulsion*.

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

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

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

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

1. Hostile environment sexual harassment includes any situation in which there is harassing conduct that is sufficiently severe, pervasive/persistent and patently/objectively offensive that alters the conditions of education or employment, from both a subjective (the alleged victim's) and an objective (reasonable person's) viewpoint.

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

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

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

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

Sexual exploitation

Sexual exploitation is taking non-consensual sexual advantage of another. Examples include, but are not limited to:

- viewing or letting someone view sexual activity without consent, whether in person or through the use of technology;
- photographing or recording nudity or sexual activity without consent;
- showing or sharing sexual images or videos without permission;
- possessing or transmitting sexual images of any person under age 18;
- knowingly transmitting a sexually transmitted infection; and
- Prostituting another person.

Consent must be given by all parties. Acts of sexual exploitation may also constitute sexual harassment as defined above.

1. **Recording and/or Distribution of Audio/Visual Material Without Consent:** Making, attempting to make, sharing, or distributing an audio or visual recording of any person(s); without the knowledge and consent of all participants' subject to such recordings, in locations where there is a reasonable expectation of privacy, and when the action is likely to cause injury, distress, or damage to one's reputation.

Gender-Based Violence:

1. **Sexual violence** – physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol, or is unable to give consent due to an intellectual or other disability, or is not of legal age to consent as defined by law. Sexual violence includes rape, sexual assault, sexual battery, and sexual coercion.

A. **Sexual Assault** – actual or attempted sexual contact with another person without that person's consent.

B. **Sexual Battery** – intentional touching of another person's intimate parts without the person's consent; or other intentional sexual contact with another person without that person's consent.

C. **Sexual Coercion** – using physical or verbal aggression or pressure to force or attempt to force a person to touch another person's intimate parts without that person's consent.

D. **Rape** – penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person's consent.

2. **Gender-based harassment** – acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

3. **Sexual Exploitation** – an act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. The act or acts of sexual exploitation are prohibited even though the behavior does not constitute one of the other sexual misconduct offenses.

4. **Domestic violence** – a pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

5. **Dating violence** – acts of physical or sexual abuse committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

A. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

B. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse, but does not include acts covered under the definition of domestic violence.

6. **Gender-Based Stalking** – repeatedly contacting another person when the contact is unwanted. Additionally, the contact may cause the other person reasonable apprehension of imminent physical harm or cause substantial impairment of the other person's ability to perform the activities of daily life. Contact includes but is not limited to communicating with (either in person, by phone, or by computer) or remaining in the physical presence of the other person.

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

What Behaviors Constitute the Crimes of Stalking and Harassment?

Stalking, according to West Virginia law, is clearly identifiable as repeatedly following another person. But, unlike other crimes such as speeding and murder, there is no "master list" of behaviors that constitute harassment. Harassment, using the West Virginia definition of "willful conduct," could include numerous behaviors. The following is a list of behaviors that could potentially be considered stalking or harassment (Stalking Resource Center; WV Foundation for Rape Information Services); however, note that the list is not all-inclusive:

- Surveillance or watching the victim (sitting in a car in front of the victim's house, going through the victim's trash, contacting the victim's family and friends, etc.);
- Pursuing/following the victim;
- Unexpected appearances where the victim works, lives, goes to school or visits;
- Approaching or confronting the victim, perhaps even in violation of a protective order;
- Telephone harassment, which might include playing disturbing music, hang-ups or threats;
- Sending/giving unwanted gifts, letters or e-mails to the victim;
- Monitoring of telephone calls or computer use;
- Use or misuse of technology to stalk and harass (see below);
- Spreading rumors or otherwise defaming the victim's character;
- Vandalism or other destruction of property;
- Threat to the victim and/or her/his family, friends and pets;
- Physical attacks; and
- Sexual assault.

Except for vandalism, threats and physical and sexual violence, each of the above behaviors could be considered annoying and/or disturbing, but hardly criminal. It is the cumulative pattern of behaviors that forms the "course of conduct" that can cause the targeted individual to be afraid and distressed. For example, a single e-mail or bouquet of flowers may not be frightening, but 150 e-mails, bouquets of dead flowers and late night threatening calls become something that cannot and should not be ignored.

Every situation is different. Because many of the behaviors may be viewed as innocent or even romantic, stalking and harassment can be difficult to prove, much less prosecute.

- S. **Cyberstalking and Cyber Harassment.** WVSU addresses cyberstalking and cyberbullying as forms of harassment and/or discrimination. It is important that students report being harassed so investigations can occur, talk about options and students' rights, as well as be provided with on or off campus resources as needed.

Use of Technology to Stalk

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

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

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

Reporting Stalking or Harassment

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

Reducing Your Risk

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

Individuals who consent to sex must be able to understand what they are doing. “No,” and “Yes” may not always mean “Yes.” Anything but a clear, knowing and voluntary consent to any sexual activity is equivalent to a “no.”

T. 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 just physical harm but privacy, too, 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

***Definitions**

“Administrator” means a president, vice-president, dean, head of a school, director of a program or campus office, or designee of one of the aforementioned individuals.

“Organization” means association, athletic team, band, club, cooperative, corps, fraternity, order, society, sorority, or other similar group, whose members primarily are students of the Institution.

“Staff” means any person employed directly by or retained through a contract with the Institution, including a coach or supervisor of an organization, professor, or intern.

“Student” means any person who is enrolled in or matriculating from the Institution, registered or in attendance in a program operated by the Institution, or who has been accepted for admission into any program operated by the Institution.

