

4-2-2001

SR-00-01-(25) 66R2 (SCWC)

Marshall University

Follow this and additional works at: http://mds.marshall.edu/fs_recommendations

Recommended Citation

Marshall University, "SR-00-01-(25) 66R2 (SCWC)" (2001). *Recommendations*. 635.
http://mds.marshall.edu/fs_recommendations/635

This Article is brought to you for free and open access by the Faculty Senate at Marshall Digital Scholar. It has been accepted for inclusion in Recommendations by an authorized administrator of Marshall Digital Scholar. For more information, please contact zhangj@marshall.edu, martj@marshall.edu.

**STUDENT CONDUCT & WELFARE COMMITTEE
RECOMMENDATION**

SR-00-01-(25) 66R2 (SCWC)

Recommends that the University adopt the attached revision of the Student Code of Conduct.

The proposed new Code re-frames the essential elements of the existing Code under six positively-stated Standards for appropriate behavior.

This revision will replace the Code of Conduct introduction and sections I – III that appear on pages 62-66 of the *2000-2001 Student Handbook*. It will also replace the following sections contained under the heading "Judicial System" on pages 57-60 of the *2000-2001 Student Handbook*: Introduction; Off-Campus Conduct; Definitions; Board of Trustees' Policies.

RATIONALE:

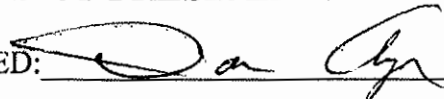
(1) To reframe the Code under POSITIVE standards; (2) To rephrase and reclassify the categories of proscribed conduct as necessary to conform to current state and federal requirements for record keeping and reporting; (3) Refine and revise the language of the code and the sanction standards to match precedence and current practice within the student judicial system at Marshall; and (4) To clarify definitions. (See Edward N. Stoner, II., esq.: *A MODEL CODE FOR STUDENT DISCIPLINE* (1998) in Paterson & Kibler, *The Administration of Campus Discipline: Student Organizational and Community Issues*. Asheville, NC: College Administration Publications)

FACULTY SENATE PRESIDENT:

APPROVED
BY SENATE: Donna Donathaw DATE: 4/2/2001

DISAPPROVED
BY SENATE: _____ DATE: _____

UNIVERSITY PRESIDENT:

APPROVED:  DATE: 4/3/2001

DISAPPROVED: _____ DATE: _____

COMMENTS: _____

Proposed Revisions

(Note: Introductory Sections and Definitions (through line 270) are edited and revised expressions of existing policy and practice included on pp 57 – 59 of the 2000- 2001 Handbook and are NOT substantive revisions. In the “Standards” section, line 272 et seq, all material that is in the current code is presented in upper and lower case. Material to be deleted is in strikethrough mode; new material and changes are in **BOLD UPPER CASE.**)

THE CODE OF STUDENT RIGHTS AND RESPONSIBILITIES

PURPOSE: The Code of Student Rights and Responsibilities – also referred to as the Code of Conduct -- reflects the University community’s expectations and standards established for each of its members. The Code and student judicial system are founded on principles of fairness and due process, and a commitment to the educational development of students, and are designed to balance the interests of the University community as a whole with the protection of students’ individual liberties.

Disciplinary action on campus deals administratively and developmentally with prohibited or unacceptable student behavior in the University community. Any student or organization may be referred by any complainant to the Office of Judicial Affairs. Official University action will be taken when a student’s or student group’s behavior violates community standards, interferes either with the University’s educational purpose, or with its duty to protect and preserve individual health, welfare, and property. When the behavior is aggravated or presents a continuing danger to the University community, accused students are subject to separation from the institution.

Thus, the primary purpose of this Code is to serve the interests of both the Marshall community and the individual student by: (1) establishing the University’s authority to discipline students; (2) outlining the general rights and responsibilities of students; (3) asserting the specific standards of conduct expected of students; (4) describing actions which can be taken when misconduct occurs; (5) establishing procedures which ensure due process in the adjudication of complaints concerning students; and (6) imposing sanctions and/or providing conflict resolution in the University setting to protect, deter, and educate.

AUTHORITY FOR STUDENT DISCIPLINE: The Marshall University Student Judicial System and The Code of Student Rights And Responsibilities are promulgated under the authority of the Board of Trustees of the University of West Virginia System. Board of Trustees’ Policy Bulletin 57 sets forth policies, rules and regulations regarding student rights, responsibilities and conduct in West Virginia Universities and Colleges. Students should familiarize themselves with Policy Bulletin 57, which is printed in the *Student Handbook*.

38

39 By action of the Board of Trustees, the President of the University is responsible for all
40 matters of student discipline, including the preservation of due process procedures. This
41 responsibility is normally delegated to the Dean of Student Affairs and the Office of Judicial
42 Affairs for the purpose of implementing approved policies and regulations. However, the
43 President's ultimate authority in the regulation of student conduct, including direct intervention
44 by the President when appropriate, is presumed by this Code.

