

WEST LIBERTY UNIVERSITY BOARD OF GOVERNORS

POLICY 54: STUDENT PRIVILEGES, RIGHTS AND RESPONSIBILITIES

Section 1. General

- 1.1. Scope - Policy regarding student privileges, rights and responsibilities and conduct at West Liberty University.
- 1.2. Authority - *West Virginia Code* §18B-1-6
- 1.3. Effective Date: December 11, 2006
- 1.4. Repeal of former rule - Repeals and replaces Series 57 of Title 131 Interpretive Rule of the Board of Directors of the State College System of West Virginia effective July 1, 1985.

Section 2. Purpose

- 2.1. Purpose - The purpose of this policy includes, but is not limited to, the following:
 - 2.1.1. To establish a general policy on student life, including a statement on student privileges, rights and responsibilities, at West Liberty University.
 - 2.1.2. To identify behavioral expectations of students and certain prohibited acts by students at West Liberty University.
 - 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 by the president and other officials of West Liberty University in applying this policy.
 - 2.1.5. To establish proceedings to be taken in cases of the violations of this policy.

Section 3. Definitions

- 3.1. Board of Governors - The West Liberty University Board of Governors.
- 3.2. Institution— West Liberty University and any other component of West Liberty University over which the Board of Governors shall have authority, responsibility or control.
- 3.3. President - The chief executive officer of the institution, whatever the title, whether responsible directly to the Board of Governors or through some other officer to the Board of Governors and shall include all those acting for or on behalf of such chief executive officer, at or by his/her discretion or at or by the direction of the Board of Governors.
- 3.4. University premises includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University (including adjacent streets and sidewalks).
- 3.5. Activity - All or any operations conducted, sponsored, promoted, operated or otherwise engaged in by the institution, including, by way of illustration and not as limitation of the foregoing, classroom and course activities, 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 an institution used or usable in any activity of the institution.
- 3.7. Campus - All the property and facilities of the institution serving as the locus in quo of any activity of the institution.
- 3.8. Faculty - any person hired by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of its faculty.
- 3.9. University official - any person employed by the University, performing assigned administrative or professional responsibilities (including student paraprofessional staff such as resident assistants).
- 3.10. Student - all persons taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, or professional studies. Persons who withdraw after allegedly violating the Student Code, who are not officially enrolled for a particular term but who have a continuing relationship with the University or who have been notified of their acceptance for admission are

considered “students” as are persons who are living in University residence halls, although not enrolled in this institution. This Student Code applies at all locations of the University, including areas outside of the main campus where classes or activities are held.

3.11. Member of the University community - any person who is a student, faculty member, University official or any other person employed by the University.

Section 4. Policies Regarding Student Privileges, Rights and Responsibilities

4.1. The submission of an application for admission to the institution represents an optional and voluntary decision on the part of the prospective student to partake of the program and privileges offered by the institution pursuant to the policies and procedures of the Board of Governors and the institution. Institutional approval of that application, in turn, represents the extension of a privilege to join the 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 and procedures of the Board of Governors and the institution.

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 privileges and responsibilities, including, but not limited to, the following:

- 4.2.1. To have access to campus resources and facilities;
- 4.2.2. To espouse causes within the bounds of constitutionally protected speech;
- 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 (as protected by the constitutions of West Virginia and the United States) which adheres to the canons of responsible journalism;
- 4.2.6. Not to violate the rights of others in matters of expressions and assembly;
- 4.2.7. To abide by policies and procedures of the Board of Governors and the institution 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 institution.

4.4. Privacy - The student is entitled to the same safeguards 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. 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. Responsibilities 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 the educational community, the student is expected to abide by the institution's Student Code of 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 provisions guaranteeing a process of fundamental fairness as are applicable to them. In all disciplinary proceedings, the student shall be considered not responsible until proven responsible of any charge. The president or designee shall have authority for promulgating procedures consistent with the policies of the Board of Governors.