A **“person”** is defined as a university student, any associate member, member, affiliate, alumnus, guest of any campus organization, or other individual.

West Virginia State University defines hazing as any mental or physical requirement, request, or obligation placed upon any person that could cause discomfort, pain, fright, disgrace or injury; that is personally degrading; or that violates any federal, state, or local statute or university policy, the willingness of an individual to participate in such activity notwithstanding.

4. Institutional Guidelines

As it is impossible to anticipate every situation that could involve hazing, this list does not, and cannot, encompass every circumstance that will cause the Institution to discipline for hazing. This policy is not intended to prohibit the following conduct:

- A. Customary athletic events, contests, or competitions that are sponsored by the institution or the organized and supervised practices associated with such events; or
- B. Any activity or conduct that furthers the goals of a legitimate educational curriculum, extracurricular program, or military training program, as approved by the Institution.

Hazing shall include, but not be limited to, forcing, compelling, requiring, encouraging, or expecting, whether direct or implied, any individual to participate in any of the following actions or activities:

Physical

- A. Encouraging or requiring persons to consume alcohol or other substances regardless of the age of the participant.
- B. Encouraging or requiring that a person do or submit to any act that will alter his or her physical appearance in any significant degree for any substantial period of time (e.g., burning; branding; tattooing; using makeup, paint, or markers on a person; or shaving the head or body).

C. Encouraging or requiring activities that disrupt a person's normal schedule. A normal schedule includes three reasonably spaced meals per day, the opportunity for sufficient rest at night (at least six full hours) and reasonable time for personal hygiene.

D. Encouraging or requiring a person to engage in physical activity of unusual kind or duration, such as: calisthenics, overly difficult work assignments, activities that may be excessive for a person, activities that require a person to remain in a fixed position for an extended period of time, binding or restricting an individual in any way that would prohibit them from moving on their own, confining a person, or exposing participants to uncomfortable elements like in environments that are too hot, cold, noisy, small or threatening/ intimidating.

E. Hitting, pretending, or misleading a prospective member into believing that they will be hit, hurt, or physically altered.

F. Encouraging or requiring acts that are or seem to be dangerous.

Psychological

G. Encouraging or requiring a person to pretend to or actually violate a law.

H. Encourage or requiring an individual to obtain or possess items or complete tasks in an unlawful manner (i.e. for a scavenger hunt).

I. Verbally abusing prospective members. Examples include, but not limited to; yelling or screaming; calling individuals demeaning names; booing, hissing, or demeaning individuals when they make mistakes.

J. Encouraging or requiring a person to perform acts of servitude, perform personal errands for others, or engage in activities that are demeaning.

K. Misleading prospective members in an effort to convince them that they will not become members unless they complete tasks, follow instructions, or act in a certain way.

L. Misleading prospective members into believing that they will be hurt during induction or initiation.

M. Encouraging or requiring a person to publicly carry objects or wear apparel, or appear in public that is abnormal, not normally in good taste, conspicuous and/ or indecent.

N. Encouraging or requiring a person to appear nude or reveal body parts.

O. Encouraging or requiring an individual or group to remain in a certain place or transporting them to a location without their knowledge. (e.g., taking a person on a road trip or excursion to an unknown destination or kidnapping).

P. Parading individuals in public areas, transporting individuals in a motor vehicle while blindfolded, or privately conducting blindfolding activities that serve no constructive purpose.

Q. Requiring an individual to "pledge" or "associate" for a period of unusual length (more than 10-12 weeks) for reasons other than achieving academic requirements or extraordinary circumstances.

R. Hazing also includes soliciting, directing, aiding, or otherwise participating actively or passively in the above acts.

5. Location

This policy encompasses all acts of hazing that occur whether on or off campus. As such, an act of hazing by an individual or organization will be viewed by the Institution as a violation of the Institution's hazing policy, regardless of where the act of hazing took place.

6. Consent

An individual may not consent to being hazed, and his/her/ their voluntary or willful participation in hazing activities will not be considered as a defense against a violation of the Institution's hazing policy by an individual or organization.

7. Reporting

Any suspected violation of this policy should be reported in accordance with the Institution's reporting system. The initial report of a suspected violation may be reported in person, by phone, or by electronic communication, and may be done anonymously. Alleged violations of this policy can be reported to the WVSU Campus Police Department, Student Life & Engagement, or Student Conduct/Judicial Affairs.

FREEDOM OF EXPRESSION POLICY

STATEMENT

America is at its best when individuals demonstrate integrity, scholarship and freedom of expression. Freedom of expression is one of our most cherished freedoms. Citizens with developed critical-thinking skills are necessary to preserve any democracy, and viewing fine art can develop critical thinking. West Virginia State University recognizes that both students and members of the general public share the right to express themselves and to freely assemble. West Virginia State University holds this First Amendment right in high regard. West Virginia State University understands the need to provide opportunities of free expression and to remain neutral to the content and viewpoint conveyed. West Virginia State University permits free expression and expressive activities, though the University may regulate the time, place and manner of expression as outline in the Freedom of Expression Policy below. Through such regulation, the University can ensure an equal opportunity for all persons, preserve order within the University community, protect and preserve University property and provide a secure and safe environment for its members and those exercising freedom of expression.

The purpose of this policy is to promote and facilitate student expression and to respect students' constitutional rights while allowing the University to make any necessary arrangements, such as arranging march routes, providing security, and reserving free expression areas to ensure that such activities do not interfere with University's mission, normal operations and does not infringe on the rights of others.