45 The Code of Student Rights and Responsibilities and the Student Judicial System are
46 subject to change and amendment. Marshall University's student-based system gives students
47 maximum opportunities to participate in the formulation of policies concerning student conduct
48 and in the adjudication of cases arising under that policy. Because maintenance of discipline
49 and preservation of community standards are properly the concern of all students, faculty,
50 staff, and administration, all members of the University community will be provided with
51 appropriate opportunities for representation or involvement in the development, revision, and
52 maintenance of the Code of Student Rights and Responsibilities. All changes made shall take
53 effect immediately following approval by the Student Conduct and Welfare Committee, the
54 Faculty Senate, and the President of the University.

55 **STUDENT RIGHTS AND RESPONSIBILITIES:** All students, undergraduate and
56 graduate, as defined by the Board of Trustees and in this Code, are subject to the provisions of
57 this Code.

58 A student's application for admission to Marshall represents an optional and voluntary
59 decision to partake of the University's program and privileges and to abide by the University's
60 policies, rules and regulations. The University's approval of that application, in turn, represents
61 the extension of a right or privilege to join the Marshall community and to remain a part of it so
62 long as the student fulfills the academic and behavioral expectations set forth by Marshall
63 University and its Board of Trustees. Upon acceptance to the University, each student acquires
64 rights and assumes responsibilities as an individual member of the University community.
65 Therefore, students and student organizations are expected at all times to conduct themselves
66 in accordance with University policies and regulations.

67 The West Virginia Board of Trustees' Policy Bulletin 57 establishes and explains
68 the following basic rights and responsibilities of students in West Virginia's state colleges and
69 universities:

- 70
- Freedom of Expression and Assembly;

71

72

- Freedom of Association;

73

- Right to Privacy;

74

- Assumption of the Responsibilities of Citizenship;

75

- Fundamental Fairness in Disciplinary Proceedings.

76

77

78

79

Students charged with violating University regulations or standards are guaranteed fundamental fairness in the notification of charges, the conduct of hearings, the imposition of sanctions, and the routes of appeal. Marshall University pledges to uphold students' rights guaranteed under the United States Constitution and Federal and State statutes.

80

81

82

83

84

85

86

JURISDICTION: Because the primary purpose of this Code is to support the protection and advancement of the University community's particular educational interests, conduct proscribed and reviewed under the Code of Student Rights and Responsibilities will, in most cases, refer to behaviors that occur on or about University premises, at University-sponsored events, or that are engaged in by University-recognized student organizations. However, Marshall University retains the right to review, under the Student Judicial System, the off-campus conduct of students when such conduct is alleged to

87

- Interfere with the Mission of the University; and/or

88

- Compromise the University's integrity in the granting of degrees or other certification; and/or

89

90

- Threaten the health or safety of members of the campus community; and/or

91

- Interfere with the orderly operation of the University.

92

93

94

Complaints about students' off-campus behavior will be considered on a case-by-case basis, following these guidelines, to determine whether they merit review within the Student Judicial System.

95

96

97

98

Marshall University enjoys close and mutually supportive relationships with the communities in which its campuses are located and expects University students to abide by the laws of these communities. Marshall acknowledges the right and duty of these communities to prosecute and hold accountable any persons found in violation of their laws.

99

100

101

102

103

Group Responsibility: The Code of Student Rights and Responsibilities applies to the behavior of recognized student organizations both on and off campus. Marshall University has established the following group responsibility policy to define organizations' responsibility for the actions of their members. This policy pertains, but is not limited, to incidents involving hazing, discrimination, vandalism, theft, alcohol or substance abuse, dishonesty, disorderly

104
105 conduct, violence, misuse of organization or University funds and any other violations of the
106 Code of Student Rights and Responsibilities.

107 Upon registration or recognition, or application for recognition, by the University, each
108 student organization becomes responsible for acting in accordance with the provisions of the
109 Code of Conduct and all other applicable University and community policies and standards.
110 Official University action will be taken when the behavior of the members of a student
111 organization violates community standards and interferes either with the University's
112 educational purpose, or with its duty to protect individual health, welfare, and property.

113 The degree to which an organization is responsible for the activity of its members is not
114 necessarily dependent upon the number of members engaging in the activity, but depends
115 upon whether the activity is related to the organization as described in the four categories
116 listed below. Student organizations may be held responsible for the acts of individual
117 members,

118 --when a member of an organization is violating local, state, or federal law or University
119 regulations and other members present, by failing to discourage such activity, tacitly condone
120 the behavior;

121 --when the acts grow out of or are directly related to the student organization's activities
122 or an environment created by the organizations;

123 --when the acts are those of guests of an organization, or by persons authorized or
124 permitted to represent themselves as connected with the organization;

125 --when an organization places prospective members in a subordinated status prior to
126 achieving full membership, or imposes any kind of probationary period prior to full
127 membership, and hazing occurs.

