



## FOREWORD

To the West Virginia State Student:

**The Buzz** has been prepared especially with you in mind.

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

Established in 1891, West Virginia State has served as the home for thousands of students for over one hundred 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 alumni. To do this, you must recognize a mutual responsibility. The Institution is yours, and as such, it has an obligation to serve you - promoting your worthy interests and purpose in every possible manner. You, on the other hand, have an obligation to serve the best interests of the Institution by cooperating with the staff, the student body, the faculty, and program in general.

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

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

“West Virginia State 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 and that we have in some small way made your educational journey just a little less difficult.

Office of Student Affairs



Dear Student:

Welcome to West Virginia State. I am delighted that you have selected our University to further your education.

Your “State” family consists of many qualified, capable and dedicated individuals who are committed to helping you achieve your educational goals. Your primary goal is to be successful in your academic pursuits. However, you should take time to participate in all aspects of college life.

I encourage you to become an integral part of our community by taking advantage of the cultural and co-curricular activities available to you. They will make your academic experiences here more meaningful.

**The Buzz** should serve as your resource guide as you matriculate at West Virginia State University. Please read this document carefully so that you will be aware of the variety of opportunities available to you, the College’s expectations relative to your behavior, and general rules and regulations concerning the governance of our student body.

The joy of learning is one of life’s greatest pleasures. My best wishes to you for a successful collegiate career.

Sincerely,

Hazo W. Carter, Jr.  
President



Dear WVSCTC Student:

On behalf of the faculty, staff, administration, and students, we are pleased you have chosen our college to further your education.

West Virginia State Community and Technical College (WVSCTC) and West Virginia State University (WVSU) are two unique institutions, co-located on the campus in Institute, West Virginia. WVSCTC has 23 associate degree offerings that include programs to prepare you to work after completing your degree and programs that provide a seamless transition to the baccalaureate degree programs at WVSU.

WVSCTC students abide by the same rules and regulations that govern WVSU students. You will find there are no differences in teaching style, regardless of major, between the institutions. All students co-mingle throughout classes, co-curricular activities, and all university services are available to everyone.

Please familiarize yourself with **The Buzz** as it provides important resources concerning both institutions. I wish you the very best as you complete your academic studies and hope you will take advantage of all WVSCTC and WVSU has to offer.

Sincerely,

A handwritten signature in black ink that reads "Ron Bartley".

Ron Bartley  
Interim President  
West Virginia State Community and Technical College



**Dear Student:**

Welcome to West Virginia State! Whether you are pursuing a certificate, associate, baccalaureate or graduate degree, we are here to assist you in meeting your educational goals.

The primary objective of the Office of Student Affairs is to promote personal, academic, and social growth for students at both West Virginia State University and West Virginia State Community and Technical College. We endeavor to foster the development of leadership and citizenship skills by students inside and outside of the academic environment. The Office strives to enhance the quality of the experience for all students and believes that those students will, in turn, represent this campus with honor and distinction.

I encourage all students to take full advantage of our diverse and dynamic community. Attend cultural events and speaker programs. Go and cheer at sporting events. Join a student organization. Take the time to learn about and connect with others through the numerous clubs and organizations that abound on our campus. Your experience at "State" will be greatly enhanced through your relationship with other students and with faculty and staff members that will grow from your involvement in these activities.

The West Virginia State Student Handbook, **The Buzz**, is published to provide you with an understanding of the rules and regulations that govern the campus community. I urge you to read and become familiar with this important publication.

This is your community. You have the privilege and responsibility to contribute in meaningful ways to enhance West Virginia State. Set a goal now to make a difference on-campus through your active participation within the community.

On behalf of the staff members within the Student Affairs area, we look forward to getting to know and assist you in reaching your full potential.

Sincerely,

A handwritten signature in black ink that reads "S. Bryce Casto". The signature is written in a cursive, flowing style.

S. Bryce Casto  
Vice President  
Student Affairs



## TABLE OF CONTENTS

Foreword.....	i
From the President .....	ii
From the President of WVSCTC .....	iii
From the Vice President of Student Affairs .....	iv
WVSU Mission Statement .....	2
WVSCTC Mission Statement .....	3
Affirmative Action.....	5
History.....	6
WV State Facts.....	8
Alma Mater .....	9
Directory of Services.....	10
Student Rights .....	17
Violations .....	18
Student Responsibility .....	21
Standards of Conduct Code .....	21
Prohibited Student Conduct.....	22
Sanctions .....	32
Proceedings.....	37
Harassment/Discrimination Complaint Procedures.....	45
Student Disability Accommodation Requests Complaint Procedures.....	48
Administrative Policies.....	50
Appendix A .....	60
Appendix B .....	63
Appendix C .....	77
Appendix D .....	82
Appendix E .....	85
Appendix F.....	87
Appendix G.....	94
Appendix H .....	110

**Other useful handbooks that are available to you include:**

Student Organizations Handbook  
University Catalogue  
Community & Technical College Catalogue  
Residence Hall Manual





**Revision Date: September 4, 2007**

Available on the web at:  
<http://www.wvstateu.edu/studentaffairs/sa-pubs/buzz.pdf>



## **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, which includes the West Virginia State Community and Technical College, 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



## **Mission Statement West Virginia State Community & Technical College**

The mission of West Virginia State Community and Technical College as an administratively-linked institution to West Virginia State University is to provide comprehensive higher education and workforce training programs and services of superior quality that are financially and geographically accessible and that meet the individual, business, and community needs of service region of Kanawha, Clay, and Putnam Counties. (Approved by the West Virginia State University Board of Governors – September 6, 2001 and the Higher Education Policy Commission on November 16, 2001.)

To achieve this mission, the principles that guide the West Virginia State Community and Technical College are:

- To provide programs and courses of instruction through the associate degree level, encompassing occupational-technical education, college transfer education, general education, developmental education, continuing education, and workforce development.
- To offer a comprehensive program of student development services.
- To provide a broad range of instructional technologies, methods, materials, facilities, and instructional support services that accommodate students of varied learning styles, backgrounds, interest, and abilities.
- To create and maintain an educational environment that facilitates learning through a curriculum that broadens perspectives, leads to responsible citizenship, and set standards that support the highest level of performance.
- To serve as an important linkage between secondary education and four year colleges and universities.
- To enrich our service region by making available resources in people, facilities, libraries, and programming.
- To take the leadership role in helping shape the future direction of our service region.
- To enhance economic, cultural, and educational partnerships between the college and the communities in our service region.



- To be fiscally responsible and accountable
- To ensure a healthy and safe environment in all campus activities

### **Statement of Values**

Shared values guide the West Virginia State Community and Technical College in fulfilling its mission. These values influence our actions, guide our decisions, mold policies, and determine strategic planning and action. The WVSCCTC demonstrates these values through a commitment to:

- **Opportunity**  
Serving a diverse student population through lifelong learning and student development services that are inclusive, accessible, and affordable and of the highest quality.
- **Teaching and Learning**  
Maintaining teaching excellence and setting high standards that promote and encourage relevant instruction that places the learner's needs first and use of a variety of delivery systems to produce lifelong learners.
- **Effective Learning Environments**  
Maintain innovative learning environments that encourage creativity and the acquisition of knowledge and skills that prepare students for changing work environments, responsible citizenship, and leading rewarding lives.
- **Appropriate Use of Technology**  
Using technology effectively to enhance instruction and learning and to expand access to educational opportunities through distance education
- **Professional Development**  
Encouraging excellence and renewal in faculty and staff performance by providing ongoing opportunities for professional growth and renewal.
- **Accountability**  
Demonstrate good stewardship by making effective and efficient use of resources thereby ensuring accountability to the state and service region we serve.



## Affirmative Action

West Virginia State is strongly committed to the principles of equal employment opportunity and affirmative action. It commits itself, morally and legally, to take affirmative action to recruit and employ the best qualified faculty and non faculty candidates and to ensure that all present faculty and non faculty members receive education, training, compensation, promotion, tenure, transfer and all other benefits of employment without regard to race, color, age, religion, sex, natural origin, handicap, or veteran status, except as modified by the state or federal order, statute, or regulation.

The University repudiates all forms of discrimination against others on the basis of sex, race, religion, color, handicap, age, national origin, or veteran status. Such discrimination includes, but is not limited to, racist or sexist language, stereotyping of groups or behavior, and sexual harassment.

The University's Affirmative Action Plan is available in administrative offices across the campus and in the library. Additionally, the guidelines for filing a complaint under the Institution's Affirmative Action Plan may be obtained from the Office of the Vice-president for Student Affairs.

Any student who feels that he/she has experienced any one of the forms of discrimination described above while seeking or in the employment of the University should file his/her complaint with the appropriate Vice-president. The organizational chart in this handbook should be checked to locate the appropriate Vice-president who is responsible for the supervision of the person(s) believed to have committed the act of discrimination.



## **Brief History of West Virginia State University**

With the Land Grant Act passed by the United States Congress in 1890, West Virginia State University was mandated to provide education for black youth as well as white youth or face loss of federal aid for its agricultural and mechanical colleges. Thus, in 1891, the West Virginia Legislature voted \$10,000 to purchase a farm and build a suitable school building to house the West Virginia Colored Institute.

A barn and a blacksmith shop were soon added, and the first school catalog boasting that "a well chosen library of 500 volumes" was now open to students on Saturday afternoons.

Early presidents of the Colored Institute were J. Edwin Campbell, John H. Hill, J. McHenry Jones, and Byrd Prillerman.

In 1915, the school's name was changed to West Virginia Collegiate Institute and President Prillerman conferred degrees upon the first college graduates four years later.

John W. Davis, elected its fifth president in 1919, gave the farsighted and dynamic leadership that was soon to win the College national repute. In 1929, the Institute became West Virginia State College.

Under the leadership of D. William J. L. Wallace, elected the sixth president in 1953, West Virginia State College was transformed from a school for Blacks to a racially integrated institution acclaimed for its success as a "living laboratory in human relations."

On July 1, 1973, Dr. Harold M. McNeill became the seventh president of West Virginia State College. Under his leadership, a facilities master plan was designed that called for the renovation of many existing buildings and the construction of several new ones. The addition of the Community College component was specifically aimed at bringing a new educational opportunity to the people of the Kanawha Valley. There was significant growth in student enrollment during Dr. McNeill's tenure, including an increase in part-time students, an increase in older students, and an increase in female enrollment as women became more active in the professional occupations.



On March 1, 1982, Dr. Thomas W. Cole, Jr. began service as the eighth president of the College. In addition to refining and implementing the campus facilities master plan, Dr. Cole brought to the College strong emphasis on such elements as general education, computer literacy, video aided instruction, science, and cooperative education. Sensitivity to the human factor in the education process is illustrated by the many new and improved student services that have been effectively integrated with the educational programs. The College's support services have been improved through decentralized administrative decision making.

On September 1, 1987, Dr. Hazo W. Carter, Jr. became the ninth president of West Virginia State College. Dr. Carter received the Bachelor of Science Degree in English from Tennessee State University, the Master of Science Degree in Journalism from the University of Illinois, and the Doctor of education Degree in Higher Education Administration from George Peabody College for Teachers of Vanderbilt University. He completed his post-doctoral study at Carnegie-Mellon University in College Management. Dr. Carter was formerly president of Philander Smith College in Little Rock, Arkansas and also served as Professor of Education. He was Vice-president of Student Affairs at Norfolk State University as well as Associate Professor of Journalism. He was responsible for the establishment of the Business and Industry Cluster Program at Norfolk State and Philander Smith as well as West Virginia State College. Dr. Carter has served on numerous boards, Chambers of Commerce, Boards of Trustees, Boy Scouts, The United Way, and the Occupational Industrial Centers, Inc.. He is a member of Alpha Kappa Mu, Phi Delta Kappa, and Pi Boule.



## West Virginia State Facts

**Date Established:** 1891

**Type of Institution:** Comprehensive state and Land Grant University, established under Morrill Act of 1862.

**Major Functions:** Teaching, off-campus education, community service, and limited research.

**Accreditation:** Member of North Central Association of Colleges and Schools. WVSC educational programs are accredited by the North Central Association and by other accrediting agencies for specific programs.

**Major Divisions:** Arts and Humanities; Business and Economics; Natural Sciences/Mathematics; Social Sciences; Professional Studies; Community College Component.

**Degrees Offered:** Associate, Bachelor, and Professional Certification; 24 major area degree programs with each area having several options for degrees.

**Plant:** 40 buildings on 82 acres valued at approximately \$65,917,078

**Operating Budget:** Approximately \$25,000,000 per year

**Library:** 250,000 books; 7026 microfilms; 29,409 micro-forms; 15,655 Government documents; 7,815 audiovisual aids; 1,500 periodical subscriptions; 59 newspaper subscriptions; member of OCLC (On-line Computerized Library Consortium) a computerized database of bibliographical information, automated services available with access through a computer terminal.

**Enrollment:** Has averaged around 4,900 students over the last few years.

**Alumni:** 15,664

**Nickname:** Yellow Jackets

**Colors:** Old gold and black

**University Symbol:** Yellow Jacket



## Alma Mater of West Virginia State

### I

There is a place we love so dear  
Its name we'll ever praise and revere;  
It's West Virginia State we love,  
Just one more step from there is heaven above;

### II

We'll love her as the 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 to her and 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.