Nothing in this policy permits the University to regulate the content of expressive activity protected by the First Amendment. The University maintains a position of neutrality as to the content of expression and any written materials distributed on campus under this policy.

POLICY

West Virginia State University defends the right to free expression, including the freedom to express dissent, within the context of the law and the responsibility for one's actions. The University protects the free expression of all members of the University community, including invited and uninvited members of the general public. Limitations placed on free expression are those dictated by laws; those necessary to ensure protection of the safety and rights of others, and those that ensure the normal functioning and operation of the University. Persons participating in expressive activities are encouraged to consider self-restraint to a level that is consistent in preserving an organized society.

Time, Place and Manner

A. Restrictions

1. Individuals/groups engaging in expressive activities must also abide by the following requirements. Expressive activities must not:
 - i. Attract a crowd larger than the Freedom of Expression Area can safely contain;

- ii. Obstruct or restrict the free movement of persons in any part of property owned or leased by the University;
- iii. Obstruct entrances or exits to buildings;
- iv. Obstruct vehicular or pedestrian traffic;
- v. Damage University property or contribute to property damage;
- vi. Obstruct or interfere with the normal use of offices, classrooms and other facilities by students, faculty, staff and guests of the University;
- vii. Disrupt or interfere with educational and other activities of the University community;
- viii. Deny or infringe upon the rights of other students, faculty, staff and guests of the University community;
- ix. Create a volume of sound that prevents members of the University from conducting normal activities;
 - 1. Must not operate outside of the approved hours between 12:00 p.m. to 2:00 p.m. Monday through Friday and 12:00 p.m. to 5:00 p.m. on Saturday
 - 2. Shall not exceed 80 decibels past a 10 –foot radius
- x. Violate any University policies or rules in the Student Code of Conduct.
- xi. Threaten or endanger the health or safety of any person in the University community; or
- xii. Represent a threat to public safety, according to the discretion of West Virginia State University Public Safety.

B. Content Neutrality

- 1. The principle known as “content neutrality” is the basic requirement of First Amendment law that ensures that governments do not abuse their authority to silence or favor speech based on the content.
- 2. The University may not write or enforce policies or rules more generously for popular speech and more restrictively for disfavored, unpopular speech. The rules must be applied and enforced consistently, regardless of content. This means that sympathetic speakers and speech will be subject to the same rules governing the time, place, and manner restriction of this policy as others.

C. Protected Protest Versus Civil Disobedience

- 1. Protected protests may include peaceful assembly, marching, and demonstrating. These activities are protected as long as they are not disruptive or violate the rules set forth in this policy.
- 2. Civil Disobedience typically involves peaceful, conscientious, and intentional violations of laws or rules. Those that engage in civil disobedience often do so to

highlight injustice and to call for societal change, however civil disobedience is not protected by the First Amendment. Civil disobedience is the active refusal to comply with certain laws as form of protest. Civil Disobedience may result in disciplinary or legal action.

D. Protest and Counter Protests

1. The University will reserve the right to manage protest and counter protest scenarios to ascertain the safety of its constituents and to ensure that groups are able to safely communicate and express themselves.
2. Protest and counter-protest may take place at the same time under reasonable time, place and manner restrictions as outlined in this policy. Will not allow protest on one side of an issue while prohibiting protests on the other side of the issue however it may restrict expressive activities that unduly violate the provisions of this policy.

Freedom of Expression Area

A. Reserving Campus Spaces for Expressive Activity

1. West Virginia State University maintains a covered outdoor space (FOE Gazebo) for free expression and expressive activities. This free expression area is located outside on the James C. Wilson University Union property, between the University Union and the Drain Jordan – Library. James C. Wilson University Union serves as a student recreation center and is also home to our campus bookstore and dining hall. Activities and events held in these areas must abide by the requirements of this policy and/or any other University policy.
2. Members of the University community, invited and uninvited individuals/groups engaging in expressive activities must submit a request for reservation of the Freedom of Expression Area. A request for reservation must be submitted to the Office of Student Life and Engagement in writing, at least five (5) days prior to the planned event. Requests for reservations must include the following information:
 - i. The location being requested;
 - ii. The date and time of the activity;
 - iii. A brief description of the activity;
 - iv. Whether sound amplification will be used. Requestors must provide their own amplification system and abide by any existing University policies /guidelines regarding amplified sound use.
 - v. Whether a stand, booth, or table will be used to distribute materials;
 - vi. The estimated number of attendees; and
 - vii. An acknowledgement of an agreement to comply with any time, place, and manner requirements specified in the sections below.

3. Reservation requests will be processed on a first-come first-serve basis. In the event that multiple request conflict, the following order of preference will be used grant requests:
 - i. Official University sponsored activities and events;
 - ii. Office of Student Life and Engagement activities and events;
 - iii. Recognized student organizations, events, and activities;
 - iv. All other University community activities and events.
 - v. Non-University affiliated speakers reserving a Freedom of Expression Area
 4. The Office of Student Life and Engagement must issue a reservation confirmation within one (1) business day, or sooner if possible, of the planned activity. The request for reservation may be denied only for the reasons set forth in this policy. The reason for denial shall be provided to the person that submitted the request. A denied request may only be appealed to the President of West Virginia State University.
- B. Reserving Space for Spontaneous Expressive Activities
- Members of the University Community may also engage in spontaneous expressive activity without a reservation in publicly accessible areas of campus other than the designated Free Expression Areas only if the spontaneous expressive activity:
1. is prompted by news or affairs coming into public knowledge less than forty-eight (48) hours prior to such event;
 2. is not planned more than twenty-four (24) hours in advance, making it impractical to make a reservation in accordance with Section A., above;
 3. takes place in a designated freedom of expression area;
 4. adheres to the time, place, and manner restrictions below; and
 5. involves less than ten (10) persons; provided, however, that if the spontaneous expressive activity involves ten (10) or more persons, the expressive activity may continue only if immediate notice is provided to the Office of Student Life and Engagement by calling (304) 766-3288 during normal business hours. If the spontaneous expressive activity occurs after normal business hours or on weekends, immediate notice must be provided by calling the West Virginia State University Public Safety at (304) 766-3181.