128 In addition to the group being held culpable, members and officers may be cited and
129 held responsible as individuals for their roles in any violations of the Code.

130 **CONCURRENT CRIMINAL PROCEEDINGS:** Because students are also members of
131 larger communities such as city, state and nation, their conduct may also be subject to review
132 within another jurisdiction(s), when such conduct violates the laws of those jurisdictions.
133 Criminal prosecution in the court system is designed to be punitive and to provide social
134 consequences for convicted offenders. Therefore, disciplinary action under the Code of
135 Student Rights and Responsibilities is not and cannot be a substitute for judicial mechanisms
136 of the larger community. Students charged under the University's Code of Conduct may also

137

138 be held responsible for violating existing local, state, and federal law. Because the purposes
139 and consequences of the two processes are so different, such concurrent reviews are mutually
140 exclusive and do not create double jeopardy for charged students.

141 Disciplinary action at the University will in most case proceed without regard to the
142 status of criminal proceedings and will not be subject to challenge on the grounds that criminal
143 charges involving the same incident have been dismissed or reduced. However, the University
144 reserves the right to postpone campus disciplinary proceedings during the pendency of
145 criminal proceedings when the conduct of such campus proceedings would interfere with the
146 concurrent civil or criminal process. The decision to postpone on the grounds of interference
147 will be made by the President or his/her designee upon the request of the accused student or
148 of the prosecutor or complainant.

149 **INTERPRETATION OF REGULATIONS:** The purpose of publishing disciplinary
150 regulations is to give students general notice of proscribed behavior. This Code is not written
151 with the specificity of a criminal statute.

152

153 **DEFINITIONS**

154 **Activity:** All or any operations conducted, sponsored, promoted, operated or otherwise
155 engaged in by Marshall University, including, by way of illustration and not as limitation of the
156 foregoing, classroom and course activities, recreational and cultural programs, committee or
157 other business activity, registration, advising, teaching, research, or service.

158 **Administrative Hearing Examiner:** A faculty or staff member versed in the judicial process
159 who, as an alternative to a hearing panel, hears cases of alleged violations, renders decisions,
160 and recommends sanctions.

161 **Advocate:** A full-time student approved to provide, on a voluntary basis, advice, assistance
162 and representation to students charged with violating the Code of Student Rights and
163 Responsibilities; or to represent the University or assist or represent student complainants in
164 presenting their cases at judicial hearings. Advocates must meet established criteria and
165 complete University-sponsored training.

166 **Advocate Society:** An organization of students dedicated to the promotion and preservation of
167 student rights and responsibilities at Marshall University.

168 **Authorized:** As used in this Code, the term refers to any behavior or activity that is specifically
169 permitted by policy or by the express action of a University official who has the right to grant
170 such permission.

171

172 **Complainant:** Any person who brings to a University official a complaint, whether written or
173 oral, about the conduct of a student. This term may be synonymous with Member of the
174 University Community, as defined below.

175 **Day:** The term "day" shall refer to calendar days unless otherwise specified.

176 **Director of Judicial Programs:** The staff member designated by Marshall University as
177 responsible for administration of the Code of Student Rights and Responsibilities. The
178 Director's duties include but are not limited to investigating complaints, charging students with
179 violations, imposing sanctions, and representing the University in hearings. The Director
180 supervises the selection and training of student justices and advocates.

181 **Due Process:** Appropriate protection of the rights of an individual while determining his/her
182 liability for wrongdoing and the applicability of sanctions.

183 **Hearing Officer:** Any Marshall University faculty or staff member, or experienced upper class
184 or graduate student, well versed in the judicial process, appointed to preside over a student
185 judicial hearing. The Hearing Officer's function is to ensure that a hearing is conducted fairly
186 and in compliance with stated policy. A Hearing Officer provides "technical" advice to the
187 hearing panel, but does not vote or participate in decision-making.

188 **Hearing Panel:** The three- or five-member group of student justices, or student and faculty or
189 staff justices, assigned to hear a specific case.

190 **Intent, Intentional, and Intentionally:** These terms shall apply to conduct engaged in or
191 committed by purposeful design or with reckless disregard for the consequences of the act.

192 **Judicial Affairs:** The division of the Department of Student Affairs responsible for the
193 University-wide implementation of the Code of Student Rights and Responsibilities and the
194 student judicial system.

195 **Judiciary:** The aggregate association of full-time students, faculty, and staff members from
196 which are drawn members who serve on hearing panels and serve as hearing officers, hearing
197 examiners, and advocates.

198 **Member of the University Community:** Any officer, administrator, faculty member, staff
199 member, employee, or student of Marshall University, as well as any person authorized to
200 participate in an institutional activity at the time applicable.

201 **Justices:** Full-time students and faculty and staff members who, on a voluntary basis, hear
202 student judicial cases and recommend sanctions for students found in violation of the Code of
203 Conduct. Justices must meet established criteria and complete University-supervised training.