## WHERE DO I GO FOR INFORMATION ON...?

<p><b>Academic Advising</b> (Planning course of study, scheduling of classes, arranged class, credit by examination, etc.)</p>	<p>WVSU Academic Affairs Office 131 Ferrell Hall 766-3145 or 766-3146 WVSCTC Academic Affairs Office 106 Cole Complex 766-3118</p>
<p><b>Accidents</b></p>	<p>Department of Public Safety 112 Wallace Hall 766-3353</p>
<p><b>Activities, Student</b></p>	<p>Student Activities Office 103 Wilson University Union 766-3288</p>
<p><b>Adding a Course</b></p>	<p>Registrar's Office 128 Ferrell Hall 766-3136 or 766-3144</p>
<p><b>Admissions</b></p>	<p>Admissions Office 106 Ferrell Hall 766-3221 or 766-3619</p>
<p><b>Alumni Affairs</b></p>	<p>Alumni Affairs Office Erickson Alumni Center 766-3322</p>
<p><b>Arch Yearbook</b></p>	<p>Arch Office 103 Wilson University Union 766-3288</p>
<p><b>Athletics</b></p>	<p>Athletics Office 210 Fleming Hall (Gym) 766-3165</p>
<p><b>ATM Machine</b></p>	<p>Bus Stop East Side of Ferrell Hall (Outside) 1<sup>st</sup> Floor University Union (Inside)</p>
<p><b>Audio Production &amp; TV Equipment</b> (Communications Majors)</p>	<p>Educational Network 119B Cole Complex 766-2060</p>
<p><b>Audiovisual Equipment</b></p>	<p>AV Equipment Distribution Center 123 Hamblin Hall 766-3259</p>
<p><b>Automobile Registration</b></p>	<p>Department of Public Safety 112 Wallace Hall 766-3353</p>



<b>Blood Drive</b>	Military Science 101 Ferguson-Lincoln Building 766-3108 Student Government Association 766-3122
<b>Books and Supplies</b>	University Bookstore 122 Wilson University Union 766-3351
<b>Bus Service</b> (Kanawha Rapid Transit – KRT)	Schedules Available: First Floor, Ferrell Hall
<b>Career Planning</b> (Testing, job interviews, resume help, placement files, part-time employment computer-assisted decision making, etc.)	Office of Career Services and Cooperative Education 216 Wallace Hall 766-3250
<b>Catalog</b>	Admissions Office 106 Ferrell Hall 766-3221 or 766-3619
<b>Changing Major</b>	Registrar's Office 128 Ferrell Hall 766-3136 or 766-3144
<b>Class Ring</b>	University Bookstore 122 Wilson University Union 766-3351
<b>Commuter Lounges</b>	First Floor, Fine Arts Building First Floor, Cole Complex First Floor, Hamblin Hall Main Floor, Wilson University Union
<b>Continuing Education</b>	Continuing Education Office 103B Cole Complex 766-3251
<b>Cooperative Education</b>	Office of Career Services and Cooperative Education 207 Wallace Hall 766-3143
<b>Counseling, Career</b>	Office of Career Services and Cooperative Education 216 Wallace Hall 766-3250
<b>Counseling, Disabilities</b>	Collegiate Support and Counseling 123 Sullivan Hall East 766-3168
<b>Counseling, Personal</b>	Collegiate Support and Counseling 129 Sullivan Hall East 766-3168



<b>Credit Load Exceptions</b>	Academic Affairs Office 131 Ferrell Hall 766-3145 or 766-3146
<b>Crime Reporting</b>	Department of Public Safety 112 Wallace Hall 766-3353
<b>Degrees</b> (Applications and Requirements)	Registrar's Office 128 Ferrell Hall 766-3136 or 766-3144
<b>Disability Services</b>	Collegiate Support and Counseling 123 Sullivan Hall East 766-3168
<b>Dropping a Course</b>	Registrar's Office 128 Ferrell Hall 766-3136 or 766-3144
<b>E-Mail Account</b>	Computer Services 123 Hamblin Hall 766-3261
<b>Employment, Off-campus</b>	Office of Career Services and Cooperative Education 216 Wallace Hall 766-3250
<b>Employment, On-campus</b>	Human Resources 101 Ferrell Hall 766-3156
<b>Employment, Work Study</b>	Office of Career Services and Cooperative Education 216 Wallace Hall 766-3250
<b>Financial Aid</b>	Financial Assistance Office 324 Ferrell Hall 766-3131
<b>Fire, Report of</b>	911 <i>or</i> Institute Volunteer Fire Dept. 357-0191
<b>Food Services</b>	Main Floor, Wilson University Union Cafeteria - 766-3358 or 3359
<b>Foreign Student Advisor</b>	International Studies Office 327 Hill Hall 766-4249
<b>Graduation Announcements</b>	University Bookstore 122 Wilson University Union 766-3351
<b>Graduation Caps and Gowns</b>	University Bookstore 122 Wilson University Union 766-3351



<b>Health Center</b>	004 Wilson University Union 766-3323
<b>Housing, Campus</b>	Residence Life and Services Office 140-G Prillerman Hall 766-3037 or 766-4188
<b>Identification Cards</b>	Department of Public Safety 112 Wallace Hall 766-3352
<b>Information, Campus</b>	Information Center Main Floor, Wilson University Union 766-3378
<b>Institutional Policies</b>	President's Office 103 Ferrell Hall 766-3111
<b>Instructional Programs</b>	WVSU Academic Affairs Office 131 Ferrell Hall 766-3145 or 766-3146 WVSCTC Academic Affairs Office 106 Cole Complex 766-3118
<b>Insurance</b>	Student Affairs Office 333 Sullivan Hall East 766-3140
<b>Intramurals</b>	Student Activities Office 103 Wilson University Union 766-3288
<b>Kanawha Review</b>	Sandra Marshburn c/o English Department 203 Hill Hall 766-3077
<b>Leadership Workshops</b>	Office of Special Programs 309 Sullivan Hall East 766-3149
<b>Library, Institution</b>	Drain-Jordan Library 766-3116 or 766-3117
<b>Loans, Student &amp; Parent</b>	Financial Assistance Office 324 Ferrell Hall 766-3131
<b>Lost and Found</b>	Department of Public Safety First Floor, Wallace Hall 766-3353 <i>and/or</i> Information Center Main Floor, Wilson University Union 766-3378



<b>Mail Service</b>	Institute Post Office 768-8911  Outgoing mail box locations: First Floor, Sullivan Hall West East Side of Ferrell Hall (outside)  Mail boxes and stamps available at: Information Center Main Floor, Wilson University Union 766-3378
<b>Message Service</b> Message boxes are available for student leaders and organizations	Student Activities Office 103 Wilson University Union 766-3288
<b>News Services</b>	409 Sullivan Hall East 766-3388
<b>Newspaper, Local</b>	Main Floor, Wilson University Union 766-3378
<b>Newspaper, Student</b>	Yellow Jacket Office 214 Wilson University Union 766-3212
<b>Organizations, Campus</b>	Student Activities Office 103 Wilson University Union 766-3288
<b>Orientation</b>	New Student Programs 416 Wallace Hall 766-3078 or 766-4139
<b>Parking and Traffic</b>	Department of Public Safety First Floor, Wallace Hall 766-3353
<b>Institution Payments</b>	Cashier/Business Office 117C Ferrell Hall 766-3141
<b>Payroll</b>	Payroll Office 120 Ferrell Hall 766-3151
<b>Peer Programs (Tutoring)</b>	Collegiate Support and Counseling 117 Sullivan Hall East 766-3168 or 766-3041
<b>Photographic Services</b>	Photographic Services Office Jones Hall 766-3211
<b>Planning &amp; Institutional Advancement</b>	Advancement Center East Hall 766-3020



<b>Public Relations</b>	Advancement Center East Hall 766-3363 or 766-3020
<b>Publications, Student</b>	Arch - 766-3288 Kanawha Review - 766-3127 Student Handbook - 766-3288 Yellow Jacket - 766-3212
<b>Publicity, Announcements</b>	Development Office - Public Information 112 Ferrell Hall 766-3388
<b>Registration and Records</b>	Registrar's Office Room 128, Ferrell Hall 766-3144 or 766-3136
<b>Repairs, Campus</b>	Physical Facilities Plant Harold McNeil Maintenance Building 766-3181
<b>Research and Grants</b>	Advancement Center East Hall 766-3020
<b>Residence Halls</b>	Residence Life and Services 140G Prillerman Hall 766-3037 or 766-4188
<b>Rights, Student</b>	Student Government Assoc. Office 212 Wilson University Union 766-3122
<b>Schedule Changes</b>	Registrar's Office 128 Ferrell Hall 766-3144 or 766-3136
<b>Scholarships</b>	Scholarship & Grant Clearinghouse 327 Sullivan Hall East 766-5158
<b>Security</b>	Department of Public Safety 112 Wallace Hall 766-3353
<b>Social Events</b>	Student Activities Office 103 Wilson University Union 766-3288
<b>Testing Needs</b>	Office of Career Services and Cooperative Education 216 Wallace Hall 766-3250 T <sup>2</sup> AP Room Wallace Hall 117 766-5231



<b>Title III</b>	Advancement Center East Hall 766-3003
<b>Transcripts</b>	Registrar's Office 126 Ferrell Hall 766-3136
<b>Tuition and Fees</b>	Cashier's Office 117C Ferrell Hall 766-3141
<b>Tutoring</b>	PEER Programs 117 Sullivan Hall East 766-3041 or 766-3168 <i>or</i> Student Support Services 223 Sullivan Hall East 766-3120 <i>or</i> 117 Wallace Hall (TAP Room) 766-5231
<b>Undecided Majors, 4yr</b>	WVSU Academic Affairs 131 Ferrell Hall 766-3145 or 766-3146
<b>Undecided Majors, 2yr</b>	WVSCTC 103E Cole Complex 766-3191
<b>Veteran's Affairs</b>	Registrar's Office 128 Ferrell Hall 766-3136
<b>Withdrawal</b>	See your Faculty Advisor or Department Chairperson <i>and</i> WVSU Academic Affairs Office 131 Ferrell Hall 766-3145 or 766-3146 <i>or</i> WVSCTC Academic Affairs Office 106 Cole Complex 766-3118
<b>Yellow Jacket</b>	Yellow Jacket Office 214 Wilson University Union 766-3212



## STUDENT RIGHTS

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

### SELECTED LEGAL RIGHTS OF STUDENTS

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

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

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

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

**Right to Vote.** A student enrolled at West Virginia State 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 and Right to Privacy Act, passed by the United States Congress in 1974, prohibits the Institution from releasing information contained in educational records without the student's consent, or his/her parent's consent for students under the age of eighteen.

The Institution **may** release "directory information", however. For further information about the Family Educational and Privacy Rights Act and what is included in "directory information", refer to the Appendix on the subject at the back of this handbook.



The law also provides that a student or his/her parents has the right to inspect and review the educational records and to challenge the content of such records at a hearing. Any information which is inaccurate, misleading, or in violation of your privacy or other rights may be corrected, deleted, or explained.

**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 security 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 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:

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



2. 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
3. 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 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 may be termed "misconduct."

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



## PROHIBITED STUDENT CONDUCT

### I. TYPE ONE BEHAVIOR

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

### II. TYPE TWO BEHAVIOR

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

- A. **Alcoholic Beverages. (Alcoholic liquor, wine, or non-intoxicating beer.)** The legal age in West Virginia for purchasing alcoholic liquor, wine or beer is 21. An individual who is less than 21 years of age cannot purchase alcoholic liquor, wine, or beer. Any student who is disruptive **while under the influence of alcoholic beverages** is considered in violation of Institutional regulations. Possession or use of alcoholic beverages on state property is prohibited.
- B. **Placing Banners, Posters, and Stickers on University Property without Proper Authorization.**
- C. **Bringing Dogs or Other Pets onto the Campus.** For health and safety reasons, dogs and other pets (except Seeing Eye dogs accompanying blind persons) are not permitted in University buildings or on University 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 University 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. All solicitation activities must be consistent with the educational and operational objectives of the sponsoring department. West Virginia State will audit all solicitation activities. For additional information, refer to the Solicitation Policy for West Virginia State, which can be obtained through the Office of Student Activities.
- F. Smoking (Tobacco).** For health and safety reasons, state law prohibits smoking in certain University owned buildings. Instructors are required to enforce this law in classrooms. Smoking is prohibited in all other University facilities except where “designated smoking areas” signs are posted.
- G. Failure to Appear on Official Request before a Duly Constituted Judicial Body.**
- H. Public Use of Abusive or Obscene Language.**
- I. Disrespect Toward a Institution Faculty or Staff Member or Administrator.** Treats a university or ctc faculty, staff, or administrator with contempt or is disrespectful in language or department.
- J. Disturbing the Peace.** Disruption of peace on campus by fighting, disorderly conduct, etc. Includes violation of Institutional policies concerning demonstrations and use of sound amplifying equipment.
- K. Failure to Maintain a Current Address with the University and/or Community & Technical College.**

**III. TYPE THREE BEHAVIOR**

The following behavior may result from 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 University premises or University 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 University property or related University premises;
  - 2. Failure to exercise care, or willfully creating a risk or apprehension of bodily harm to any person on University property or related University premises.
- E. **Misbehavior at Sporting Events, Concerts, & Social/Cultural Events,** including but not limited to:
  - 1. Bringing into field 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 University.



- 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 University owned or controlled property or at any place in use for a University or CTC sponsored or supervised function. Such disruptive activity includes but is not limited to:
1. Unauthorized occupancy of University facilities or buildings;
  2. Interference with the rights of students, faculty, staff, and administration to gain access to any University 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 of expression on University owned or controlled property or at University or CTC 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 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, etc.)
  2. any knife (Bowie, Dirk, lockblade, hunting, pen, pocket, 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, 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.)



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 University property, or in any vehicle a student brings on University property being used by the University, at any University or CTC function or activity, or any University or CTC 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 or a criminal complaint.

The use, possession, or transmittal on University property or at any University or CTC 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 University owned or controlled property or at a University or CTC sponsored or supervised function.
- E. Theft or Unauthorized Possession of Property.** Theft, commandeering, or misuse of or to University owned or controlled property or to a member of the West Virginia State community or any person on University owned or controlled property. Unauthorized possession of keys to University owned or controlled property.
- F. Destruction of Institution Property.** Malicious destruction, misuse of, or damage to University owned or controlled property or to a member of the West Virginia State community or any person on University owned or controlled property.
- G. Unauthorized use of Emergency or Safety Equipment.** Tampering with or unnecessary use of University fire alarm systems and fire fighting equipment, and or any other University 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 University building or on University 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 owned or controlled property.
- J. **Hazing.** Any action or situation created intentionally, whether on or off campus, to produce a mental, emotional, or physical discomfort, embarrassment, harassment, or ridicule. Such activities and situations may include paddling in any form; creation of excessive fatigue, i.e., any activity which deprives a student of at least six (6) hours of continuous sleep; physical or psychological shocks; inappropriate suggestions, i.e., stealing of items; treasure hunts, scavenger hunts, off campus, or in Greek House. Wearing publicly any apparel which is conspicuous and not normally in good taste, as defined by the people hearing bodies; engaging in public stunts and buffoonery; morally degrading or humiliating games and activities; or any other activities which are not consistent with fraternal law, ritual, or policies or regulations of national organizations or this educational institution. Any act that would degrade or otherwise compromise the dignity of the individual, including forced uses and abuse of alcohol and drugs.
- K. **Trespassing.** Knowingly entering in, upon, or under a structure, conveyance, or vehicle owned or controlled by West Virginia State without having been authorized, licensed, or invited and is requested to depart by the owner, tenant, agent, or official of West Virginia State but refuses to do so.
- L. **Misuse of the West Virginia Computer Network and the West Virginia State 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.