Failure to comply with regulations and requirements outlined in this or any other West Virginia State University policy may result in the following:

- Warning
- Removal and Restriction from West Virginia State University
- Legal action

West Virginia State University reserves the right to make any changes to this policy at any time. The most current version of this policy will always be available online at www.wvstateu.edu. You may also visit the office of Student Life & Engagement to pick up a copy.

SANCTIONS

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

Expulsion

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

Suspension

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

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

Dismissal from Institution Housing, Class Activity, or Facility

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

Conduct Probation

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

Warning or Reprimand

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

Restitution

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

Organizational Sanctions

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

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

Student Organization Hazing Sanctions

See the [Student Organizations Handbook](#) for more details.

Voluntary Community Service

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

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

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

TYPE TWO BEHAVIOR

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

TYPE THREE BEHAVIOR

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

TYPE FOUR BEHAVIOR

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

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

Other Sanctions

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

PROCEEDINGS

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

Charges

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

Preliminary Review/Hearing

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

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

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

Hearing Bodies

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

- A. Residence Hall Disciplinary Committee** - Each residence hall will form a disciplinary committee consisting of four elected residents and two student staff members to hear those cases involving violation of hall rules and regulations by students living in the hall. Each Hall Director serves as an advisor to the committee. The disciplinary actions outlined under the Sanctions section may be recommended to the Director of Residence Life and Services and may be any combination of actions listed under the Sanctions section except suspension or expulsion, which must be recommended to the Vice-President of Enrollment Management & Student Affairs for appropriate action.

- B. Residence Hall Association Disciplinary Committee** - Each residence hall will elect two residents to serve on this committee which includes one Residence Assistant from each residence hall. It will hear those cases involving violations of hall rules and regulations occurring in residence halls other than the hall in which the accused student resides. One of the Residence Hall Directors serves as advisor to the committee and the disciplinary action recommended to the Director of Residence Life and Services may be any combination of actions listed under the sanctions section except suspension or expulsion, which must be recommended to the Vice-President of Enrollment Management & Student Affairs for appropriate action.

- C. All University Hearing Council** - The All University Hearing Council is composed of the students from the Student Hearing Council/student body and faculty/staff appointed by the University President. The All University Hearing Council hears those cases where suspension or expulsion may be the sanction recommended by the Council. The Council may recommend all disciplinary actions outlined under the Sanctions section. Final approval for the expulsion sanction is the University President. The Chairmanship of the All University Hearing Council rotates with each case throughout an academic year (e.g., the Student Hearing Examiner, followed by the Senior Tenured Faculty member and then the Staff member).

PRE-HEARING PROCEDURES

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

- A.** The Chairperson of the hearing body hearing the case is notified.

- B.** The Chairperson appoints, at random, a member of his/her hearing body to become familiar with the case.

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

Hearing Procedures

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

- B.** The Chairperson will introduce everyone (Hearing Body, Advisor, Counselor, and accused). The hearing will be confined and closed to the general public.

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

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

APPEALS

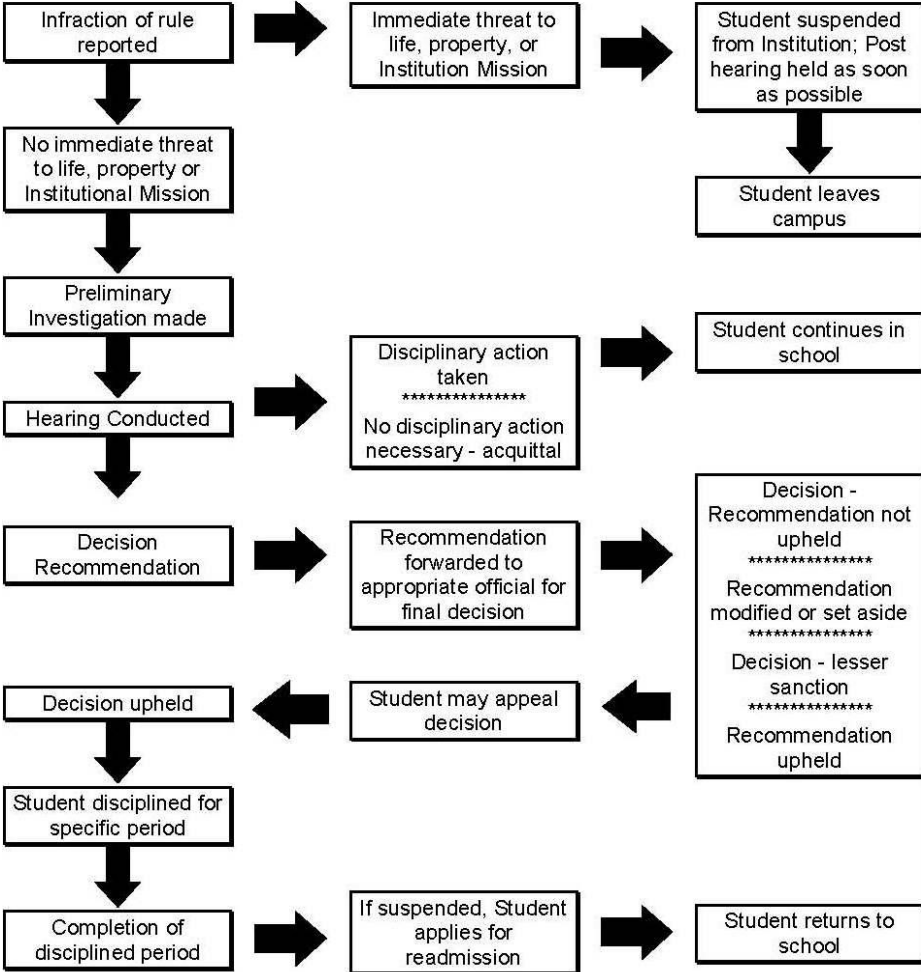
- A. Any student may appeal a non-academic sanction to the appropriate Institution official within fifteen calendar days of the date of notice of the decision (**a written statement of intent to file an appeal must be done within three working days of the notice of decision**) except that:
 - 1. An appeal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