204

205 **President:** The chief executive officer of Marshall University, whether responsible directly to
206 the Board of Trustees or through some other officer to the Board of Trustees, and shall include
207 all those acting for or on behalf of such chief executive officer, at or by his or her direction, or
208 at or by the direction of the Board of Trustees.

209 **Reasonable Care:** That degree of care which would be exercised by the ordinarily prudent
210 person under like or similar circumstances.

211 **Respondent:** In any given judicial case, the respondent is the student about whom a
212 complaint has been made or against whom charges have been filed. Also referred to as
213 "accused" or "charged" student.

214 **Student:** Any person who has been admitted to an institution to pursue a course of study,
215 research or service, who is currently engaged in an institutional-sponsored activity, or who has
216 some right or privilege to be on campus or in the facilities of the institution, or who yet has
217 some right or privilege to receive any benefit, service, or recognition or certification from the
218 institution, under the rules, regulation, or policies of the Board of Trustees or the Institution.
219 The term "student" when used in this code includes all persons taking courses at or from
220 Marshall University, both full-time and part-time, pursuing undergraduate, graduate, or
221 professional studies and those who attend educational institutions other than Marshall
222 University and who reside in Marshall University residence halls or utilize Marshall University
223 facilities or services for the purpose of pursuing studies at those institutions. For the purposes
224 of the Code of Conduct, persons who have been admitted to Marshall University, but are not
225 officially registered for a particular term, and/or who have a right to, or expectation of, a
226 continuing or future student relationship with Marshall University are considered "students." A
227 person shall be considered a student during any break or holiday period that occurs during a
228 term in which that person is registered or between terms for which that person registers. A
229 person shall be considered a student while suspended from the institution, or while the person
230 is attending or participating in any activity preparatory to the beginning of a term, including, but
231 not limited to, athletic training, orientation, placement testing, and residence hall check-in.

232 **Student Organization:** Any group of persons who have complied with formal requirements for
233 provisionary or full recognition as a student organization at Marshall University, including social
234 fraternities and sororities, and organizations whose recognition has been suspended.

235 **Unauthorized:** An act or behavior not permitted by policy or by the express action of a
236 University Official with the authority to grant such permission.

237

238 **University:** This term, where used in this document, refers to Marshall University, including all
239 branch campuses and affiliated units and centers.

240 **University Official:** This term includes any person employed by Marshall University or the
241 Board of Trustees of the WV state college and university system, performing assigned duties
242 or professional responsibilities.

243 **University Premises:** All the land, buildings, facilities, and other property including intellectual
244 and virtual property, owned, used, or controlled by Marshall University, including adjacent
245 streets and sidewalks. This incorporates the Board of Trustees' definitions for "property,"
246 "facility," and "campus."

247

248 **STANDARDS and PROSCRIBED CONDUCT**

249 The following standards, which express the University's expectations for student
250 conduct, are essential to the University's educational mission. Participation by students in
251 activities that violate the standards, including the proscribed behaviors listed under each
252 standard, may result in referral to the Office of Judicial Affairs or to another University office
253 responsible for examining and upholding standards of conduct, in accordance with the due
254 process guarantees and procedures defined in this Code and in Board of Trustees' Policy
255 Bulletin 57.

256 The *maximum* sanction applicable to each proscribed behavior is noted in parentheses
257 following the description of the behavior: P = Probation; PS = Probationary Suspension; SP =
258 Suspension; EX = Expulsion.

259

260 **STANDARD 1: MARSHALL UNIVERSITY STUDENTS AND STUDENT GROUPS OBSERVE** 261 **THE HIGHEST PRINCIPLES OF HONESTY AND INTEGRITY AND SUPPORT A CAMPUS** 262 **ENVIRONMENT CONDUCIVE TO TRUST AND SCHOLARSHIP.**

263 **VIOLATIONS OF THIS STANDARD INCLUDE BUT ARE NOT LIMITED TO:**

264 1.A. All forms of academic misconduct, wherever committed, as defined in the Statement
265 of Student Academic Rights and Responsibilities. **SUCH MISCONDUCT** includes
266 cheating, plagiarism, **MISREPRESENTATION OR FALSIFICATION OF DATA, OR**
267 **COLLABORATION WITH OTHERS ON AN ACADEMIC ASSIGNMENT UNLESS**
268 **SPECIFICALLY PERMITTED BY THE INSTRUCTOR.** Under West Virginia Board of
269 Trustees Policy Bulletin No. 60, disciplinary action for academic misconduct will, in most
270 cases, be the responsibility of the academic unit in which the misconduct occurred.