**M. Unlawful Discrimination.** Discrimination on the basis of race, sexual orientation, color, religion, national origin, political affiliation, handicap, or age.

**N. Conspiracy.** Any student subject to this code who conspires with any other person to commit an offense under this code, if one or more of the conspirators does an act to effect the object of the conspiracy.

**O. Rape.** Commits an act of sexual intercourse or sexual intrusion without the other person's consent or engages in sexual intercourse or intrusion with another person who would be outside the statutory age of consent for this person's age group.

**V. Repetition of Misconduct**

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

**VI. Restitution**

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

**VII. Failure to Observe Sanction**

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

**VIII. General Conduct Provision**



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



## SANCTIONS

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

### **Expulsion**

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

### **Suspension**

This action involves separation of the student from the Institution for a period not to exceed one full academic year (any restriction of a condition of activities, if any.) A suspended student may apply for readmission to the Institution through the Office of Student Affairs at the end of the suspension period specified by the judicial action. During suspension, a student may not participate in any Institution activity, nor come onto properties owned, leased, or rented by West Virginia State without express written permission from the Vice-president for 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 University 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 for 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 for Student Affairs in the absence of the President, the evidence in a case indicates a student's continued presence on campus constitutes a serious danger to the orderly operation of the Institution or the safety or welfare of members of the West Virginia State community, including the student himself/herself.

**Dismissal from University Housing, Class Activity, or Facility**

In the event of violations of West Virginia State 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 University 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 University procedures.

**Conduct Probation**

This action results in the student being excluded from participating in certain College or University activities, or from visiting certain University 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 for 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 a College or University 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 a College or University official to a student condemning the student's action in violation of a 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 University or to the involved person or group, for any property lost, damages (destroyed or stolen) as a result of a violation of a 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 University facilities;
- B. Denial of recognition of the group as an organization;
- C. Forfeiture of right to representation in other institutional organizations (Pan-Hellenic Council, Student Government Association, Intramural, etc.);
- D. Forfeiture of right to representation in **The Arch** (the student yearbook) or other publications;
- E. Denial of privilege of some or all social activities for a definite period;
- F. The Institution reserves the right to establish contact with the organization's regional or national office and to recommend that the organization forfeit its right to function as a group-including forfeiture of its charter;
- G. The organization's officers and its members may also be subject to the individual sanctions, dependent upon the nature of the violation.

### **Hazing Sanctions**

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



### **Voluntary Community Service**

For the types of violations outlined herein, students may be permitted to voluntarily undertake community service work in lieu of a sanction or in addition to a lesser sanction than that which would otherwise be imposed by the Vice-president for 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 bodies named herein.

- **Pledging Organizations Disciplinary Council**
- **Residence Hall Disciplinary Council**
- **All University Hearing Council**
- **Student Hearing Council**
- **Residence Hall Association Disciplinary Committee**

In every instance where such recommendation of this option is made by anyone other than the Vice-president of Student Affairs, the Assistant Vice-president of 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 a College or University 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 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 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 Student affairs or the Assistant Vice-president for 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 Student affairs or the Assistant Vice-president of 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 for 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 student shall be subject to the disciplinary action by the Institution if that person is found to be in violation of any Board of Governors and/or Board of Advisors 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 Directors. 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 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 for 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 for Student Affairs finds the individual to be a danger to the West Virginia State, 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 for 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 for 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 for Student Affairs for appropriate action.



- C. Student Government Association Student Hearing Council (SGA)** - The members of the SGA Student Hearing Council are appointed by the SGA President and approved by the SGA Student Senate. The SGA Student Hearing Council will hear those cases of a more serious nature and those cases involving student organizations (except pledging) and off campus students. Appointed faculty/staff members serve as advisors to the Student Hearing Council, and the disciplinary action the Student Hearing Council may recommend for students to the Vice-president of Student Affairs or for organizations to the Director of Student Activities may include any action listed under the sanctions section except suspension or expulsion, which must be recommended to the Vice-president for Student Affairs for appropriate action.
- D. 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 College or University 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 College or University 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 College or University 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 for Student Affairs.
  2. Non-academic cases adjudicated by the Director of Student Activities may be appealed to the Vice-president for Student Affairs.
  3. Non-academic cases adjudicated by the Vice-president for 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 University, when the sanction is suspension or expulsion, may be appealed to the Board of Governors.
  5. The appropriate President and the Vice-president for 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 appropriate 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.



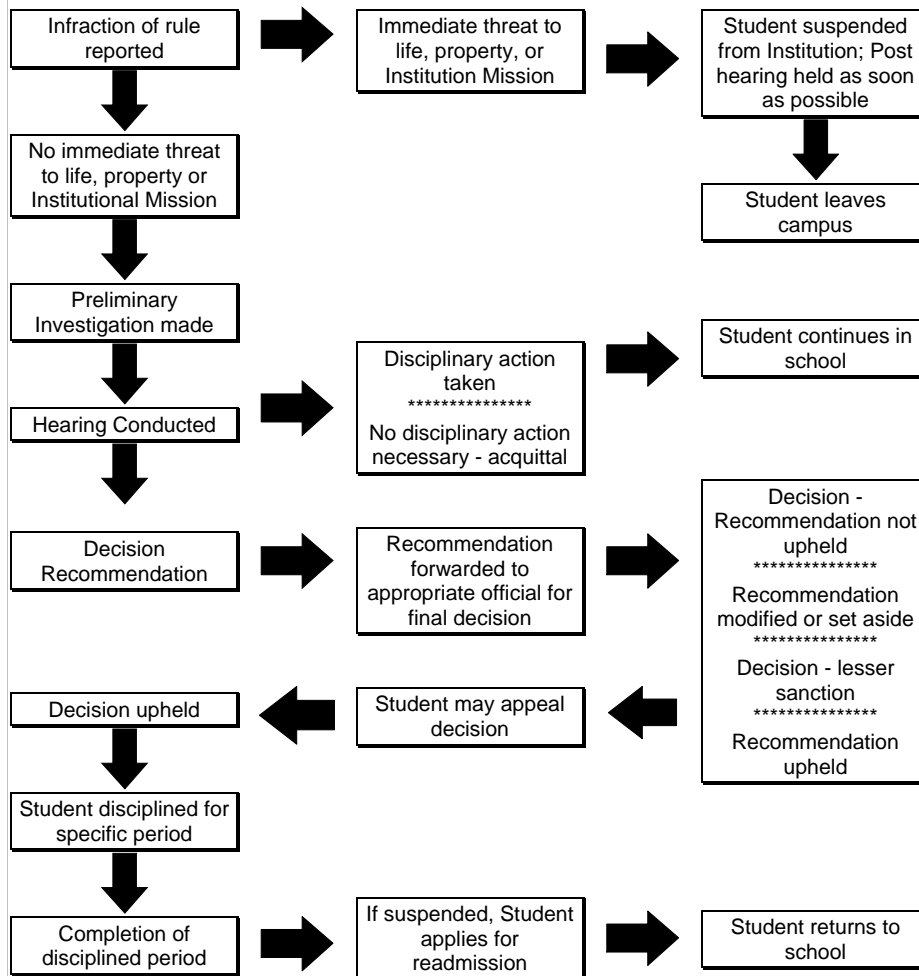
6. Review by the Board of Governors - In non-academic disciplinary cases where the West Virginia State sanction is expulsion, the Board of Governors, following its standard procedures, may grant an appeal from the disciplinary action of the appropriate President on the record of the case submitted. Student(s) desiring to appeal the appropriate President's sanction of expulsion must, within three working days, indicate to the appropriate 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 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 Harassment/Discrimination Complaint Procedures

**BASED UPON THE WEST VIRGINIA STATE AFFIRMATIVE ACTION PLAN, WEST VIRGINIA STATE STAFF HANDBOOK, THIS HANBOOK (THE BUZZ), AND THE FACULTY HANDBOOK**

A complainant may resolve an issue by telling the person making a remark or performing a behavior that “this is not appreciated” or more directly, “No.” Many issues are resolved at this level without formal intervention. This allows for communication problems to be dealt with in an expedient manner. If however, the resolution is not satisfactory, the following two procedures are available to a complainant:

- Plan I – To be used when the immediate supervisor is **not** involved in the matter.
- Plan II – To be used when the supervisor **is** involved in the matter.

### 1. **Plan I: Complaint Procedures**

#### a) **Pre-Complaint Procedure**

- i) If an employee (faculty/staff) or student has a question or complaint related to Affirmative Action, ADA, Sexual Harassment, Title IX or any other form of discrimination or harassment, the individual should begin by: talking to their supervisor, if staff; the Department or Division Chair, if faculty; or in the case of a student, he/she may seek assistance from a counselor. (The supervisor will determine if a meeting of concerned parties is necessary or determine another appropriate action.)
- ii) If it is expected that the problem will be resolved in this manner and the decision communicated to the complainant within five working days after the problem has been brought to the attention of supervisory personnel. The Affirmative Action Officer should be notified of the situation by the supervisor or counselor, yet shall not become involved at this stage. (If not viewed as a discrimination or harassment category of complaint, the appropriate student hearing committee or the regular grievance channels may be suggested by the counselor or supervisor as the next step.)



**b) Complaint Procedure**

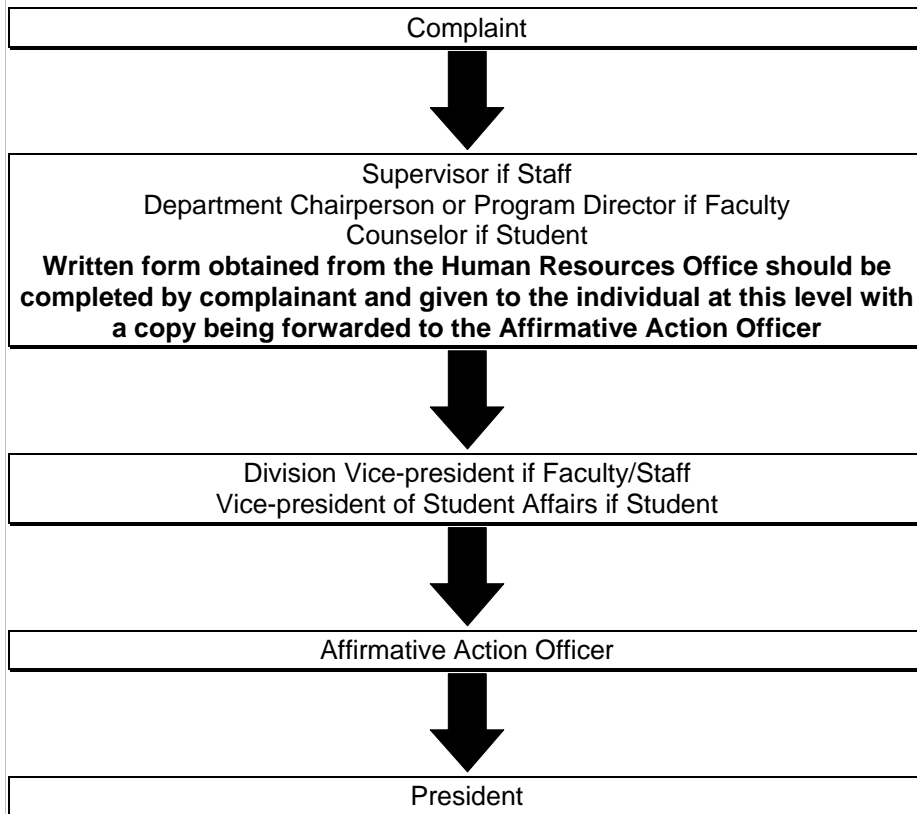
- i)** If the complainant is dissatisfied with the decision of the faculty chairperson, supervisor, or counselor, then they go to the appropriate Vice-president with students going directly to the Vice-president of Student Affairs. If the complainant is not satisfied with the determination made by the Vice-president, he/she may appeal to the Affirmative Action Officer; he/she will review the issue. Independent of whether the matter reached the Affirmative Action Officer through a Vice-president or because the immediate supervisor is involved in the complaint, the Affirmative Action Officer will:
  - a)** examine the evidence and make a recommendation to the President for the disposition of the case; or
  - b)** decide, with the President, which of the following options is most feasible.
    - (1)** recommend to the President that an informal hearing be held by the Student Hearing Council or a Committee appointed by the President, or his/her designee, for the purpose of reviewing the problem and formulating a recommendation for the President's consideration, or
    - (2)** ask to have a review person or committee investigate the issue and make a recommendation to the President.
- ii)** The President will consider the recommendation brought by the Affirmative Action Officer after the investigation or hearing, or form an independent decision, which will be communicated by the President or the President's designee.



**2. PLAN II: Complaint Procedures**

At any stage of the complaint procedure, a complainant, who for any reason prefers not to discuss a complaint directly with the person(s) involved, or who finds the first section of the complaint procedure inappropriate for the situation, may take his/her case initially to the Affirmative Action Officer who will determine the nature of the complaint, discuss it with the person immediately in charge, and arrange a meeting of all involved parties. After the meeting, the Affirmative Action Officer will write a brief report on the disposition of the complaint, which all parties will sign.

**FLOW CHART OF DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURE**



Appeals go to the Chancellor's Office to be routed to the Central Office Personnel Area for Classified Staff; Student Affairs Area for students; and to the Academic Affairs Area for Faculty.



## STUDENT DISABILITY ACCOMMODATION REQUESTS

### APPEAL and/or COMPLAINT PROCEDURES

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

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

#### **First Level Appeal/Complaint**

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

#### **Second Level Appeal/Complaint**

The decision at the First Level may be appealed within ten days of the Level One final decision by notifying in writing, the Director of Collegiate Support and Counseling. 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 Collegiate Support and Counseling 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. 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 ***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.



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**West Virginia State University  
West Virginia State Community & Technical College**

**ADMINISTRATIVE POLICIES**

**Equal Opportunity/Affirmative Action Policy on Sexual  
Harassment**

West Virginia State has the commitment to provide every student and employee with an environment that is not only conducive to working and learning but is free of any conditions that would negate that commitment. West Virginia State expressly prohibits:

1. Any student or employee from subjecting another person to unwanted verbal and/or physical sexual attention;
2. Any student or employee in a position of authority or able to control or affect another person's job, academic career, grades, or emotional well-being from attempting to, or coercing any individual into sexual relations;
3. Any student or employee in a position of authority, or able to control or affect another person's job, academic career, grades, or emotional well-being from creating or imposing any punitive measures or conditions upon individuals who refuse, or report, such unwanted verbal and/or physical sexual attention;
4. Any student or employee of the Institution who, after a through investigation, has been found to have subjected an individual to sexual harassment and/or attempts to prevent the reporting of such incidents, shall be subject to severance from his/her relationship with the Institution.