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

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

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

**GENERAL OUTLINE
PROCEDURAL DUE PROCESS
EXAMPLE**



WEST VIRGINIA STATE UNIVERSITY STUDENT DISABILITY ACCOMMODATION REQUESTS APPEAL and/or COMPLAINT PROCEDURES

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

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

First Level Appeal/Complaint

Complete an [Accommodations Appeal/Complaint Form](#) and submit it to the 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 Director of Counseling & Accessibility Services. The Director may request additional information, but must rule in writing within ten days upon receiving the additional information, exclusive of weekend, holiday, vacation, etc. The final decision of the Director of Counseling & Accessibility Services can be appealed to Level Three.

Third Level Appeal/Complaint

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

Fourth Level Appeal/Complaint

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

Disclaimer

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

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

WEST VIRGINIA STATE UNIVERSITY ADMINISTRATIVE POLICIES

INSTITUTION REGULATION ON DRUGS AND ALCOHOL

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

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

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

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

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

NON-DISCRIMINATION POLICY

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

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

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

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

COMPLIANCE WITH MILITARY SELECTIVE SERVICE ACT

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

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

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. As with other disabilities, all persons with HIV/AIDS are welcome to apply to become a student and for employment at West Virginia State University. The Institution prohibits and will not tolerate harassment or unlawful discrimination toward a HIV-infected employee or student.

Medical Consultation

The West Virginia State University Health Center can provide medical consultation and will arrange for medical evaluation, outside of the Health Center, upon request of the individual involved.

Support Services

Through the Counseling & Academic Support Services office, West Virginia State University will provide support services through which persons can receive counseling, assistance in locating resources and referrals for further assistance.

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.

HIV/AIDS Information and Responsibilities

West Virginia State University will be guided by contemporary scientific and medical information and recommended precautions in making decisions related to applicant acceptance, reasonable accommodation, student and employee retention, and other related matters. The purchase and upkeep of cleaning supplies, recommended by the Center for Disease Control's Guidelines on Universal Blood and Body Fluid Precautions, shall be the responsibility of Physical Facilities. These supplies shall be on every floor of every campus building.

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.

Information, Education, and Training

West Virginia State University recognizes its commitment to education and supports a comprehensive plan for HIV/AIDS education. The AIDS Awareness and Health Promotion Program at the Community College shall provide instruction regarding HIV/AIDS and the Center for Disease Control's Guidelines on Universal Blood and Body Fluid Precautions to all employees and students, as well as the relevance of HIV infection to their personal health, the public health and their professional careers.

Acknowledgment

West Virginia State University is indebted to the many individuals who contributed to the development of this policy on HIV/AIDS.

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

SMOKING (REVISED, 8/04)

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

CHILDREN IN CLASSES (REVISED, 8/01)

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

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

EMERGENCY RESPONSE PLAN (REVISED, 8/00)

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

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

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

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

INSTITUTIONAL REVIEW BOARD (5/2005)

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

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

CLASSROOM/LABORATORY SAFETY (REVISED, 8/01)

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

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

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

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

Faculty in the School of 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 School of Natural Sciences and Mathematics, H-101.



WEST VIRGINIA STATE UNIVERSITY

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. This form is available in the Office of Enrollment Management and Student Affairs (130 Ferrell Hall), in the Office of Student Life & Engagement (103 University Union), in Deans' offices, and in Vice Presidents' offices.

The complaint process is based upon the following definitions:

- **Formal Complaint:** A concern or formal charge of dissatisfaction with a person, service, or process that requires clarification, investigation, and/or resolution.

- Level I Complaint: A verbal complaint that is resolved. Level I complaints will not be tracked.
- Level II Complaint: A written complaint, based upon the formal complaint definition that requires a student's signature. If a form is submitted without a student's name, the complaint will not be considered. Level II complaints will be tracked by the appropriate Vice President to ensure an action has been taken.

- **Exclusions:** The Student Complaint Procedures do not apply to grade appeals, complaints of sexual harassment, or student to student complaints. Please refer to the Student Handbook (The Buzz) for procedures regarding these complaints. In addition, outcomes of grade and/or disciplinary appeal processes are not subject to further consideration through this process.