- 271
- 272 Sanctions and appeal routes for academic misconduct are described in the Statement of
- 273 Student Academic Rights and Responsibilities. (EX)
- 274 1.B. Unauthorized taking or possession of academic records, University documents,
- 275 academic documents, or the academic work of others. (EX)
- 276 1.C. Unauthorized alteration of academic records, University documents, academic
- 277 documents, or the academic work of others. (EX)
- 278 1.D. Furnishing false information to the University by forgery, alteration, or misuse of
- 279 documents with the intent to deceive. (EX)
- 280 1.E. Furnishing to a University office or official a written or oral statement known to be
- 281 false. (EX)
- 282 **1.F. FALSIFICATION, DISTORTION, OR MISREPRESENTATION OF INFORMATION**
- 283 **BEFORE A UNIVERSITY JUDICIAL OFFICER, HEARING PANEL, OR GRIEVANCE**
- 284 **BOARD. (EX)**
- 285 1.G. Complicity with others in violation of this standard. (EX)
- 286

287 **STANDARD 2: MARSHALL UNIVERSITY STUDENTS AND STUDENT GROUPS RESPECT**

288 **AND PROMOTE THE HEALTH, SAFETY, AND WELFARE OF ALL PERSONS, INCLUDING**

289 **THEMSELVES.**

290 Violations of this standard include but are not limited to:

- 291 2.A. Inflicting bodily harm or coercing or restraining any person, (EX)
- 292 2.B. Threatening to inflict bodily harm or to coerce or restrain any person, (EX)
- 293 2.C. Sexual assault, abuse, **OR MISCONDUCT, INCLUDING ANY SEXUAL ACTS**
- 294 **COMMITTED WITHOUT THE LEGITIMATE CONSENT OF THE VICTIM AND ANY**
- 295 **OTHER VIOLATION OF UNIVERSITY POLICIES CONCERNING SEXUAL**
- 296 **MISCONDUCT. (EX)**
- 297 2.D. Brandishing of weapons. (EX)
- 298 2.E. Possession or storage of any weapon, dangerous devices or substances, including, but
- 299 not limited to, any firearm, pellet gun, illegal knife, sling shot, ammunition, dangerous
- 300 chemical, fireworks or explosive device, or other dangerous weapon. **[SEE THE**
- 301 **WEAPONS POLICY ELSEWHERE IN THE STUDENT HANDBOOK]** (EX)
- 302 2.F. Fighting. ~~Disruption of the peace on or about University premises by fighting.~~ (P) (SP)
- 303

- 304
- 305 2.G. Intentionally initiating or causing to be initiated any false report, warning, or threat of
306 impending fire, explosion, or any emergency. (EX)
- 307 2.H. Intentionally causing the evacuation of a University building for reasons known to be
308 false. (EX)
- 309 2.I. Tampering with, misusing, abusing, or altering any safety equipment or devices,
310 including but not limited to, fire extinguishers, emergency telephones. (EX)
- 311 2.J. Violation of the Board of Trustees or University policies concerning hazing. Hazing is
312 defined in the Student Handbook. (SP)
- 313 2.K. Intimidation: Committing, conspiring to commit, or causing to be committed any act
314 ~~which causes or is likely to cause physical or mental harm or which tends to injure, actually~~
315 ~~injures,~~ **DIRECTED TOWARD A SPECIFIC PERSON OR PERSONS WITH THE INTENT**
316 **AND/OR EFFECT OF stigmatizing, frightening, COERCING, or demeaning** THAT any
317 person. **THIS INCLUDES** retaliation or threatened retaliation against any person who files a
318 complaint or testifies in a campus judicial case ~~is considered intimidation.~~ (EX)
- 319 2.L. Stalking: **ENGAGING IN AN INTENTIONAL COURSE OF BEHAVIOR DIRECTED AT**
320 **A SPECIFIC PERSON OR PERSONS, WHICH FRIGHTENS, INTIMIDATES, OR**
321 **HARASSES, AND WHICH SERVES NO LEGITIMATE PURPOSE.** (EX)
- 322 2.M. **OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL**
323 **OR OTHER DRUGS.** (SP)
- 324 2.N. Negligent Bodily Harm: Failure to exercise reasonable care, thereby causing bodily
325 harm. (SP)
- 326 2.O. Throwing objects from or causing objects to fall from University buildings. ~~(EX)~~ (SP)
- 327 2.P. Interference with Emergency Services and procedures. This includes obstructing or
328 hindering the maintenance, provision, or function of such emergency services as fire
329 department, police department, security, first aid, ~~or rescue;~~ and obstructing or hindering
330 emergency or practice evacuation or similar procedures announced for any building or
331 facility. (EX)
- 332 2.Q. **VIOLATION OF UNIVERSITY POLICIES REGARDING SMOKING AND TOBACCO**
333 **USE ON UNIVERSITY PROPERTY [REFER TO THE SMOKING POLICY IN THE**
334 **STUDENT HANDBOOK].** (P)
- 335 2.R. Complicity with others in violation of this standard. (EX)
- 336

337

338 **STANDARD 3: MARSHALL UNIVERSITY STUDENTS AND STUDENT GROUPS RESPECT**
339 **AND HONOR THE HUMAN RIGHTS AND DIGNITY OF OTHER PERSONS, GROUPS, AND**
340 **ORGANIZATIONS.**