### **Institution Regulation on Drugs and Alcohol**

West Virginia State 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 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 and West Virginia State Community and Technical College 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  
101 Ferrell Hall  
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](http://www.sss.gov).



## HIV/AIDS Policy

### **Introductory Note**

This HIV/AIDS policy is established to facilitate a reasoned response to this most serious public challenge. Current knowledge indicates that persons with any form of HIV infection do not pose a health risk to other students or employees in an academic setting. Based upon current medical knowledge, which indicates HIV may only be transmitted by intimate sexual contact and by exposure to contaminated blood, West Virginia State, establishes the following policy guidelines, adapted from the American College Health Association, applicable to college/university students, student applicants, employees or employment applicants.

### **Coverage and Application**

The following policy applies to West Virginia State students, student applicants, employees, or employment applicants with actual or perceived HIV/AIDS infection or other disability which substantially limits one or more of their major life activities.

(Note: Hereinafter, and for ease of expression, employees will mean faculty, faculty equivalents, classified, and non-classified staff at West Virginia State.)

### **Purpose**

West Virginia State 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 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.



### **Applicable Laws and Regulations**

West Virginia State 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 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 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. The Institution prohibits and will not tolerate harassment or unlawful discrimination toward a HIV-infected employee or student.

### **Medical Consultation**

The West Virginia State 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 Collegiate Support and Counseling office, West Virginia State 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 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. 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 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 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 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 is indebted to the many individuals who contributed to the development of this policy on HIV/AIDS.

West Virginia State 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)**

West Virginia State University encourages nontraditional students to seek higher education. Further, the University employs a diverse staff, many of whom have special needs. These students, faculty and staff often have many responsibilities involving home, work, school, and children that at times can affect attendance at the last minute. With this in mind, the University has provided the Child Development Center (CDC), where supervised care of small children of specified age groups may be arranged when the center is open.

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

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



### **Emergency Response Plan (revised, 8/00)**

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

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

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

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

### **Institutional Review Board (5/2005)**

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

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



### **Classroom/Laboratory Safety (revised, 8/01)**

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

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



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

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

Faculty in the School of National Sciences and Mathematics are required to adhere to the laboratory safety polices, 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.



## Appendix A

### STUDENT COMPLAINT PROCEDURE AFFIRMATIVE ACTION TITLE IX. SECTION 504, DISABILITY ACT

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

#### **Human Relations Counselor**

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

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

#### **Pre-Complaint Procedure**

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

#### **Complaint Procedure**

1. If no satisfactory resolution to the problem is found at the pre-complaint step, you may:
  - a) Appeal to the department chairperson if the complaint originated in an academic unit;
  - b) Appeal to the Vice-president of Student Affairs if the complaint originated in a Student Affairs Unit;



- c) Appeal to the Vice-president of Administrative Affairs if the complaint originated in any other unit besides those listed above.
2. In the case of a complaint that originates in an academic area, you may appeal to the Vice-president of Academic Affairs if no satisfactory resolution to the problem results from the appeal to the department chairperson.
3. If the Vice-president of Student Affairs reaches no satisfactory resolution to the problem, you may appeal to the Affirmative Action Coordinator or in the case of disability complaints to the Section 504 Coordinator. The Affirmative Action Coordinator and/or Section 504 Coordinator will review the complaint to determine if it does, indeed, involve an affirmative action, Title IX, or Section 504 issue. If the Coordinator agrees that an affirmative action, Title IX, or Section 504 issue is involved, he/she may:
  - a) Examine the evidence and make a recommendation for disposition of the case to the President; or
  - b) Recommend to the President that an informal hearing be held before the Affirmative Action Committee or Disability Advisory Committee for the purpose of reviewing the problems and formulating an opinion for the President's consideration.
4. If the President agrees with the recommendation made to him by the Affirmative Action Coordinator, the Section 504 Coordinator, or the respective Committee, he will adopt this recommendation and inform you of his decision.
5. If the President does not agree with the finding of the Affirmative Action Coordinator, the Section 504 Coordinator, or the respective committee, he will formulate an independent decision and notify you.
6. If you are not satisfied with the decision communicated to you by the President, you may appeal to the Board of Directors by addressing the question to:  
Chancellor and Board of Directors  
1018 Kanawha Boulevard East  
Charleston, WV 25301



7. If you remain dissatisfied with the decision of the Board of Directors, you may contact the specific agencies responsible for the enforcement of the particular equal rights law or regulation in question. Relevant agencies and addresses appear in Appendix I of the West Virginia State Affirmative Action Policy Statement (Revised 1980) or are available from either the Affirmative Action Coordinator or Section 504 Coordinator.



## Appendix B

### WEST VIRGINIA STATE UNIVERSITY BOARD OF GOVERNORS

West Virginia State University  
and the  
West Virginia State Community & Technical College

#### BOG Policy #23

#### Title: Student Rights and Responsibilities

#### Section 1. General

- 1.1 Scope: Policy regarding student rights, responsibilities, and conduct at West Virginia State University (WVSU) and West Virginia State Community & Technical College (WVSCTC)
- 1.2 Authority: West Virginia Codes §18B-1-6 and 18B-1-7
- 1.3 Effective Date: May 8, 2006

#### Section 2. Purpose

- 2.1 Purpose: The purpose of this rule includes, but is not limited to, the following:
  - 2.1.1 To establish a general policy on student life, including a statement on student rights and responsibilities, at WVSU and WVSCTC;
  - 2.1.2 To identify behavioral expectations of students and certain prohibited acts by students at the institutions or at institution-sponsored events and/or programs;
  - 2.1.3 To prescribe penalties and sanctions for such prohibited conduct;
  - 2.1.4 To define generally the powers, authority and duties to be exercised under the control of the institutions by their presidents, or their designees, and the Board of Governors in applying this rule;
  - 2.1.5 To prescribe disciplinary actions and proceedings to be taken in cases of the violations of this rule.

#### Section 3. Definitions

- 3.1 Board. The West Virginia State College Board of Governors;
- 3.2 Institutions. West Virginia State University and West Virginia State Community & Technical College;
- 3.3 President. The chief executive officer of either WVSU or WVSCTC;
- 3.4 Property. Any property, whether owned, rented or otherwise held or used by either institution;



- 3.5 Activity. All or any operations conducted, sponsored, promoted, operated or otherwise engaged in by either institution, including, by way of illustration and not as limitation of the foregoing, classroom and course activity, recreational and cultural programs, maintenance or building programs, committee or other business activity, registration, advising, teaching, admissions, placement, disciplinary or routine office activity, research or service;
- 3.6 Facility. Any and all property of either institution used or usable in any activity of either institution;
- 3.7 Campus. All the property and facilities of West Virginia State University serving as the locus in quo of any of its activities;
- 3.8 Faculty. Those employees of the Board or Governors who are assigned to teaching or research or service functions at an institution, and who hold academic rank;
- 3.9 Staff. Those employees of the Board of Governors who are assigned to teaching or research or service functions at an institution, and who are not members of the faculty;
- 3.10 Student. Any person who has been admitted to either institution to pursue a course of study, research, or service, who is currently engaged in an institutionally-sponsored activity, and who has some right or privilege to be on the campus or in the facilities of the institution, or to use the same, in connection with study, research, or service, or who yet has some right or privilege to receive some benefit or recognition or certification from the institution, under the rules, regulations, or policies of the Board of Governors;
- 3.11 Member of the institutional community. Any officer, administrator, faculty member, staff member, employee, student of or at either institution, member of the institutional Board of Governors, as well as any person authorized to participate in a institutional activity at the time applicable.

**Section 4. Policies Regarding Student Rights and Responsibilities**

- 4.1 The submission of an application for admission to WVSU or WVSTC represents an optional and voluntary decision on the part of the prospective student to partake of the program and privileges offered by the institutions pursuant to the policies, rules and regulations of the Board of Governors;
- 4.1.1 Approval of that application by either institution, in turn, represents the extension of a right or privilege to join the relevant institutional community and to remain a part of it so long as the student fulfills the academic and the behavioral expectations that are set forth in the policies, rules and regulations of the Board Of Governors.



- 4.2 Freedom of expression and assembly. The student enjoys the essential freedoms of scholarship and inquiry central to all institutions of higher education. In exercising these freedoms the student has certain rights and responsibilities, including, but not limited to, the following:
- 4.2.1 To have access to institutional resources and facilities;
  - 4.2.2 To espouse causes;
  - 4.2.3 To inquire, discuss, listen to and evaluate;
  - 4.2.4 To listen to any person through the invitation of organizations recognized by the institution;
  - 4.2.5 To have a free and independent student press which adheres to the canons of responsible journalism;
  - 4.2.6 To not violate the rights of others in matters of expression and assembly;
  - 4.2.7 To abide by policies, rules and regulations of the Board of Governors, the institutions, and federal, state, and local statutes and ordinances pertaining to freedom of expression and assembly.
- 4.3 Freedom of association. Students may organize whatever associations they deem desirable and are entitled to affiliate with any group or organization for which they meet membership qualifications. However, institutional recognition of student organizations shall be limited to those whose purposes comport with the educational mission of the institutions;
- 4.4 Right to privacy. The student is entitled to the same safe-guards of the rights and freedoms of citizenship as are afforded those outside the academic community, including, but not limited to, the following:
- 4.4.1 Privileged communication on a one-to-one relationship with faculty, administrators, counselors and other institutional functionaries;
  - 4.4.2 Respect for personality, including freedom from unreasonable and unauthorized searches of student living quarters;
  - 4.4.3 Confidentiality of academic and disciplinary records;
  - 4.4.4 Legitimate evaluations made from student records.
- 4.5 Student Responsibility of citizenship. The student is expected, as are all citizens, to respect, and abide by local ordinances and state and federal statutes, both on and off the campus. As a member of either institution=s educational community, the student is expected to abide by the code of student conduct which clarifies those behavioral standards considered essential to its educational mission;



- 4.6 Disciplinary proceedings. Disciplinary proceedings for students accused of committing offenses must be consistent with such constitutional provisions guaranteeing due process of law as are applicable to them. In all disciplinary proceedings, the student shall be considered innocent until proven guilty of any charge. Both WVSU and WVSCTC shall have authority for promulgating policies and regulations, consistent with policies, rules and regulations of its Board of Governors.

**Section 5. Standards of Conduct**

- 5.1 Conduct required in general. All students at either institution are subject to, and are required to comply with, observe, and obey the following:
- 5.1.1 The laws of the United States;
  - 5.1.2 The laws of the State of West Virginia;
  - 5.1.3 Local city, county and municipal ordinances;
  - 5.1.4 The policies, rules and regulations of the Board of Governors and of the institutions as outlined in the Student Handbook;
  - 5.1.5 The directions and orders of the officers, faculty and staff of either institution who are charged with the administration of institutional affairs on campus;
- 5.2 Disorderly conduct. Any and all students who behave in a disorderly or unlawful manner, such as the actions listed below, but not limited to those listed, in or about property or facilities of WVSU and WVSCTC, are subject to institutional disciplinary action which may result in probation, suspension or expulsion, whether or not there is prosecution for such violations in local, state or federal courts:
- 5.2.1 Fights;
  - 5.2.2 Assaults or battery;
  - 5.2.3 Public disturbances;
  - 5.2.4 Unlawful assembly;
  - 5.2.5 The violation of any municipal, state or federal law, or the rules and regulations of the Board of Governors or of either institution.
- 5.3 Theft or damage of property. No student shall, individually or by joining with one or more others, misuse, steal, damage or destroy any institutional property or facilities or the property of any member of either institution's community on or in the campus property or facilities of WVSU and WVSCTC. Students involved in any such prohibited actions or conduct shall be subject to institutional disciplinary action which may result in probation, suspension or expulsion, whether or not there is prosecution for such actions or conduct in local, state or federal courts.
- 5.4 Disruption. No student shall, individually or by joining with one or more other persons, do any of the following:



- 5.4.1 Disrupt or interfere with any institutional activity, program, meeting or operation;
- 5.4.2 Interfere with the rights of any member of either institution's community;
- 5.4.3 Injure or threaten to injure, or coerce by bodily harm or restraint or threats thereof or any other means, any member of the institutional community or persons lawfully on the institution's campus, property or facilities;
- 5.4.4 Seize, hold, commandeer or damage any property or facilities of WVSU or WVSCCTC, or threaten to do so, or refuse to depart from any property or facilities of either institution upon direction, pursuant to policies, rules and regulations of the Board of Governors or of either institution, by an institutional officer, faculty or staff member, or other person authorized by either president;
  - 5.4.4.1 Students involved in any such action or activities shall be subject to institutional disciplinary action which may result in probation, suspension or expulsion, whether or not there is prosecution for such actions in local, state or federal courts.
- 5.5 Hazing. No student shall, individually, or by joining with one or more other persons, engage in any act of hazing involving another member of the institutional community. The presidents, or their designees, shall promulgate rules and regulations prohibiting hazing in any form. Such rules and regulations shall include provisions to:
  - 5.5.1 Prohibit any action which subjects a pledge, initiate, or member of a student organization to activities which are personally demeaning or involve a substantial risk of physical injury. This includes both organized rites of initiation and informal activities;
  - 5.5.2 Include the institutional hazing policies in the student handbook, or such other publications which are readily distributed to all students. This policy shall provide that students involved in hazing activities are subject to institutional disciplinary action which may result in the sanctions of suspension or expulsion, whether or not there is prosecution for such actions in local, state or federal courts;
  - 5.5.3 Identify, through student publications and other appropriate mechanisms, the sanctions which apply to student organizations engaged in prohibited hazing activities or prohibited rites of initiation. These sanctions may include, but are not limited to:
    - denial of the use of institutional facilities;
    - removal of some or all social privileges;
    - removal of institutional recognition; and
    - a recommendation to regional or national headquarters that the organizational charter be revoked.