Section 5. Standards of Conduct; Policies and Procedures

5.1. Conduct required in general - All students at the 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 and procedures of the Board of Governors and the institution;
- 5.1.5. The directions and orders of the officers, faculty and staff of the 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, on campus or off campus, are subject to institutional disciplinary action which may result in probation, educational sanction, restitution, activity or privilege restriction, suspension or expulsion or other sanction as articulated in the Student Code of Conduct 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 policies and procedures of the Board of Governors or the 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 the institutional community. Students involved in any such prohibited actions or conduct shall be subject to institutional disciplinary action which may result in probation, educational sanction, restitution, activity or privilege restriction, suspension or expulsion or other sanction as articulated in the Student Code of Conduct 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 privileges or rights of any member of the institutional 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 the institution or threaten to do so or refuse to depart from any property or facilities of the institution upon direction, pursuant to the policies and procedures of the Board of Governors or the institution, by an institutional officer, faculty or staff member or other person authorized by the president. Students involved in any such action or activities shall be subject to institutional disciplinary action which may result in probation, educational sanction, restitution, activity or privilege restriction, suspension or expulsion or other sanction as articulated in the Student Code of Conduct 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 president shall promulgate procedures prohibiting hazing in any form. Such procedures 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 policy in the student handbook or such other publications which are readily distributed to all students as may be appropriate. The

institutional policy shall provide that students involved in hazing activities are subject to institutional disciplinary action which may result in the sanctions of probation, educational sanction, restitution, activity or privilege restriction, suspension or expulsion or other sanction as articulated in the Student Code of Conduct 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 president shall take steps to ensure that the chief officer of each student organization is informed at least annually of the institution's hazing policy and the sanctions which may be imposed upon offending organizations;

5.5.4. Ensure that students accused of hazing offenses where the sanctions of suspension or expulsion may result are afforded the opportunity for a disciplinary hearing.

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. Students involved in any such action or activities shall be subject to institutional disciplinary action which may result in probation, suspension or expulsion or other sanction as articulated in the Student Code of Conduct whether or not there is prosecution for such actions in local, state or federal courts.

Section 6. Institutional Authority for Promulgating and Enforcing Policies and Procedures Related to Student Conduct

6.1. It shall be the president's duty to attend to and administer the laws of the state of West Virginia which may be applicable on the campus, the policies and procedures of the Board of Governors and the policies and procedures of the institution. The president is hereby 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 the president by this policy may be delegated by the president, subject to the control of the Board of Governors, to another person or persons on the faculty, staff or student body of the institution. All persons dealing in the matters so delegated by the president shall be required to deal with the persons to whom the president shall have delegated such authority, responsibility or duty and such persons shall be required to deal with the institution or the president through such designees except on appeal to the president as specified by the president.

6.3. Promulgation of institutional procedures for student discipline - The president of the institution or designee shall have authority and responsibility, subject to the policies of the Board of Governors, for the discipline of all students at the institution. The president, with the advice of faculty, staff and students and subject to the policies of the Board of Governors, shall develop, promulgate and use disciplinary procedures and channels at the institution not inconsistent with the policies and procedures of the Board of Governors.

6.4. Activities on and use of institutional property or facilities - The use by any person of the property or facilities of the institution shall be controlled and governed by the policies and procedures of the Board of Governors.

6.5. Public use of institutional property or facilities and restrictions imposed - Subject to the control of the Board of Governors, notwithstanding any procedure, policy or express or implied permission for the use of or presence in or on the property or facilities of the institution, 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 the president of the institution or the president's designee may be reasonably expected to cause harm to persons, property or facilities or disruption of or interference with any activity of the institution, is no longer authorized to be in or on the property or facilities of the institution. In such

instance, the president of the institution or designee shall cause such person to be ejected from, kept off, and kept out of the property and facilities of the institution. The president or 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 - 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 policy, procedure or permission express or implied notwithstanding.

6.7. Limitations of assembly and student use of institutional property or facilities - Subject to the control of the Board of Governors, when, in the judgment of the president, an assembly is not in the best interests of the 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 the president or 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 the president deems it necessary to end or to control such occurrences and the circumstances caused thereby, the 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 the 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 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 this policy.

6.8.3. See to the enforcement of the laws of the state of West Virginia, the policies and procedures of the Board of Governors or the rules of the Higher Education Policy Commission and the policies and procedures of the institution, including any emergency orders imposed as a result of the state of emergency so declared.