341 **VIOLATIONS OF THIS STANDARD INCLUDE BUT ARE NOT LIMITED TO:**

342 3.A. Harassment: Committing, conspiring to commit, or causing to be committed any act
343 ***DIRECTED TOWARD A SPECIFIC PERSON OR PERSONS WITH THE INTENT AND/OR***
344 ***EFFECT OF*** ~~which causes or is likely to cause~~ **CAUSING** physical or mental harm,
345 **INJURY, FEAR, STIGMA, DISGRACE, DEGRADATION, OR EMBARRASSMENT.** ~~or which~~
346 ~~tends to injure or actually injures, intimidates, stigmatizes, frightens, demeans, degrades, or~~
347 ~~disgraces any person or group. This includes but is not limited to racial, sexual, or peer~~
348 ~~harassment. (EX)~~

349 3.A.1. *Racial Harassment*, as defined in the Student Handbook, includes acts exhibiting
350 prejudice and/or racism and/or failure to follow University Policies concerning Acts of
351 Intolerance.

352 3.A.2. *Sexual Harassment* includes failure to follow University Policies concerning Acts of
353 Intolerance and/or violation of University policies concerning sexual harassment as
354 defined in Section 3 of the Marshall University Sexual Harassment Policy in the Student
355 Handbook.

356 3.B. **INCIVILITY OR DISRESPECT OF PERSONS. (PS)** ~~Conduct which Causes Emotional~~
357 ~~Distress: This includes conduct which results in physical manifestations, significant~~
358 ~~restraints on normal behavior or conduct, and/or which compels the victim to seek~~
359 ~~assistance in dealing with the distress. (P)~~

360 3.C. Lewd, indecent, or obscene conduct or expression ~~on University owned or controlled~~
361 ~~property or at University sponsored or supervised functions. (SP)~~

362 3.D. Unlawful discrimination on the basis of race, sex, color, national origin, religion, political
363 affiliation, handicap, age, or sexual orientation. (EX)

364 **3.E. COMMITMENT OF ANY VIOLATION IN THIS CODE FOR THE PURPOSES OF**
365 **HARASSING AND/OR DISCRIMINATING ON THE BASIS OF RACE, SEX, COLOR,**
366 **NATIONAL ORIGIN, RELIGION, POLITICAL AFFILIATION, HANDICAP, AGE, OR**
367 **SEXUAL ORIENTATION. (EX)**

368 3.F. Complicity with others in violation of this standard. (EX)

369

370

371 **STANDARD 4: MARSHALL UNIVERSITY STUDENTS AND STUDENT GROUPS UPHOLD**
372 **THE MISSION OF THE UNIVERSITY BY PROTECTING AND PRESERVING A CAMPUS**
373 **ENVIRONMENT CONSONANT WITH THE UNIVERSITY'S EDUCATIONAL AND**
374 **ACADEMIC GOALS.**

375 **VIOLATIONS OF THIS STANDARD INCLUDE, BUT ARE NOT LIMITED TO:**

376 **4.A.** Unauthorized possession or use of drugs or narcotics. This includes any drug for which
377 the required prescription has not been validly obtained. (SP)

378 **4.B.** Unauthorized possession, use, **OR DISTRIBUTION of alcoholic beverages or beer,**
379 **AS DEFINED BY ALCOHOLIC BEVERAGE POLICIES ESTABLISHED BY THE**
380 **UNIVERSITY AND ITS GOVERNING BODIES. (P) (SP)**

381 **4.C.** Behavior that evinces underage consumption of alcoholic beverages or beer. (P)

382 **4.D.** Actual, attempted, or intended manufacture, cultivation, distribution and/or sale of drugs,
383 narcotics or marijuana or other controlled substances. (EX)

384 **4.E. DISRUPTIVE OR DISORDERLY BEHAVIOR ATTRIBUTABLE TO THE USE OF**
385 **ALCOHOL OR OTHER CONTROLLED SUBSTANCE(S), INCLUDING PUBLIC**
386 **INTOXICATION.** ~~Disorderly Conduct: this includes, but is not limited to public intoxication~~
387 ~~---~~ **(P) (SP)**

388 **4.F.** Misbehavior at Sports Events, Concerts, or Social/Cultural Events. (SP) This includes,
389 but is not limited to:

390 **4.F.1.** Throwing of any article into a crowd or onto a playing field, court or stage.

391 ~~4.F.2.~~ Bringing bottles, coolers or other prohibited items into the stadium, Henderson
392 Center, track, theatre, or to any University sponsored events unless permitted by the
393 appropriate University officials. ~~Thermoses are allowed but the University reserves the~~
394 ~~right to check the contents.~~

395 ~~4.F.3.~~ ~~Displaying in the Marshall Stadium, the Henderson Center, or any University~~
396 ~~sponsored event~~ **AT ANY SPORTS OR CULTURAL EVENT** any unauthorized or
397 obscene, offensive, or obstructive banner or sign.