The presidents, or their designees, shall take steps to ensure that the chief officer of each student organization is informed at least annually of the institutional hazing policy and the sanctions which may be imposed upon offending organizations;

- 5.5.4 Ensure that students accused of hazing offences where the sanctions of suspension or expulsion may result are afforded the opportunity for a disciplinary hearing, as provided in Section 7.4 of this policy.
- 5.6 Discrimination. No student shall, individually or by joining with one or more other persons, promote or demand action on their part or any other member of the institutional community that would constitute unlawful discrimination on the basis of race, sex, color, political affiliation, handicap or age;
  - 5.6.1 Students involved in any such action or activities shall be subject to institutional disciplinary action which may result in probation, suspension or expulsion, whether or not there is prosecution for such actions in local, state or federal courts.

**Section 6. Powers, Authority and Duties of the President**

- 6.1 The presidents, being responsible for the entire administration of WVSU and WVSCTC, subject to the control of the Board of Governors, shall attend to and administer the laws of the State of West Virginia which may be applicable on the campus; the policies, rules and regulations of the Board of Governors; and the policies, rules and regulations of the institutions. The presidents are vested with authority requisite to that end, subject to the control of the Board of Governors;
- 6.2 Delegation of authority and responsibility. Any authority, responsibility, or duty granted to or imposed upon either president by this policy may be delegated by the relevant President, subject to the control of the Board of Governors, to another person or persons on the faculty, staff or student body of the institutions;
  - 6.2.1 All persons dealing in the matters so delegated by either President shall be required to deal with the persons to whom the relevant President shall have delegated such authority, responsibility or duty and such persons shall be required to deal with the relevant institution or the relevant President through such designees, except on appeal to the relevant President as specified by that President.
- 6.3 Promulgation of institutional regulations for student discipline;
  - 6.3.1 Each President has the authority and responsibility, subject to the control of the Board of Governors, for the discipline of all students at the either institution;



- 6.3.2 Each President, with the advice of faculty and students and subject to the control of the Board of Governors, shall develop, promulgate and use disciplinary regulations and channels within each institution which are not inconsistent with the policies, rules and regulations of the Board of Governors.
- 6.4 Activities on, and use of, institutional property or facilities;
  - 6.4.1 The use by any person of the property or facilities of WVSU or WVSCCTC shall be controlled and governed by the policies, rules and regulations of the Board of Governors;
  - 6.4.2 Regulations governing the use of such property or facilities at WVSU or WVSCCTC shall be promulgated by the relevant President, with the advice of faculty and students and shall conform to these policies, rules and regulations and be subject to the control of the Board of Governors;
- 6.5 Public use of institutional property or facilities and restrictions imposed;
  - 6.5.1 Subject to the control of the Board of Governors, notwithstanding any policy, regulation, rule or express or implied permission for the use of, or presence in or on, the property or facilities of WVSU and WVSCCTC, any person who (a) is not a student presently registered for current classes or course work at the particular institution or is not an employee of the Board of Governors currently on duty at the institution and (b) by his/her conduct or speech or expressions, causes or, in the opinion of either President, or his/her designee, may be reasonably expected to cause harm to persons, property or facilities or disruption of, or interference with, any activity of either institution, is no longer authorized to be in or on the property or facilities of the institution;
    - 6.5.1.1 In such instance, the relevant President, or his/her designee, shall cause such person to be ejected from, kept off, and kept out of the property and facilities of the institutions;
    - 6.5.1.2 Either President, or his/her designee, may take whatever legal or institutional action is necessary to effectuate this authority.
- 6.6 Use of institutional property or facilities; activities which interfere with, disrupt or inhibit institutional operations;
  - 6.6.1 The assertion by any person or persons of rights of speech, assembly, press or other expression with the intention to interfere with access to, or use of, the institution's property, facilities, activities, programs, or operations by those properly and regularly using the same is expressly prohibited, any rule, regulation or permission express or implied notwithstanding.
- 6.7 Limitations of assembly and student use of institutional property or facilities;



- 6.7.1 Subject to the control of the Board of Governors, when, in the judgment of either President, an assembly is not in the best interest of either institution or the individuals concerned, in that it presents a clear and present danger of harm to persons, property, or facilities or interference with or disruption of activities, either President, or his/her designee, shall prohibit such assembly and shall take measures to prevent harm to persons, property or facilities, or to prevent interference with or disruption of activities, as may be necessary in the circumstances or may be reasonably expected to come into existence.
- 6.8 Limitation of activities and emergency measures. When there has been harm or damage to persons, property or facilities, or when there has been disruption of or interference with institutional activities, or when there has been seizure or occupation of property or facilities by persons no longer authorized, then, subject to the control of the Board of Governors, when such occurrences happen or take place at West Virginia State and the President deems it necessary to end or to control such occurrences and the circumstances caused thereby, either President shall take any or all of the following actions or other appropriate actions:
  - 6.8.1 Declare a state of emergency to exist on the campus; and
    - 6.8.1.1 Close down any part of either institution for any length of time, or limit use of certain parts of the campus, property or facilities to certain persons at certain times;
    - 6.8.1.2 Impose curfews on the presence of persons in or on institutional facilities or property;
    - 6.8.1.3 Place bans on gatherings of persons at places or times on or in the either institution's property or facilities; or
    - 6.8.1.4 Enlist the aid of any public authority, police or otherwise, as may be necessary to restore order, protect persons, property, health, safety or welfare.
  - 6.8.2 Immediately suspend any student who is found involved in prohibited action or conduct and who is (1) first advised, told or notified that a particular action or conduct is prohibited, and who (2) continues such action or conduct in spite of the warning. Such immediate suspension shall be followed with speedy disciplinary proceedings consistent with these policies, rules and regulations;
  - 6.8.3 See to the enforcement of the laws of the State of West Virginia; the policies, rules and regulations of the Board of Governors, and the policies, rules and regulations of both institutions, including any emergency orders imposed as a result of the state of emergency so declared.



## **Section 7. Disciplinary Action; Proceedings**

### **7.1 Application to students.**

7.1.1 Any person who is a student at WVSU or WVSCTC as defined by the Board's policies, rules and regulations shall be subject to either institution's disciplinary action if that person is involved on the campus of WVSU and WVSCTC in any of the actions or conduct prohibited by these policies, rules and regulations, notwithstanding the fact that at the time the student is also an employee of the Board of Governors.

7.1.2 In taking disciplinary action against a student, as defined herein, either institution may act to remove any status of such a person or to revoke or remove any right or privilege of such a 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 not have received from either institution;

### **7.2 Sanctions in disciplinary action. The following sanctions may be imposed upon students as a result of disciplinary actions by an institution:**

7.2.1 Conduct Probation - exclusion from participation in certain institutional activities, property or facilities for a definite stated period of time, and may be conditioned upon compliance with policies, rules and regulations, or specified required activity during the period of probation;

7.2.2 Suspension - exclusion from all institutional activities for a definite stated period of time up to one (1) academic year, and any condition on resumption of activities, if any, also may be imposed;

7.2.3 Expulsion - termination of all student status, including any remaining right or privilege to receive some benefit or recognition or certification, and conditions for readmission, if any, may be stated in the order.

7.2.3.1 Normally, students facing suspension or expulsion from either institution will be entitled to a hearing prior to the imposition of the sanction. However, a student may be temporarily suspended pending final action on the charges when the student's continued presence on campus would constitute a potential for serious harm to himself/herself or to the safety of other members of the institutional community. Such temporary suspension shall be followed with speedy disciplinary proceedings consistent with these policies, rules and regulations.



- 7.2.3.2 Sanctions of lesser severity, including restitution, may be imposed in any case, at the discretion of the relevant President. The institutions shall identify in the student handbook, or other similar publication, the offenses for which a student who is found guilty may be subject to the sanctions of suspension or expulsion.
- 7.2.3.3 A sanction of suspension or expulsion imposed by WVSU or WVSTC shall apply to the person sanctioned not only at West Virginia State, but shall also be effective at all institutions in the WV Higher Education System.
- 7.2.3.4 A student who is expelled from any public college or university in the state of West Virginia may not be considered for admission to any public institution in Higher Education until one (1) year has elapsed after the student has been expelled;
- 7.2.3.5 When a sanction is scheduled for a particular semester and the time lapse during an appeal process makes enforcement in the designated semester impossible, then the sanction shall be applied to the semester in progress at the time of completion of the appeal. In the event that sanction cannot be implemented during that semester, then it shall be applied during the next regular semester, except that if the student has completed the course of study during the pendency of the appeal, the sanctions, where possible, shall be carried out retroactively to affect the grades and records of that student during the semester designated in the original sanction. In any event, the accused student may not be graduated during the process of appeal.
- 7.3 General requirements for disciplinary channels. Rules and regulations establishing disciplinary channels at either institution, promulgated pursuant to Sections 4.6 and 6.3 of this policy, or any of the policies, rules and regulations of the Board of Governors, shall provide, among other things, at the least for the following:
  - 7.3.1 There shall be a hearing board whose members shall be members of the institutional community, including student and faculty representatives, and whose number shall be at least three (3), and, in any event, on any panel hearing a case, shall be odd;
  - 7.3.2 The hearing board shall have jurisdiction of cases involving the alleged violations of Sections 5.2, 5.3, 5.4, 5.5 and 5.6 of this policy, and of cases involving students suspended pursuant to Subsection 6.8.2 of this policy;
  - 7.3.3 The jurisdiction and authority of the hearing board shall be, in cases of disciplinary action against students:
    - 7.3.3.1 To hear evidence;
    - 7.3.3.2 To make findings of fact from the evidence presented;



- 7.3.3.3 To make recommendations to the relevant President, based upon such findings of fact, as to the disposition of the disciplinary action, including sanctions to be imposed, if any; and
- 7.3.3.4 To refer for hearing to a lesser disciplinary channel in cases not involving potential suspension or expulsion. (In lieu of calling together the entire hearing board to decide on referrals, a referral board, including a faculty representative and a student representative selected from the hearing board, may decide the level of hearing by establishing hearing levels for categories of disciplinary infractions or by considering individual referral cases.)
- 7.3.4 The hearing board shall have such appellate jurisdiction as may be appropriate to either institution, from the determinations and recommendations of any lesser disciplinary channel
- 7.3.5 The student may then object or take exception to the recommendations of the hearing board under such procedures as the President may deem appropriate.
- 7.4 Procedural standards in disciplinary proceedings. In any disciplinary proceedings before a hearing board established pursuant to Section 7.3 of this rule brought against a student for alleged misconduct, action, or behavior for which sanctions of suspension or expulsion may be imposed, the following procedural standards shall be observed.
  - 7.4.1 Written charges of violation shall be presented to the accused student which shall include at least:
    - 7.4.1.1 A statement of the policy, rule or regulation which allegedly has been violated;
    - 7.4.1.2 A statement of the facts and evidence to be presented in support of the charges made with sufficient clarity to reasonably disclose the time and place of the occurrence and the actions or behavior complained of;
    - 7.4.1.3 A statement that a hearing will be held before the hearing board on the charges, together with notice of the date, time and place of the hearing; and



- 7.4.1.4 In cases involving potential suspension or expulsion, as specified in institutional policies, the student must be informed of his/her right to have legal counsel present at the hearing (students retain attorneys in such cases at their own expense and must notify the hearing Board of Governors at least forty-eight hours prior to the hearing if the attorney will be present at the proceedings). It is expressly provided, however, that such written charges shall not be fatally defective so as to prevent the set hearing or to require further amplification if such minimum requirements are met reasonably and in good conscience at the discretion of the hearing board.
- 7.4.2 Said written charges shall be served upon the student charged by one (1) of the following means:
- 7.4.2.1 Handing a copy to the student in person, if he/she can be found, with reasonable diligence in the town where the institution is located and the hearing is to take place; or
- 7.4.2.2 Mailing, via certified mail, a copy to the student at the residence used while in attendance at the institution, as last noted on his/her official records at the institution; or
- 7.4.2.3 If the student is not presently registered at the institution, or in any event, by mailing, via certified mail, a copy to his/her last known permanent or home residence as disclosed by official records at the institution. It is expressly provided, however, that such service or charges and notice of hearing shall not be defective if the student shall have hidden, refused mail, or shall have failed to notify either institution of his/her current address while attending either institution or of the current permanent home address, and the hearing may proceed without hindrance or delay.
- 7.4.3 A hearing shall be held at the date, time and place specified (unless postponed by the hearing board for good cause shown) and shall provide the student at least five (5) days notice from the serving of the charges (unless such notice is waived by the student). The hearing shall be conducted in such a manner as to do substantial justice and shall include at least the following:



- 7.4.3.1 The accused student has the right to have an advisor. Such an advisor may be a parent or guardian, a student at the institution, or a member of the faculty or staff of the institution. An advisor may consult with the accused student, but may not speak on behalf of the student or otherwise participate directly in the proceedings, unless given specific permission to do so by the hearing board. In cases involving the potential for suspension or expulsion, legal counsel may be present as specified in paragraph 7.4.1.1 of this policy. Legal counsel may serve in an advisory capacity to the accused student in such cases. However, legal counsel may not speak on behalf of the student or otherwise participate directly in the proceedings. Either institution may request legal counsel through the Central Office of the Higher Education Policy Commission. Counsel retained by the institution may participate only in an advisory capacity and may not speak on behalf of either institution or otherwise participate directly in the proceedings;
- 7.4.3.2 All material evidence may be presented subject to the right of cross-examination of the witnesses;
- 7.4.3.3 There shall be a complete and accurate record of the hearing. In the case of an appeal, a written transcript may be required;
- 7.4.3.4 In any event, the accused student shall be entitled to be present throughout the presentation of evidence, testimony of witnesses, and arguments of parties; to know the identity of and content of testimony of the witnesses against him and have them present at the hearing at appropriate times; and to present witnesses and any evidence on his/her behalf as may be relevant and material to the case.
- 7.4.4 No recommendation for the imposition of sanctions may be based solely upon the failure of the accused student to answer charges or to appear at the hearing. In such a case, the evidence in support of the charges shall be presented and considered. And, in any event, all findings of fact and recommendations shall be based solely upon the evidence in the case of a whole.