- **Instructions for Filing a Written Complaint:** Complete the Student Complaint Form and deliver it to the Office of Enrollment Management and Student Affairs. The Office of Enrollment Management and Student Affairs will acknowledge receipt of the complaint by signing and dating the complaint form, and providing a copy of the signed document to the student.

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. Certain policies that specifically pertain to students have links included below.

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

36. Alcoholic Beverages
37. Fiscal Responsibility and Oversight of Intercollegiate Athletics
38. Parking of Vehicles on Campus
39. Administrators Required to Do Teaching or Research
40. Tuition and Fee Waivers for Those 65 or Older
41. Making Agendas Available to the Public
42. Disposition of Obsolete and Unusable Equipment and Supplies
43. Separation of Academic and Faculty Personnel Policies
44. Faculty and Administrative Productivity
45. Work-Scheduling Innovations
46. Merit Increases for Classified Staff
47. Staff Development
48. Credit for Service Learning in Public Agencies
49. Employees' Catastrophic Leave
50. --
51. --
52. Information Technology (IT) Security Policy
53. [Responsible Use of University Computing Resources](#)
54. Delayed Payroll Assignment
55. --
56. Background Checks for Employment
57. Deadly Weapons and Destructive Devices
58. Bookstore
59. Intellectual Property Rights Management
60. Fixed Asset Inventory Policy
61. Employment and Evaluation of the President

WEST VIRGINIA STATE UNIVERSITY POLICY ON THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

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

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

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

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

If you wish to allow anyone other than you (the student) to access this information you must file a FERPA release form with the University. Forms can be obtained in the following locations:

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

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

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

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

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

The Act also permits disclosures on information from the student's education records, without the written consent of students, to parents of a dependent student 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 & Academic Support Services, Office of Financial aid, the Office of Academic Affairs maintaining student education records, and other administrative and academic personnel within the limitations of their need to know. (Their need to know must be established in written form and shall be included in the student's file.)

At its discretion, West Virginia State University may provide directory information in accordance with the provisions of the Act to include: students name, address, student e-mail, telephone number, date and place of birth, names and addresses of parents, major field of study, date of attendance, degrees and awards received, the most recent previous educational agency, or institution attended by the student, participation in officially recognized activities and sports, and weight and height of members of athletic teams. Students may withhold directory information by notifying the Registrar's Office before the close of the late registration period for the fall semester.

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

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

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

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

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

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

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

WEST VIRGINIA STATE UNIVERSITY SEARCH AND SEIZURE

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

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

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

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

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

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

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

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

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

WEST VIRGINIA STATE UNIVERSITY
CANNONS OF JOURNALISM
(American Society of Newspaper Editors)

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

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

Responsibility

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

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

Freedom of the Press

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

Independence

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

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

Sincerity, Truthfulness, and Accuracy

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

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

Fair Play

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

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

Decency

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

WEST VIRGINIA STATE UNIVERSITY STANDARDS AND PROCEDURES FOR INVOLUNTARY ADMINISTRATIVE (MEDICAL) WITHDRAWAL

Introduction:

West Virginia State University 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 is taken 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 (<http://www.wvstateu.edu/Current-Students/Behavior-Intervention-Team.aspx>). 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

d) 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 policy, 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 Policy 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
PETITION FOR RETROACTIVE WITHDRAWAL DUE TO CATASTROPHIC CIRCUMSTANCES**

There may come that you may be have to step away from your education due to a catastrophic occurrence. West Virginia State University has developed a process to address such an occurrence. This is an 8 step process. The entire petition can be found at:

http://wvstateu.edu/wvsu/media/Research/Retroactive-Withdrawal-Petition-Revised-2018_2.pdf

Process for submitting a retroactive withdrawal petition:

1. Complete the petition for retroactive withdrawal form.
2. Attach supporting, official documentation which demonstrates serious and compelling reasons (usually due to serious accident or illness) justifying the withdrawal and the extenuating circumstances justifying its retroactive nature.
3. Submit the petition and documentation to withdraw from a course or courses with a grade of “W” after the end of the “W” period and within the semester in question to the Dean of the College where the student’s major is housed.
4. The withdrawal decision will be made by the Dean of the College in collaboration with the instructor and department chair (see Step 4). However, the Dean has the option to bring all issues related to the withdrawal request to the Dean’s Council on a case-by-case basis with the appropriate documentation.
5. Once a decision is made, the College Dean will send all documentation to the Registration & Records office for processing.

STEP I: Student Information

Name: _____ “A” Number: _____
Local Address: _____
City: _____ State: _____ Zip: _____
Telephone Number: _____
Email address: _____

WEST VIRGINIA STATE UNIVERSITY EMERGENCY HELP PROCEDURES

West Virginia State University Procedures for Medical Emergencies are:

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

- a) call 911 (who maintains round-the-clock hours).
- b) Campus 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 University Health Center Staff, 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.)
- c) after the immediate emergency is handled, Campus Police personnel will notify an executive officer of the Institution, such as the Vice President for Enrollment Management & Student Affairs, Vice President for Academic Affairs, Vice President for 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 Student Affairs Office retains the right to call parents or other close relatives to inform them of the situation. It is the position of the Institution that it **may** decide to inform others in the best interest of the individual and for the protection of others at the Institution.

(The Counseling & Accessibility Services Office has a primary goal to help students with their general academic adjustment. Counselors may provide light personal counseling, but extreme medical situations listed above are usually beyond the expertise or purpose of this group. Similarly, the Health Center Staff may not be equipped to handle major health emergencies on campus.