398 **4.F.4. INAPPROPRIATE YELLING AT OR HARASSMENT OF PERFORMERS,**
399 **ATHLETES, SPECTATORS OR EVENT STAFF.**

400 **4.F.5. VIOLATIONS OF THE MAC CODE OF SPECTATOR CONDUCT AS PRESENTED**
401 **IN THE STUDENT HANDBOOK.**

402

- 403
404 4.G. Unauthorized animals on campus or other violation of the University's Animal Policy
405 [presented in the Student Handbook]. (P)
406 **4.H. DISRUPTIVE OR** disorderly conduct; disturbing the peace **THROUGH NOISE,**
407 **ROWDINESS, OR PRANKS. (P)**
408 4.I. Obstructing or interfering with the orderly conduct of University affairs including
409 teaching, research, administrative and disciplinary procedures, University sponsored
410 elections, or any University-sponsored activity ~~on University premises.~~ (EX)
411 4.J. Obstructing the free flow of vehicular or pedestrian traffic on University premises. (PS)
412 4.K. Failure to comply with the lawful direction of University or other law enforcement
413 officers, or University officials in the proper performance of their duties. ~~(SP)~~ (PS)
414 4.L. Complicity with others in violation of this standard. (SP)
415

416 **STANDARD 5: MARSHALL UNIVERSITY STUDENTS AND STUDENT GROUPS RESPECT**
417 **THE PROPERTY OF OTHERS, AND THE PROPERTY, FACILITIES, AND RESOURCES OF**
418 **THE UNIVERSITY.**

419 **VIOLATIONS OF THIS STANDARD INCLUDE, BUT ARE NOT LIMITED TO:**

- 420 5.A. Defacement, damage, destruction, or interference with any property, property right, or
421 service belonging to other persons, groups, or organizations. (EX)
422 5.B. Theft or unauthorized possession of, or misuse of property belonging to other persons,
423 groups, or organizations. This includes possessing, receiving, or storing property known to
424 have been wrongfully taken from the University or from any person or group. (EX)
425 ~~5.C.~~ Theft or unauthorized use of, or misuse of, or interference with, **SERVICES-PROVIDED**
426 **BY OR FOR OTHER PERSONS, GROUPS, OR ORGANIZATIONS. THIS INCLUDES**
427 **BUT IS NOT LIMITED TO telephone SERVICES, CREDIT SERVICES, MAIL SERVICES,**
428 **TUTORING SERVICES, PHOTOCOPYING** services ~~duplicating equipment, typewriters,~~
429 ~~etc.~~ (EX)
430 5.D. Negligent Destruction or Impairment of Property or Services: Failure to exercise
431 reasonable care, thereby causing damage, defacement, destruction, theft or loss of
432 property belonging to the University or any person or group. (SP)
433 5.E. Negligent Risk of Destruction or Impairment of Property or Services: Failure to exercise
434 reasonable care, thereby creating a risk of damage, defacement, destruction, theft or loss
435 of property belonging to the University or any person or group. ~~(SP)~~ (PS)

- 436
- 437 5.F. Misuse of University Keys: The unauthorized duplication, attempted duplication, use,
438 loan, or possession of any key to any building, room, property, or facility owned or
439 controlled by the University. ~~(EX)~~ (SP)
- 440 5.G. Forcibly breaking into and/or entering, or attempting to break into, any building, room,
441 locker, vehicle, or other facility ~~on university premises~~. (EX)
- 442 5.H. **MISUSE OF COMPUTING NETWORKS, SERVICES, SYSTEMS, OR EQUIPMENT,**
443 **INCLUDING BUT NOT LIMITED TO, UNAUTHORIZED ACCESSING OF ACCOUNTS,**
444 **SHARING OF PASSWORDS, AND ALL OTHER PROVISIONS OF THE UNIVERSITY'S**
445 **USAGE AND ABUSE POLICIES FOR ITS INFORMATION TECHNOLOGY**
446 **ENVIRONMENT, AS APPROVED BY THE STUDENT CONDUCT AND WELFARE**
447 **COMMITTEE AND SET FORTH IN THE STUDENT HANDBOOK. THIS INCLUDES**
448 **USING COMPUTER SERVICES TO VIOLATE OR AID IN THE VIOLATION OF ANY**
449 **OTHER PROVISION OF THIS CODE. (EX)** *[see page 64 of 2000-2001 handbook for*
450 *current language of this violation]*
- 451 5.I. Unauthorized presence or trespassing in or use of any University building or facility.
452 (SP)
- 453 5.J. Improper or unauthorized usage of any university building or facility. ~~(SP)~~ (PS)
- 454 5.K. Misuse of University telephones, including charging or causing to be charged any long
455 distance or other toll telephone call to a University telephone without proper authorization.
456 ~~Damage or destruction to or tampering with University telephones.~~ (SP)
- 457 5.L. Misuse of any University identification material, **INCLUDING** loaning, transferring,
458 altering, or borrowing ~~or otherwise misusing official University identification materials.~~ (P)
459 (SP)
- 460 ~~5.M. Complicity with others in violation of this standard.~~ (EX)