- 7.4.5 After the hearing, the hearing board shall make findings of fact and recommendations for the disposition of the case and sanctions to be imposed, if any, and forward the same to the relevant President, or his/her designee. Within ten (10) working days following receipt of the hearing board recommendations, the President shall review the facts of the case and take such action as may be appropriate under all the circumstances. Except in cases which involve the sanction of expulsion, as defined in Section 7.2 of this rule, the decision of the relevant President shall be final.
- 7.5 Review by the Board of Governors. The Board may, from time to time, require either President to report on disciplinary actions or proceedings over a period of time or as to any specific case or cases. Such reports shall be in such form as the Board may require. In disciplinary cases where the institutional sanction is expulsion, the Board may, pursuant to such procedures as it may specify, grant an appeal from the disciplinary action of the relevant President of the case submitted. A student desiring to appeal the sanction of expulsion must, within three (3) working days, indicate to the relevant President in writing an intent to appeal the decision to the Board. A written petition of appeal must be filed with the Chair of the Board of Governors within fifteen (15) days of the relevant President's decision. If the Board determines that the petition will not be heard, the decision of the relevant President is affirmed and sanctions imposed therein shall be effective upon the relevant President's receipt of the statement of denial. If the appeal is granted, the sanction imposed by the relevant President's decision shall be stayed until the Board makes a final decision after a review of the case. In the event the decision of the relevant President is affirmed after such review, the person appealing and the relevant President shall be notified by certified mail and the sanction shall be effective immediately upon receipt by the relevant President of the decision rendered by the Board. In reviewing student appeals involving the sanction of expulsion, the Board will review all relevant information and records of applicable institutional disciplinary proceedings to ensure that 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.



## Appendix C

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

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 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 to comply with the Act.

The West Virginia State 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 accords all the rights under the law to students who are declared independent. No one outside West Virginia State 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.

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

- A. the Comptroller General of the United States,
- B. the Secretary of the Department of Education, and
- C. an administrative head of an educational agency having authority for records which may be necessary in connection with audit and evaluation of federally supported education programs.

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

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

Within the University community, only those members, individually and collectively, acting in the students' educational interests are allowed access to student education records. These members include personnel in the Registrar's Office, Admissions Office, Office of Student Affairs including Collegiate Support and Counseling, 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 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 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 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 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** included 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 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 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 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 Student Affairs or to the President of West Virginia State 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 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's policies warrant.



## **Appendix D**

### **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 or crime, or of a violation of Institution rules, regulations or policies, things which might be used to resist apprehension or to escape, property the possession of which is itself a crime, or evidence in which there is reason to believe will otherwise aid in a particular apprehension or conviction. This restriction does not apply to administrative residence hall room and Prillerman Hall apartment inspections or inventories conducted in accordance with law, regulation, or custom.



7. Probable cause for ordering a search exists when there is reason to believe that items of the kind indicated above as being properly the subject of a search are located in the place or on the person to be searched. Such reasonable belief may be based on information which the authority requesting permission to search has received from another if the authority ordering the search has been apprised of some of the underlying circumstances from which the informant concluded that the items in question were where he claimed they were and some of the underlying circumstances from which the authority requesting permission to search concluded that the informant, whose identity need not to be disclosed, was credible or his information reliable.
8. When the accused objects to evidence obtained as a result of a search on the grounds that the search was unlawful, the burden is on the Institution to show, as an interlocutory matter, either that the search was lawful or that for some other reason the search would not render the evidence in question inadmissible against the accused. If the justification for using evidence obtained as a result of a search is that there was a freely given consent to the search, that consent must be shown by clear and positive evidence.

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



## Appendix E

### **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 canons 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.



## Appendix F

### STANDARDS AND PROCEDURES FOR INVOLUNTARY ADMINISTRATIVE (MEDICAL) WITHDRAWAL

**Introduction:**

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

**Standards for Withdrawal:**

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

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

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

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



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

**Referral for Evaluation:**

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

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

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

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

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



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

#### **Interim Withdrawal**

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

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

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

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

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



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

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

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

**Informal Hearing:**

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

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

- a) Students will be informed of the time, date and location of the informal hearing, in writing, at least two business days in advance. Such notice shall be served either by personal delivery or certified mail in accordance with guidelines set out under the Interim Withdrawal process.



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

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

- e) The institution may request legal counsel through the Office of the Chancellor. Counsel retained by the institution may participate only in an advisory capacity and may not speak on behalf of the institution or otherwise participate directly in the proceedings except in those instances where student's advisor actively participates.
- f) The student will be given reasonable time to ask relevant questions of any individual appearing at the informal hearing, as well as to present relevant evidence.
- g) Whenever possible, the student will be expected to respond to questions asked by the Vice President or designee. Students who refuse to answer on grounds of the Fifth Amendment privilege may be informed that the Vice President or designee could draw a negative inference from their refusal that might result in their dismissal from the institution in accordance with these standards and proceedings.



- h) The informal hearing may be conducted in the absence of a student who fails to appear after proper notice.
- i) The mental health professional who prepared the evaluation pursuant to these standards and procedures may be asked to appear at the informal hearing to present evidence in support of any withdrawal recommendation and/or to respond to relevant questions, upon request of with party, if the Vice President or designee determines that such participation is essential to the resolution of a dispositive issue in the case.
- j) The Vice President or designee may permit an official of the institution to appear at the informal hearing and to present evidence in support of any withdrawal recommendation.
- k) The informal hearing shall be tape recorded by the Vice President or designee.
- l) The Vice President or designee shall render a written decision within five business days after the completion of the informal hearing. The written decision should contain a statement of reasons for any determination leading to extending the Interim Involuntary Withdrawal for a longer period of time. The student should also be advised as to when a petition for reinstatement would be considered together with any conditions for reinstatement.
- m) Time periods for these procedures may be extended or modified by agreement of parties involved and approval by the Vice President for Student Affairs.
- n) An appeal may be made to the President.

**Deviations from Established Procedures:**

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



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### WEST VIRGINIA STATE EMERGENCY HELP PROCEDURES

**West Virginia State 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 staff or faculty member should:

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

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



## Appendix G

### CONSTITUTION

#### West Virginia State Student Government Association

(West Virginia State Student Government Association Constitution revised and replaces West Virginia State Student Government Association Constitution dated July 1, 1986. To be implemented July 1, 2003.)

#### **Preamble**

We, the students of West Virginia State, in order to provide an organizational structure by which the student body can: (1) participate in formulation of institutional policy affecting academic and student affairs; (2) foster effective communication between students, administration, faculty, and staff; (3) express the breadth, relevance, and urgency of student interests; and (4) share in the pursuit of institutional goals, do hereby establish this Constitution.

#### ARTICLE I

##### **Name**

The name of the student representative body shall be the West Virginia State Student Government Association - designated in this document by the initials SGA.

#### ARTICLE II

##### **Membership and Jurisdiction**

- I. All regularly enrolled students at West Virginia State shall be members of SGA and shall be subject to this Constitution.
- II. The jurisdiction of SGA shall extend to all matters involving student academics, discipline, social events and activities.

#### ARTICLE III

##### **Powers**

The powers of SGA are derived from institutional policies, rules, and regulations regarding student rights, responsibilities and conduct issued within the authority granted to the institution by its governing board.



#### ARTICLE IV

##### Organization

SGA shall utilize three distinct branches to perform functions authorized by this Constitution. They shall be known as the Executive Cabinet, the Student Senate, and the Student Hearing Council.

- I. The SGA shall serve as an advisory council to the President in accordance with the Organizational Chart of West Virginia State, approved by the Board of Governors on November 7<sup>th</sup>, 2002.

#### ARTICLE V

##### Executive Cabinet

- I. **Membership** - The Executive Cabinet shall consist of the SGA President, Vice-president, Treasurer, Secretary, Social Activities Director, Chief Hearing Examiner, a Student Senate representative, and the four Class Presidents, as well as an institutional Representative, such as the SGA Advisor, the Board of Governors Student Representative, and the Community and Technical College Board of Advisors Student Representative as ex-officio members.
- II. **Chairmanship** - As chief executive officer, the SGA President shall chair all Executive Cabinet meetings.
- III. **Powers and Duties** - The Executive Cabinet shall:
  - A. Address and implement SGA policies and programs resulting from Student Senate legislation. It shall serve as a liaison between students, administration, faculty, and staff and have the power to act, on an emergency basis, in those areas contained in this document. "Emergency" is defined as any matter needing resolution within three (3) scholastic days. Actions taken under this power shall be reported to the Student Senate meeting. Such actions shall be considered as temporary legislation until acted upon by the Student Senate.
  - B. Expedite the bringing of reports and materials to the Student Senate, publish the Student Senate agenda at least two (2) days prior to a regular meeting, and establish a semester calendar for such meetings.
  - C. Supervise the Student Appointees on the various Campus-wide Committees and subcommittees. SGA will also supervise its employee to insure their continued effective and efficient performance of their duties and responsibilities.



## ARTICLE VI

### Student Senate

- I. **Membership** - The Student Senate shall consist of Senators representing residence halls, Prillerman Hall, student interest groups, and student population; the Pan-Hellenic Council representative, the part-time student representatives serving as ex-officio officers without voting privileges, the SGA Vice-president (except as indicated in the following section), Board of Governors Student Representative (an ex-officio member), and the Community and Technical College Board of Advisors Student Representative (an ex-officio member).
- II. **Chairmanship** - The SGA Vice-president shall chair the Student Senate meetings with vote to make or break a tie. In the absence of the Vice-president, the Senate representative to the Executive Council shall chair the meeting.
- III. **Powers** - The Student Senate shall have the Power to:
  - A. Enact legislation concerning students and student organizations as set forth in Articles II and III.
  - B. Create and disband committees.
  - C. Approve/disapprove the operating SGA budget.
  - D. Approve/disapprove all appointment (with the exception of SGA employees) made by the President with a simple majority vote.
  - E. Override an SGA Presidential veto with a two-thirds vote.
  - F. Create temporary employment positions.
- IV. **Meetings** - Meetings shall be held at least twice a month during the academic year, as designated by the entering Student Senate. The Vice-president shall call special meetings when deemed necessary.
- V. **Quorum** - Two-thirds of the Senators in office shall constitute a quorum for Student Senate meetings.



- VI. **Senator Vacancies** - A Senator's position shall be considered vacant if he/she has acquired more than one unexcused absence from Student Senate meetings, submitted resignation, or left the Institution permanently. Acceptance of excuses shall be left to Senate discretion. The runner-up candidate from the preceding election shall fill any vacant Senator seat if he/she is available and still meets qualifications. Otherwise, the SGA President shall appoint a Senator to fill a vacant seat.

## ARTICLE VII

### Hearing Council

- I. **Membership** - The Student Hearing Council shall consist of:
- A. Seven (7) Student hearing Examiners, one of whom shall be named Chief Hearing Examiner. The SGA president shall appoint the Chief Hearing Examiner with the approval of the Student Senate. The Chief Hearing Examiner shall appoint the members of the Student Hearing Council with the approval of the SGA president and Student Senate.
  - B. The members of the Student Hearing Council shall serve on the All University Hearing Council.
- II. **Qualifications** - All newly appointed Hearing Examiners must attend an Administrative Hearing Seminar before being confirmed to fill the duties and responsibilities of the Student Hearing Council. A Student Hearing Examiner must be enrolled at West Virginia State, must have completed 30 hours of credit at the Institution, have at least a 2.50 cumulative grade point average, and have had no disciplinary problems with any segment of the institution at the time of appointment. Once appointed, if a Hearing Examiner drops below the required 2.50 cumulative GPA, he/she shall vacate his/her seat. A Student Hearing Examiner may serve on the Student Hearing Council until graduation or for three (3) years, whichever comes first.
- III. **Leadership** - The Chief Hearing Examiner shall preside over the Student Hearing Council making and interpreting decisions rendered by the Associate Student Hearing Examiners. The Chief Hearing Examiner shall also chair the Elections Committee, unless he/she is a candidate for another office; then an Associate Hearing Examiner shall chair the Elections Committee.
- IV. **Powers** - The Student Hearing Council shall have the power to:



- A. Hear cases resulting from actions that would make them disciplinary in nature in conjunction with the All University Hearing Council
- B. Hear and make judgments on any cases involving any violation of election rules and/or procedures.
- C. Make and render decisions on the judgment of the members of the Student Hearing Council, not based on precedent, and not influenced by personal or outside interference.
- D. Coordinate with the Student Affairs Office as to the Institution rules and procedures to follow, recommended sanctions, and recommend to the President of the Institution that the All University Hearing Council hear a case involving the possible expulsion or suspension of a student or students.
- E. Interpret the SGA Constitution.
- F. Possess the power to impeach Senators as stated in Article XIII.

#### **ARTICLE VIII**

##### **Executive Officers**

- I. **Definition** - The Executive Officers of the SGA shall be the SGA President, Vice-president, Treasurer, Social Activities Director, the Chief Hearing Examiner, and the Secretary.
- II. **Duties**
  - A. The SGA President shall preside at all Executive Cabinet and SGA meetings, be a member of ex-officio of all SGA Committees with voting privileges, and perform other duties as specified in **Robert's Ruler of Order**.
  - B. The Vice-president shall be in charge of Administration and Operations. He/she shall preside in the absence of the President and be an ex-officio member of all SGA Committees, monitoring their work. As Vice-president of Operations he/she shall plan, organize, coordinate and supervise the SGA student services programs.



- C. The Treasurer shall be in charge of Finance and Organizational Matters. He/she shall preside in the absence of the President and Vice-president. As Treasurer of Finance, he/she shall prepare and present a proposed SGA budget each school year for Student Senate approval and keep adequate records of SGA expenditures.
  - D. During the month of February, the SGA President must make a speech to the student body addressing the state of the student government.
  - E. The Executive Officers elected in the Spring will be required to attend the Student Leadership Workshop before assuming their executive office responsibilities.
- III. **Executive Vacancies** - Upon resignation or ineligibility of the SGA President, the Vice-president shall become President. Upon resignation or ineligibility of the Vice-president, the Treasurer shall become the Vice-president.

#### ARTICLE IX

##### Elections

- I. **General** - The SGA elections shall be held between 40 and 60 days prior to the end of the academic year, with a minimum of fourteen (14) days between the close of the filing period and the actual election. The student body at-large shall elect officers and Senators or by their respective constituencies, whichever is applicable.
- II. **Terms** - Terms for elected and appointed officials shall be twelve (12) months, beginning at the end of the academic year, with the exception of Student Hearing Examiners who may serve on the Student Hearing Council until graduation, or for three years, whichever comes first.
- III. **Class officers, Senators, and Class Queens** - The elections for class officers (i.e. Freshmen class president, Sophomore class president, etc.) senators, and class queens shall be held between 30 and 35 days after the beginning of the academic year. Installation will take place no later than five (5) days after the certification of the election.
- IV. **Voting** - Voting shall be secret ballot. In all cases, pending verification of qualifications, the top vote-getter shall assume office.