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

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

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

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

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

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

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

WEST VIRGINIA STATE UNIVERSITY

TITLE IX POLICY INFORMATION AND ADDITIONAL RESOURCES

Title IX Policy and Procedures

I. Federal law, specifically Title IX of the Education Amendments of 1972 (Title IX), prohibits discrimination on the basis of sex in education programs or activities. Title IX prohibits sex discrimination against students, staff and faculty—which includes acts of sexual misconduct, stalking and relationship violence. Title IX also prohibits retaliation for making a good faith report of sex discrimination or participating or being a party to any proceeding involving sexual misconduct and/or Interpersonal Violence. An update to the Cleary Act federal law, Section 304 of the Violence against Women Act, 1994 (VAWA) now contains the Sexual Violence Elimination Act (“Campus SaVE Act”), in the VAWA Reauthorization Act of 2013 which requires universities to increase transparency about the scope of sex-related violence on campus, guarantee victims enhanced rights, provide for standards in institutional conduct proceedings, and provide campus wide prevention education and awareness programming.

II. West Virginia State University is committed to fostering an environment in which all members of our campus community are safe, secure, and free from sex discrimination, including sexual misconduct, stalking, and relationship violence, listed and defined in the Board of Governors Policy 14 – Sexual Harassment. Our community expects that all interpersonal relationships and interactions – especially those of an intimate nature – be grounded upon mutual respect and open communication. When learning of conduct or behavior that may not meet these standards, community members are expected take an active role in promoting the inherent dignity of all individuals.

III. The University encourages any student or non-student, all employees and affiliated third parties who thinks that he or she has been subjected to sex discrimination or retaliation by another student, employee or affiliated third party must immediately report the incident to the Title IX Office (105 Ferrell Hall).

IV. The University strives to promote the safety and well-being of all students and employees. This information is applicable to students and employees regardless of their sexual orientation, gender identity, or gender expression.

Complainant and the Respondent:

Any individual (“Complainant”) who discloses having been subjected to sex discrimination, including sexual assault/misconduct, sexual exploitation, relationship violence, stalking, sexual or gender-based harassment, retaliation, or complicity and any individual or Registered Student Organization (“Respondent”) who has been accused of sex discrimination, including sexual assault/misconduct,

sexual exploitation, relationship violence, stalking, sexual or gender-based harassment, retaliation, or complicity are afforded the following rights throughout the University's investigative process and the student conduct review process. These rights provide a fair process for both parties while also ensuring Complainants' protections under Title IX and the Campus SaVE Act.

Complainant and Respondent rights include the following:

1. Both the Complainant and Respondent are permitted to have an advisor or support person accompany them throughout the university's investigative process and student conduct review process. This person will not represent the Complainant or Respondent; address witnesses, investigator(s), the hearing body or any other party; or otherwise directly participate throughout the university's investigative process and/or student conduct review process. In addition, if the selected person is a witness, the person cannot be an advisor or support person.
2. Both the Complainant and Respondent have the right to remedial and protective measures and shall be notified of available assistance at the University.
3. Both the Complainant and Respondent will have equal opportunity to present relevant witnesses and other information during the investigative process and during a formal hearing. The investigator(s) has the discretion to determine the relevance of any proffered evidence and to include or exclude certain types of evidence. In general, the investigator will not consider statements of personal opinion, rather than direct observations or reasonable inference from the facts, or statements as to any party's general reputation for any character trait.
4. Both the Complainant and Respondent will be afforded similar and timely access to any information made available through the investigative process and/or that will be used during the student conduct review process.
5. In the Adjudicative Hearing, both the Complainant and the alleged perpetrator may be represented by legal counsel, but if either of the parties chooses not to be represented by counsel, the other party may still be represented by counsel.
6. If either party wishes to object to the hearing officer on the basis of a potential conflict of interest by the hearing officer, the party **must** notify the Title IX Coordinator of the objection within **seven (7) working days** after receipt of the notice specifying the name of the hearing officer. The Title IX Coordinator shall evaluate the objection and determine if a different hearing officer should conduct the hearing.
7. If the matter proceeds to a formal hearing, both the Complainant and Respondent may submit a list of proposed questions related to the alleged incident to be asked during the formal hearing. The relevancy of proposed questions will be determined by the hearing officer. In the event a party is not represented by counsel and wishes to question the opposing party, the party may submit written questions for the opposing party to the hearing officer who may ask the questions to the opposing party, if the hearing officer deems such questions relevant to the issues being adjudicated. Questions pertaining to the Complainant's sexual history with anyone other than the alleged perpetrator shall be prohibited.

8. Both the Complainant and Respondent may not have irrelevant past conduct, including sexual history, discussed during the formal hearing. The issue of relevancy shall be determined by the investigator or hearing officer.

9. Both the Complainant and Respondent will be provided access to participate, during the entire formal hearing in person, via videoconference, by telephone or by other means available.

10. Both the Complainant and Respondent will be informed, concurrently and in writing, of the outcome of the investigative process, the Adjudicative Hearing Process, and the outcome of the appeal process, in accordance with federal guidelines.

11. Both the Complainant and the Respondent have the right to appeal the outcome of the Adjudicative Hearing Process on the basis outlined in the applicable Board of Governors Policy - 14 section.

12. Both the Complainant and Respondent will be given periodic status updates throughout the investigative process and the Adjudicative Hearing Process.