461

462 **STANDARD 6: MARSHALL UNIVERSITY STUDENTS AND STUDENT GROUPS UPHOLD**
463 **THE MISSION OF THE UNIVERSITY BY BEING RESPONSIBLE CITIZENS. MARSHALL**
464 **UNIVERSITY STUDENTS AND STUDENT GROUPS COMPLY WITH THE POLICIES,**
465 **PROCEDURES, AND PROGRAMS OF THE UNIVERSITY AND THE WV UNIVERSITY**
466 **SYSTEM, AND OBEY ALL FEDERAL, STATE, AND LOCAL LAWS.**

467 **VIOLATIONS OF THIS STANDARD INCLUDE BUT ARE NOT LIMITED TO:**

468

469

470 6.A. Gambling, including but not limited to ~~gambling by organizations or individuals including~~
471 participation in chain letters, games of chance, betting pools, and unauthorized raffles or
472 lotteries ~~at any time in any function for a price higher than the price originally listed on the~~
473 ~~ticket.~~ (P) (SP)

474 6.B. Scalping: **SELLING TICKETS TO UNIVERSITY FUNCTIONS FOR ANY PRICE**
475 **HIGHER THAN THE PRICE SHOWN ON THE TICKET OR HIGHER THAN THE**
476 **ORIGINAL PRICE OF THE TICKET.** (P) (SP)

477 6.C. Violation of the University's Policies for Fundraising, Sales and Solicitation and public
478 communication. (P) (PS)

479 6.D. **VIOLATION OF THE POLICIES FOR DEMONSTRATIONS AND MASS**
480 **GATHERINGS.** (PS)

481 6.E. **VIOLATION OF UNIVERSITY POLICIES GOVERNING THE POSTING OF**
482 **INFORMATION.**

483 6.F. Violations of Residence Services policies and/or procedures as stated in University
484 Publications Provided that These Documents Have Been Approved by the Student Conduct
485 and Welfare Committee. **STANDARD 6F ADDRESSES POLICIES SPECIFIC TO THE**
486 **OPERATION OF CAMPUS RESIDENCE HALLS** AND includes, but is not limited to,
487 **POLICIES CONCERNING** quiet hours, visitation, unauthorized moves, **GUEST**
488 **REGISTRATION**, defacement, **PRANKS**, pets, ~~improper~~ maintenance, **HYGIENE**,
489 **SMOKING, APPLIANCES, AND ROOM KEY USAGE.** (P)

490 6.G. Violations of Student Center, Facilities Scheduling, and Food Services policies and
491 procedures as approved by the Student Conduct and Welfare Committee and/or the
492 Student Center Governing Board. (P)

493 6.H. ~~This includes the repeated~~ Passing of worthless checks or failing to promptly redeem a
494 worthless check submitted to any unit within the University. (P) (SP)

495 6.I. Violation of Federal, State, local, city, county, or municipal laws or ordinances. **TO BE**
496 **CHARGED UNDER THIS SECTION THE STUDENT WILL, IN MOST CASES, HAVE**
497 **BEEN FOUND GUILTY OR DECLINED TO CONTEST CHARGES IN A COURT OF LAW.**
498 (EX)

499 6.J. Violation of Board of Trustees' Policies **NOT COVERED IN THIS CODE.** (EX)

500 6.K. Repeated or Multiple Violations, Violations of Probation or Mediation Agreements. This
501 applies to students who have demonstrated a history of ~~convictions of University~~

502
503 ~~regulations of any type violating~~ University regulations, and/or who commit any violation of the
504 terms of any University-imposed sanction or mediation agreement, **AND/OR WHO FAIL TO**
505 **COMPLY WITH THE TERMS AND CONDITIONS OF SANCTION(S) IMPOSED UNDER THE**
506 **STUDENT CODE. (EX)**

507 6.L. Failure to report a change of address to the Registrar. (P)

508 **6.M.** Failure to comply with a ~~Subpeena~~ **DIRECTIVE** or request for ~~Written~~ information
509 issued by a duly constituted campus judicial **OR HEARING** body. ~~(P)~~ **(PS)**

510 **6.N. FAILURE TO REPORT TO UNIVERSITY OFFICIALS A VIOLATION OF UNIVERSITY**
511 **POLICIES. (SP)** ~~Aiding Abetting or Complicity: This includes conspiring with or knowingly~~
512 ~~helping or encouraging another person to engage in [a] behavior violation. Students~~
513 ~~present during the commission of an act(s) by another which constitutes a behavior~~
514 ~~violation and who fail to report such act(s) to the proper authorities shall be guilty of~~
515 ~~complicity (EX, SP, or P depending upon the violation).~~

516 6.O. Complicity with others in violation of this standard. (EX)