- V. **Amended to Read** - All newly elected and appointed officials must attend a Student Leadership Workshop before assuming the powers and duties of their respective office.
- VI. **Applying** - During the application process, the person applying for an elected or appointed office must provide at least two (2) letters of support from members of faculty, administration, staff, and/or a former member of the SGA executive cabinet.

#### **ARTICLE X**

##### **Committees**

The Elections and Student Life Committees shall be the only standing committees.

- I. The Student Hearing Council shall serve as the Elections Committee with the assistance of the SGA advisor and members of the Office of Student Activities.
- II. The Student Life Committee shall consist of the Student Senate representatives that represent the resident halls and Prillerman Hall.

#### **ARTICLE XI**

##### **Expenditures**

- I. **Validation** - Requests for SGA expenditures must come before the Student Senate prior to this use, except in emergency situations set forth in Article V, Section 3a.
- II. **Approval** - Expenditures shall be made with the approval of the voting members of the Student Senate by a simple majority vote in accordance with its annual budget.

#### **ARTICLE XII**

##### **Impeachment's**

Any elected or appointed official may be impeached for maladministration, corruption, and/or dereliction or neglect of duty. The Student Hearing Council shall have sole power to impeach Senators, and the Senate shall have sole power to impeach members of the Executive Cabinet, (except the Senate representative), and the Student Hearing Council. In each case, a two-thirds (2/3) vote of all voting members of the respective branch shall be necessary to remove the impeached official from office.



**BYLAWS  
To the Constitution  
West Virginia State  
Student Government Association**

**ARTICLE I**

**Special Meetings**

Within two (2) school days upon receipt of a petition in writing signed by a simple majority of the Student Senate, the President of SGA shall call a special Senate meeting.

**ARTICLE II**

**Qualifications of Elected Officers and Senators**

- I. At the time of filing a candidate for normally elected offices must have at least 2.50 cumulative grade point average, except for *first-time* freshmen (no cumulative GPA), and must not be graduating before the fulfillment of his/her term. Upon taking office, all normally elected officials must maintain at least a 2.30 cumulative GPA. The SGA Advisor will verify certification of GPA and all other requirements.
- II. The SGA President and Vice-president must have completed 45 hours of college/university credit by the end of the scholastic term in which they filed for election and must have completed at least 12 hours at this institution at the time of filing.

**ARTICLE III**

**Filing Periods**

- I. During a 14 day filing period, each candidate for election must submit to the SGA Elections Committee an application of candidacy stating intention to run for office and verifying his/her qualifications for said office. All candidates shall give written permission for the SGA Elections Committee to investigate authenticity of his/her qualifications.
- II. No candidate may file for more than one office.
- III. All individuals filing for office must submit two (2) letters of support from a member of faculty, administration, staff, and/or a former member of the SGA executive cabinet.



#### **ARTICLE IV**

##### **Elections for Elected Officers**

If an elected officer is unable to assume, take another, or resigns from office (except Senators), the Elections Committee shall arrange a special election to fill the vacancy with the proposed election procedures being approved/disapproved by the Senate.

#### **ARTICLE V**

##### **Student Senate Representation**

- I. One Senator shall be elected to represent each of the following student special interest categories: (1) social organizations; (2) service organizations; (3) co-curricular organizations; (4) Greek letter organizations; (5) academic organizations; and (6) part-time students. The Elections Committee shall group active student organizations under one of the appropriate categories, submit list to the Senate for approval/disapproval, and arrange for the election of Senators.
- II. One Senator shall be elected to represent the residence halls and one shall be elected to represent Prillerman Hall.
- III. One Senator each shall be elected for the following five districts: (1) Charleston-South Charleston, (2) Dunbar-Institute, (3) St. Albans-Nitro-Cross Lanes, (4) Putnam County, and (5) a District-at-Large (to represent in-state students not included in the other four (4) districts). In accordance with population density, one Senator each (out of a total of four) shall be elected by districts representing each nearest twenty-five percent of full-time student population.

#### **ARTICLE VI**

##### **Student Court Proceedings**

- I. **Student Rights** - The (accused) student(s) shall have the right to:
  - A. Be present, present evidence, and call witnesses;
  - B. Have student counsel to assist him/her;
  - C. Challenge any Hearing Examiner for removal from his/her case on the grounds of a lack of impartiality; (the Advisor to the Student Hearing Council shall decide each challenge.)
  - D. Testify as a witness without losing his/her privilege against self-incrimination; Examine and object to the introduction of real and documentary evidence;



- E. Make an opening and closing argument; and
  - F. Receive a copy of the final report of proceedings and submit a written statement on his/her behalf to the Hearing Council to be attached to the report.
- II. **Powers of the Student Hearing Examiner** - The Student Chief Hearing Examiner of the Student Hearing Council shall preside over the Council, recess or adjourn the Council as necessary, and determine the time for Council sessions. He/she will supervise the Associate Hearing Examiner as Administrative Officer with responsibility for administrative preparation and support for each Council session.
- III. **Duties of the Administrative Officer of Student Hearing Council** - The assigned Administrative Officer shall notify the appointed Counselor and parties to a case as to the date, time, and place of the Council session. He/she shall see that the site for the session is adequate and in good order and arrange for clerical support, recording equipment, and other supplies as necessary. He/she will supervise the Associate Hearing Examiner as Administrative Officer with responsibility for administrative preparation and support for each Council session.
- IV. **Duties of the SGA Counselor** - The Counselor for the Student Hearing Council shall, prior to the Council session, investigate the alleged charge(s) and Plaintiff(s). He/she shall notify student body witnesses as to the date, hour, and place of the Council session. During the session, the Counselor shall administer oaths, present evidence, and examine witnesses to bring out all the facts in an impartial manner. After the session, the Counselor shall prepare a report of the proceedings.
- V. **The Role of the Advisor to Student Hearing Council** - The Advisor shall rule on all challenges of the Council during the proceedings and confer with the SGA Counselor and the bench to assist in clarifying legal and procedural matters. Without dismissing any question or issue before the Council, the Advisor shall make final rules as to Council procedure and admissibility of evidence. The Advisor shall intervene in such matters only when he/she feels the Council is in error. Otherwise, the Advisor shall allow the functioning of the Council to the Student Hearing Examiners.



- VI. **Quorum for Student Hearing Council** - Four members of the Student Hearing Council shall constitute a quorum when hearing cases in conjunction with the All University Hearing Council. A majority of the Student Hearing Council shall constitute a quorum when hearing cases that are in the sole power of the Student Hearing Council. If a sustained challenge prevents a quorum, the Council will adjourn and the Student Senate shall appoint a/some temporary Examiner(s). The proceedings shall then be resumed.
- VII. **Absence of a Hearing Examiner from Part of a Case** - A Hearing Examiner who is not present at a prior Council session of a case that is still being heard may participate fully in all subsequent proceedings provided that he/she first familiarizes himself/herself with the proceedings held and the evidence accepted during the absence. The report of the proceedings will reflect how the Examiner(s) so familiarized himself/herself.

#### **ARTICLE VII**

##### **Senate Approvals**

Unless otherwise stated in this Constitution, all Senate approvals/disapprovals shall be on the basis of a simple majority vote.

#### **ARTICLE VIII**

##### **Student Representation to Campus-wide Committees**

The SGA President shall appoint all student representatives to Campus-wide committees with the approval of the Senate.

#### **ARTICLE IX**

##### **Senate Order of Business**

The order of business for Senate meetings shall be:

1. Call to order
2. Roll call
3. Approval and changes to the agenda
4. Reading and approval of the minutes
5. Committee reports
6. Unfinished business
7. New business
8. Remarks
9. Adjournment



**ARTICLE X**

**Rules or Order for Senate Meetings**

**Robert's Rule of Order** shall be the basis for all Senate Meetings.

**ARTICLE XI**

**Effect of Legislation**

No legislation shall take effect within four (4) school days. The President has three (3) school days in which to veto. On the fourth day, he/she has to convene the Senate in case of veto.

**ARTICLE XII**

**Campus Organizations**

To be recognized to function on campus, organizations are required to submit a list of officers and advisors to the SGA office and the Office of Student Activities.

**ARTICLE XIII**

**Proxy Votes**

No proxy votes will be accepted in any branch of SGA.

**ARTICLE XIV**

**Administrative Transition**

- I. The elected administration is responsible for the Homecoming concert, coronation, and parade for the next academic year.
- II. All officers (elected or appointed) shall at the expiration of their terms serve in an advisory capacity for four (4) weeks to the incoming officers in any combination at the end of the Spring term and/or the start of the Fall term.

**ARTICLE XV**

**Elected Officers**

The elected officers shall be the SGA President, SGA Vice-president, Board of Governors Student Representative, Community and Technical College Board of Advisors Student Representative, and the class Presidents, Vice-presidents, and Senators. The SGA President appoints all other SGA positions (excluding six (6) members of the Student Hearing Council) with advice/consent from the Student Senate.



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#### **ARTICLE XVI**

##### **Paid Positions**

The following are the only permanent paid positions: SGA President, SGA Vice-president, Secretary, Treasurer, Social Activities Director, and Student Chief Hearing Examiner.

#### **ARTICLE XVII**

##### **Mr. & Miss State**

All officers, including Mr. and Miss State, must have at least 2.50 cumulative grade point average and must maintain an overall grade point average of 2.30 or above to hold these positions. Must have completed 45 hours of college/university credit by the end of the scholastic term in which they filed for election, and must have completed 12 hours at this institution at the time of filing.

#### **ARTICLE XVIII**

##### **Requirements and obligations for Mr. and Miss State:**

1. Required to speak at both meet-the-candidate forums
2. During tenure, perform 15hrs. of on-campus community service each semester
3. Must have a platform and execute at least ONE activity pertaining to his/her platform
4. Must attend all convocations sponsored by West Virginia State for students, unless class schedule does not permit

##### **Requirements and Obligations for class queens:**

1. During class queen tenure, perform 10 hrs. of on-campus community service each semester
2. Shall sponsor one event for her class
3. Shall work with the class officers
4. Must attend all convocations sponsored by West Virginia State for students, unless class schedule does not permit

Fulfillment of Mr. and Miss State's and the class queens' obligations shall be monitored by SGA. They will be responsible for submitting an end-of-the-semester report stating on-campus community service involvement. If the student does not fulfill the obligations and requirements, the position will be revoked.



**JOB DESCRIPTIONS FOR  
WEST VIRGINIA STATE  
STUDENT GOVERNMENT ASSOCIATION**

**The President Shall:**

1. Preside at all Executive Cabinet and SGA meetings.
2. Be a member ex-officio of all SGA Committees with voting privileges.
3. Have a background in Parliamentary Procedures.
4. Delegate work to the Executive Cabinet and Senators as necessary.
5. Post and keep weekly office hours.
6. Act as a Liaison between students, faculty/academic staff, and administration.
7. Maintain a list of standing committees and appointees to such committees.
8. Be responsible for updating appointments to standing committees.
9. During the month of February, the SGA President shall make a speech to the student body addressing the state of the student government.
10. Responsible for the training of new SGA officers.
11. Assist other SGA staff and officers as needed.
12. Actively encourage all students to participate in all campus activities, programs, and committees. In addition, will actively recruit new SGA members to assist SGA in completing its goals.

**The Vice-president Shall:**

1. Preside at all Senate Cabinet and SGA meetings.
2. Be in charge of Administration and Operations.
3. Preside in the absence of the President and be an ex-officio member of all SGA Committees, monitoring their work.
4. As Vice President of Operations he/she shall plan, organize, coordinate and supervise the SGA student services programs.
5. Advise the President on matters concerning SGA and the student body, and assist the President on these matters as needed.
6. Review and recommend appointments of candidates.
7. Have a background in Parliamentary Procedures.
8. Post and keep weekly office hours.
9. Assist other SGA staff and officers as needed.



10. Actively encourage all students to participate in all campus activities, programs, and committees. In addition, will actively recruit new SGA members to assist SGA in completing its goals.
11. Keep the Student Activities Advisor informed of all SGA operations.

**The Treasurer Shall:**

1. Preside at all Executive Cabinet and SGA meetings.
2. Supervise funded organizations spending.
3. Post and keep weekly office hours.
4. Be in charge of Finance and Organizational Matters.
5. Preside in the absence of the President and Vice President.
6. Prepare and present a proposed SGA budget each school year for the Student Senate approval and keep adequate records of SGA expenditures.
7. Have a background in Parliamentary Procedures.
8. Assist other SGA staff and officers as needed.
9. Actively encourage all students to participate in all campus activities, programs, and committees. In addition, will actively recruit new SGA members to assist in SGA in completing its goals.

**The Chief Hearing Examiner Shall:**

1. Preside at all Executive Cabinet and SGA meetings.
2. Preside over the Student Hearing Council making and interpreting decisions rendered by the Student Hearing Examiners.
3. Chair the elections committee, unless he/she is a candidate for another office; then an Associate Hearing Examiner shall chair the Elections Committee.
4. Have knowledge of parliamentary procedures.
5. Interpret the SGA constitution.
6. Assist other SGA staff and officers as needed.
7. Actively encourage all students to participate in all campus activities, programs, and committees. In addition, will actively recruit new SGA members to assist SGA in completing its goals.

**The Social Activities Director Shall:**

1. Preside at all Executive Cabinet and SGA meetings.
2. Seek, obtain and arrange speakers, concerts, cultural events and activities that SGA may sponsor.



3. Work in conjunction with Student Activities in planning activities for the student body.
4. Establish such bodies subsidiary to him/her that he/she deem necessary to aid in the performance of his/her duties.
5. Have knowledge of parliamentary procedures.
6. Assist other SGA staff and officers as needed.
7. Keep a record of SGA student activity expenditures.
8. Actively encourage all students to participate in all campus activities, programs, and committees. In addition, will actively recruit new SGA members to assist in SGA in completing its goals.

**The Secretary Shall:**

1. Preside at all Executive Cabinet, Senate Cabinet and SGA meetings.
2. Record the minutes of the Executive Cabinet and Senate meetings.
3. Provide SGA officers with an agenda and minutes before each scheduled Executive Cabinet and Senate meetings.
4. Keep an updated address list on current Executive Cabinet and Senate officers.
5. Keep a file of all recognized student organizations and other records.
6. Maintain an official copy of all SGA policies and procedures.
7. Post and keep weekly office hours.
8. Sort and screen all main and incoming phone calls.
9. Type materials from rough draft to final form, taking responsibility for format.
10. Inventory office supplies and prepare requisition for ordering.
11. Assist in planning and scheduling conferences and meetings including preparing agenda, securing facilities and making travel arrangements.
12. Relay information, instruction and assignment between supervisor and staff members; remind staff of deadlines.
13. Operate standard equipment as required.
14. Assist other SGA staff and officers as needed.
15. Have knowledge of parliamentary procedures.
16. Keep record of supplies expenditures.
17. Actively encourage all students to participate in all campus activities, programs, and committees. In addition, will actively recruit new SGA members to assist in SGA in completing its goals.