Title IX Policy Information and Additional Resources

Every member of the University community is prohibited from:

A. Engaging in sex discrimination, which includes but is not limited to sexual misconduct, sexual assault, sexual exploitation, relationship violence, stalking, sexual or gender-based harassment, sexual harassment, and complicity in the commission of any of these acts;

B. Retaliating in any manner against an individual for reporting, in good faith, any of these forms of conduct or participating in or being a party to any investigation or proceeding under the Student Handbook or the University's Board of Governors Policy 14 – Sexual Harassment;

C. Interfering with procedures to investigate or redress a complaint of sex discrimination; and,

D. Making an intentionally false accusation of sex discrimination (including sexual assault, sexual harassment, relationship violence, and stalking) or retaliation through the University's procedures. Any university student or registered student organization who engages in one of these prohibited acts

may be subject to corrective action and appropriate sanctions pursuant to the Student Handbook.

II. Reporting: Sex discrimination, including sexual misconduct, relationship violence, and stalking can involve anyone interacting with our campus community, including but not limited to:

Student / Student

Faculty Member / Student

Teaching Assistant / Student

Staff Member / Student

Administrator / Student

Supervisor / Employee

Third Party Affiliated with the University / Student

Staff Member / Staff Member

Faculty Member / Faculty Member

Faculty Member/Staff Member

Administrator / Faculty Member

Administrator / Staff Member

Third Party Affiliated with the University / Employee

Any member of the WVSU community can report sex discrimination by completing the online reporting form at <http://www.wvstateu.edu/Forms/Title-IX-Reporting-Form.aspx>.

1. Individuals may report incidents of sex discrimination to university employees that are then responsible for promptly notifying the Title IX Coordinator or a Deputy Title IX Coordinator of the reported incidents. An employee's responsibility to report is governed by his/her role at the University. Confidential Employees, as defined in the Board of Governors Policy 14 – Sexual Harassment, are not required to report Prohibited Conduct to the University when the disclosure is made while serving in the role that entitles them under state law to have privileged communications.

Confidential Employees at WVSU include the following: Counselors in the Office of Counseling and Accessibility Services (CAS); pastoral counselors; and employees of the Family Care Health Center.

Responsible Employees, as defined in the Board of Governors Policy 14 – Sexual Harassment, are required to immediately report to the University's Title IX Coordinator or a Deputy Title IX Coordinator all relevant details (obtained directly or indirectly) about an incident of Sex/Gender-Based Discrimination or Harassment, Sexual Harassment, Sexual Assault, Sexual Exploitation, Relationship Violence, and/or Stalking (as defined herein) that involves any Student as a Complainant, Respondent, and/or witness, including dates, times, locations, and names of parties and witnesses. Reporting is required when the Responsible Employee knows (by reason of a direct or indirect disclosure) or should have known of such Sex/Gender-Based Discrimination or Harassment, Sexual Harassment, Sexual Assault, Sexual Exploitation, Relationship Violence, and/or Stalking. Responsible Employees include (but are not necessarily limited to) Faculty (full-time and part-time), Staff (full-time and part-time), Resident Assistants, graduate students with classroom responsibilities, and Public Safety. This manner of reporting may help inform the University of the general extent and nature of Prohibited Conduct on and off campus so the University

can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. If a Responsible Employee is uncertain if specific conduct constitutes conduct that must be reported, the Responsible Employee should contact the Title IX Coordinator or a Deputy Title IX Coordinator for assistance with making this determination. All “Responsible Employees” **must** file a report when made aware of an incident of sex discrimination which includes sexual misconduct, sexual assault, sexual exploitation, relationship violence, stalking,

sexual or gender-based harassment, sexual harassment, and/or complicity in the commission of any of these acts that involves any student as a Complainant, Respondent, and/or witness. Responsible Employees are not required to report information disclosed (1) at public awareness events (e.g., “Light Up the Night,” Clothesline Project, candlelight vigils, protests, “survivor speak-outs” or other public forums) in which Students may disclose incidents of sex discrimination; (2) during a Student’s participation as a subject in an Institutional Review Board-approved human subjects research protocol (“IRB Research”); or (3) as part of coursework submitted to an instructor in connection with a course assignment.

2. West Virginia State University’s Title IX Coordinator is charged with monitoring the University’s compliance with Title IX, ensuring appropriate education and training, coordinating the University’s investigation, response, and resolution of all reports of sex discrimination and ensuring appropriate actions to eliminate sex discrimination, prevent its recurrence, and remedy its effects. The Title IX Office oversees reports involving Students, Employees, registered student organizations, and Third Parties. The University also has designated Deputy Title IX Coordinators who may assist the Title IX Coordinator in the discharge of these responsibilities. The Title IX Coordinator and Deputy Title IX Coordinators can be contacted as follows:

Title IX Coordinator: Carolyn Stuart, Ph.D.

105 Ferrell Hall

Institute, WV 25112

(204) 766-4018

Carolyn.stuart@wvstateu.edu

ACADEMIC DISHONESTY POLICY 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 the 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 Academic Dishonesty Policy, 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 understand fully 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.

1. 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.

2. 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.

3. 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 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.

4. 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 be comprised of 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.

5. 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.
6. 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."
7. 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, he or she may have an associate present for consultation purposes only. Lawyers, parents, or any form of professional advocate may not serve as an associate.
8. 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.
9. 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.
10. The records of the proceedings, both written and electronically recorded, are to be kept in the files on academic dishonesty maintained in Office of the Vice President for Academic Affairs.
11. 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 at :

http://www.wvstateu.edu/wvsu/media/Research/readmission_application.pdf, 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.

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