## Appendix H

### West Virginia State

#### STANDARDS OF SATISFACTORY PROGRESS FOR STUDENTS RECEIVING FINANCIAL AID

##### I. Satisfactory Academic Progress

A student's satisfactory progress toward a determined educational goal (related to credit hours completed and grade point average earned) is the basis for continued receipt of financial aid funds. West Virginia State has adopted the following standards by which it monitors financial aid recipients' academic progress. These standards ensure the proper distribution of financial assistance to eligible students. Students who demonstrate a financial need, are enrolled and making continuous progress in a program leading to degrees or certificates are eligible for aid. Students receiving assistance from any of the following aid programs must meet the revised "Standards of Satisfactory Progress" policy:

1. Pell Grants, Supplemental Educational Opportunity Grants (SEOG)
2. Federal College Work-Study Programs (CWS), Perkins Loans
3. William D. Ford Federal Direct Student Loan Program including:
  - a. Subsidized Loans
  - b. Unsubsidized Loans
  - c. Parents' Loan for Undergraduate Students (PLUS) Programs
  - d. State Student Incentive Grant Programs (West Virginia and other State Grant Programs)

##### II. Evaluation Increments

Academic standing will be evaluated at the end of spring semester. The evaluation increment is one academic year.

##### III. Components

- GPA Requirement
- Maximum Hours Requirement
- Hours Passed vs. Hours Enrolled
- Suspension, Special Conditional, and Appeals **Revised**  
01/22/02



**IV. GPA Requirement**

**1. Bachelor Degree Students**

Hours Enrolled	Overall GPA
0-29	1.50
30-59	1.75
60+	2.00

**2. Associate Degree Students**

Hours Enrolled	Overall GPA
0-29	1.50
30-44	1.75
45+	2.00

**Note:** The GPA as calculated by the registrar's office is used. The office of financial assistance will use the GPA as reported on grade mailers unless notified by the student or the registrar's office that there is a difference in the student's actual GPA.

**V. Maximum Hours**

Based on the federal 150% rule, students may not exceed 1.5 times the maximum number of credit hours required to complete their major degree program. Only one uncompleted major degree program will be used to determine the maximum hours. For example, if one is a chemistry major, the number of credit hours required for his/her major is 129 hours. To calculate the maximum hours one would use the following formula:  $129 \times 1.5 = 193.5$  hours. We will round the answer up to 194. Once a student exceeds these hours he/she will no longer be eligible for any type of federal aid as an undergraduate pursuing a first bachelor degree. \*

An associate degree example: If one is a nuclear medicine major, the number of credit hours required for the major is 72 hours. To calculate the maximum hours one would use the following formula:  $72 \times 1.5 = 108$  hours. Once the student exceeds these hours, he/she will no longer be eligible for any type of federal aid as an undergraduate pursuing an associate degree. \*

If one has completed an associate degree, or a bachelor degree, then he/she needs to contact the Office of Student Financial Assistance to arrange an agreement for the maximum hours allowed in that situation.

**\* Note:** Any misrepresentation of a degree program to the Office of Student Financial Assistance is a crime. The penalty assigned by the federal government is currently \$10,000 in fines and/or 5 years in prison. The penalty assigned by WVSC is the repayment of funds granted to the student.



**VI. Hours Passed**

**1. Bachelor Degree Students**

Hours Enrolled	Ratio of <b>total</b> hours passed vs. <b>total</b> enrolled to date
0-29	50%
30-59	56%
60-89	61%
90+	67%

**2. Associate Degree Students**

Hours Enrolled	Ratio of <b>total</b> hours passed vs. <b>total</b> enrolled to date
0-29	50%
30-44	58%
45+	67%

**VII. Withdrawal, Incomplete, Repeated, and Non Credit Remedial Hours**

These hours are counted for the calculation of hours enrolled.

**VIII. Transfer and Readmission**

Students who transfer into West Virginia State in the fall or spring term with more than one semester of classes and who do not meet the satisfactory academic progress requirements will be automatically placed on financial aid suspension and must appeal the suspension. Students seeking readmission to West Virginia State in the fall or spring term, who have attempted more than one semester of classes, and who do not meet the satisfactory academic progress requirements will be automatically placed on financial aid suspension and must appeal the suspension.

Transfer and readmission students who have completed one semester of classes prior to entering or re-entering West Virginia State will be given financial assistance as special conditional students, provided that the students meet the following criteria:

- Must be fully admitted
- Must not be more than 17 quality points deficient and on academic suspension
- Must not have exceeded the maximum hours allowed (Section V)

After the spring semester, students will be evaluated and placed on suspension if they fail to meet academic progress requirements.

**IX. Transient**

Transient students should seek financial assistance from their "home" school.



**X. First Time Freshman Students**

First time freshman students will all be accepted in good standing.

**XI. Provisional and Probationary Admissions**

Students who have provisional or probationary admissions status will not be granted financial assistance until fully admitted to the Institution.

**XII. Students who do not meet academic progress**

**1. Status of non compliance**

**1.a Suspension Status**

Students are placed on financial aid suspension status after one academic year. Students on suspension cannot receive financial assistance. Note that students on suspension can resume 'good' standing once they resume compliance with the GPA and Hours Passed rules and have not yet exceeded the maximum hours allowed.

**1.b Special Conditional Status**

Special conditional status is granted to students who are granted an appeal or to transfer and readmission students who have completed only one semester of classes. Students can receive aid during their special conditional status after signing their special conditional letter and returning it to the Office of Student Financial Assistance.

**2. Appeal Process**

The student may submit documented reasons to the Office of Student Financial Assistance for failure to maintain satisfactory academic progress. Valid reasons are listed below (section 2c). The academic progress requirements may be waived based on written procedures below.

This policy represents near minimum requirements to meet federal guidelines. With this understood, it should be clear that any appeals granted must be well documented as they would otherwise be violations of federal standards.

**2.a.1 Waiving Satisfactory Academic Requirements.**

Waivers may be decided by the financial assistance director or designated representative. Some cases may be decided by the appeal committee. In certain cases pertaining to maximum hours, the financial assistance director or designated representative may recommend special consideration to the appeals committee.

**2.a.2 Appeal Committee**



Appeal cases may be heard by the appeals committee after the student turns in the following documentation to the Office of Student Financial Assistance.

- An academic evaluation from a designated representative of the Vice President of Academic Affairs or the Provost of the Community and Technical College
- An Assessment from Collegiate Support and Counseling.

The student may submit documented reasons for failure to maintain satisfactory academic progress to the Office of Student Financial Assistance.

This policy represents near minimum requirements to meet federal guidelines. With this understood, it should be clear that any appeals granted must be well documented as they would otherwise be violations of federal standards.

The appeal committee shall be composed of the following representatives.

1. A member of the Student Government Association
2. A member of the Student Financial Assistance Office (non voting member)
3. A faculty member
4. A member of the administrative staff
5. Co-chair person Vice-President of Academic Affairs or designee
6. Co-chair person Vice-President of Student Affairs or designee

### **2.b Deadlines for Appeals**

Students planning to appeal should appeal as soon as they are notified of their financial aid suspension. Tuition and fees are due at the start of each term. In order to avoid difficulties involved in late payment of tuition and fees, apply for the appeal promptly and observe the deadline dates. For an appeal to have meaning, the appeal must be granted in time to allow the student's award to be processed before grades are released for that semester. In addition, student loans cannot be processed after the enrollment period ends. Federal regulations require that once the standing of a student is known, then the award must reflect that information. Thus, a student granted an appeal before the end of the semester and awarded after the end of the semester may become ineligible for the award by the time the award is granted. Financial aid appeals cannot be retroactive. To avoid this conflict the following deadlines must be observed.

#### **Deadlines to apply for appeals:**

Fall Semester	1 November.
Spring Semester	1 April.



### 2.c Appeal Procedures

The student must submit a request with documented reason for granting an appeal.

Appeals cannot be processed for the following two cases:

1. The student has exceeded maximum hours enrolled for the student's major degree program. Note exceptions in XII. 2.a.1.
2. The student is more than 17 quality points deficient and on academic suspension.

- The academic progress standing can be waived when one of the following conditions exists:
  1. Illness or injury of the student
  2. Illness, injury, or death of a family member
  3. Acts of God or nature i.e.: floods, fires, tornadoes, hurricanes, or earthquakes
  4. Criminal acts inflicted on the student or student's family For example: terrorism, kidnapping, or theft.
  5. Military involvement i.e.: draft or US service duty
  6. Emotional problems supported by documentation from a counseling agency, counselor or psychiatrist.
  7. Documented errors of an official designated representative of the Vice President of Academic Affairs or the Provost of the Community and Technical College resulting in unacceptable academic progress.
  8. Legal entanglements i.e.: divorce, child custody, extended jury duty or bankruptcy
- Students will be informed within ten (10) days of the appeal hearing decision.

### XIII. Definition of Terms

These definitions are included to help clarify the meanings of terms used in this policy:

Academic Year	An academic year consists of the fall and spring semesters and preceding summer session(s)
Federal College Work-Study (CWS)	A federal need-based work program available to many students if they are in compliance with this policy.
Direct Loan	See William D. Ford Federal Direct Student Loan Program.



Documentation	Supporting documentation is required for appeals. This documentation should be a copy of an official record showing one of the circumstances as outlined in section XII.2.c
GPA	The Overall Grade Point Average as calculated by the registrar's office and reported on grade mailers.
<b>Hours enrolled</b>	We count, in <b>hours enrolled</b> , every class hour one has ever taken at a college or university of higher education. The <b>hours enrolled</b> include only those hours from colleges and universities from which West Virginia State accepts credit. Note that we count all hours even if they do not count toward the student's degree at West Virginia State. Successfully completed hours, failed hours, withdrawals, incomplete, repeated and non-credit remedial hours are all used in the calculation of hours enrolled. Please understand that <b><u>hours enrolled is not hours attempted</u></b> . <b>Hours attempted</b> is used by the registrar to determine class standing (i.e., freshman, sophomore). The registrar counts <b>hours attempted</b> differently from the way the Office of Student Financial Assistance counts <b>hours enrolled</b> . Each time one enrolls for a class, <b>hours enrolled</b> increase. For Example: A student enrolls for 10 hours at each of 5 schools. Then the student transfers to West Virginia State, and the registrar's office accepts hours from 4 of the schools. The student would then start at West Virginia State with 40 <b>hours enrolled</b> .
Hours Passed	These are semester hours for courses where a grade of D or better has been earned.
Maximum Hours	The maximum hours allowed for a degree type either associate or bachelor degree.



	This is shown in section V of this policy.
Pell Grant	A federal need-based grant available to eligible students if they are in compliance with this policy.
Perkins Loans	A low interest, need-based loan available to early applicants for financial assistance who are in compliance with this policy.
Quality points deficient	A GPA of less than 2.0. Use this formula to calculate deficient quality points: $(2 - \text{GPA}) \times \text{hours passed} = \text{Quality points deficient}$ . For example: If one has a GPA of 1.5 and has passed 20 hours: $(2 - 1.5) \times 20 = 10$ quality points deficient. If one is over 17 quality points deficient then, he/she is not eligible for federal aid and cannot appeal.
Satisfactory progress	Satisfactory progress is compliance with the academic progress policy as stated in this document. The policy has three major components: GPA, maximum hours and hours passed. The maximum hours and hours passed have to do with <b>enrolled hours</b> also defined in section XIII.
State Student Incentive Grant Programs	Many states make this grant available for students from their states that meet requirements set out by the individual states. See <b>West Virginia Higher Education Grant Program</b> .
Supplemental Opportunity Grant (SEOG)	A federal need-based grant available to eligible students if they are in compliance with this policy.
West Virginia Higher Education Grant Program	A need-based WV State grant is available for many students who qualify: Students who apply by March 1, who are WV residents enrolled full time and who have a GPA of 2.00 through the first thirty hours and 2.25 thereafter.



William D. Ford Federal Direct  
Student Loan Program

Federal Direct Student loans include Unsubsidized Loans and Subsidized Loans. Direct PLUS loans are available for parents to assist students in attending college. Direct loans are available to students who are in compliance with this policy.

The Satisfactory Academic Progress Policy was reviewed by the Deans Council, the Financial Aid Appeals Committee, the Executive Staff and was approved by WVSU President Hazo W. Carter, Jr. on June 11, 1996. Revisions to the increment of measure were reviewed and approved on February 1, 2002.



## RETURN OF TITLE IV FUNDS

### Refund Policy

If you are receiving federal financial aid, you will not receive a refund until funds representing federal financial aid awards have been applied back to the respective program accounts. Normally the funds will be returned to the programs based on a concept of earned versus unearned aid. The "Return of Funds" rule assumes that a student earns his or her aid based on the period of time he or she remained enrolled.

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. The percentage of the period that the student remained enrolled is derived by dividing the number of days the student attended by the number of days in the period. Calendar days are used, but breaks of at least 5 days are excluded from both the numerator and denominator.

For a student who officially withdraws, the date of West Virginia State's determination that the student withdrew is the later of: the withdrawal date or the date of the student's notification to the Registration Office. For a student who did not provide notification of withdrawal, the date of West Virginia State's determination that the student withdrew is the date that West Virginia State becomes aware that the student ceased attendance. If West Virginia State is unable to determine the last date of attendance, we will use the 50% point of the term as the withdrawal date.

The responsibility to pay unearned aid is shared by West Virginia State and the student in proportion to the aid each is assumed to possess. West Virginia State's share is the lesser of the total amount of unearned aid or the institutional charges multiplied by the percentage of aid that was unearned. The student's share is the difference between the total unearned amount and West Virginia State's share.

A student who earned more aid than was disbursed prior to withdrawal is owed a post-withdrawal disbursement. Post-withdrawal disbursements must be made from available grants before loans. West Virginia State will credit post-withdrawal disbursements towards unpaid institutional charges. Any portion of a post-withdrawal disbursement not credited to the student's account will be offered to the student as a cash disbursement (or parent in case of a PLUS loan).