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SR-00-01-(44) 85 (SCWC)

Marshall University

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**STUDENT CONDUCT & WELFARE COMMITTEE
RECOMMENDATION**

SR-00-01-(44) 85 (SCWC)

Recommends to the Faculty Senate that the University adopt the following revision of Section 6.F. of the *Code of Student Rights and Responsibilities* and approve the establishment of a process for addressing Residence Hall rules as violations of the student Housing Contract, rather than as violations of the *Code*.

RATIONALE:

The objectives of this recommendation are:

1. To provide a formal statement and process for addressing Residence Services contract violations, given that the terms of the existing single-student Housing contract provide for contract termination for violation of residence hall rules.
2. To more closely connect residence hall rules to the residence hall contract.
3. To address the negative effects on campus community of cumulative residence hall rule violations.
4. To avoid stigmatizing students with "records" of Code of Rights and Responsibilities violations for minor transgressions (e.g., multiple plugs or having the TV too loud).
5. To improve administrative efficiency by relieving the Judicial Affairs office of the unnecessary burden of reviewing and tracking and maintaining (for seven years) duplicate files on 400 – 500 violations per year.

FACULTY SENATE PRESIDENT:

APPROVED

BY SENATE: Donna Donathan DATE: 10 May 2001

DISAPPROVED

BY SENATE: _____ DATE: _____

UNIVERSITY PRESIDENT:

APPROVED: Jan Aylor DATE: 10 MAY 2001

DISAPPROVED: _____ DATE: _____

COMMENTS: Approved with amendments as they appear on page 5, last paragraph.

Code and Policy Revisions April 20, 2001

**** Amend the Code of Student Rights and Responsibilities, by adding the underlined wording as shown:

Standard 6: Marshall University students and student groups uphold the mission of the University by being responsible citizens. Marshall University students and student groups comply with the policies, procedures, and programs of the University and the WV University System, and obey all Federal, State, and local laws. *Violations of this standard include but are not limited to:*

.....
6.F. Violations of Residence Services policies and/or procedures as stated in University Publications Provided that These Documents Have Been Approved by the Student Conduct and Welfare Committee. STANDARD 6F addresses policies specific to the operation of campus residence halls and includes, but is not limited to, policies concerning quiet hours, visitation, unauthorized moves, guest registration, defacement, pranks, pets, hygiene, smoking, appliances, and room key usage. Policies listed under standard 6.F. are not generally adjudicated as code violations. In most cases, review of alleged violations of these policies will be handled by Residence Services staff and will result in residence hall contract - based sanctions. Residence Services' conduct policies are discussed elsewhere in this Handbook and are described in full in the Residence Hall Guide. (P)

***Adopt the following Policy and Process, which shall be printed in full in the *Residence Hall Guide*, and in full or part in the *Student Handbook*.

Residence Services Policy and Contract Violations. The Department of Residence Services may establish, with the approval of the Student Conduct and Welfare committee and within the limitations established under the student judicial system, such rules, policies and enforcement structures as necessary to maintain the orderly functioning of campus residence halls.

Residence Services policies and procedures (referred to in *Standard 6.F.* of the Code of Student Rights and Responsibilities) are described in *The Residence Hall Guide*. Residence Services policies include, but are not limited to, policies concerning:

1. Quiet hours.
2. Visitation and guest registration.
3. Room maintenance.
4. Security procedures.
5. Pranks.
6. Pets.
7. Smoking.
8. Appliances and furniture.
9. Room changes.
10. Violation of Residence Services Probation
11. Aiding or abetting others in the violation of Residence Services Policies.
12. Residence hall room key usage.

Residence Services policies that are specific to the operation of campus Residence Halls, such as those listed above will not usually be adjudicated as *Code* violations. Instead, Residence Services staff will handle review of alleged violations of these policies. Violations will result in Residence Hall – based sanctions. Residence Hall incidents that involve suspected use or possession of drugs or alcohol, or any actions that could, under the Code, result in Suspension or Expulsion, must be referred to the Office of Judicial Affairs.

By signing the Residence Hall Contract, the student agrees to respect and adhere to all policies, regulations and procedures pertaining to University housing and food service as outlined in the Contract. If the student is found to be in violation of any University policies or regulations as specified in the contract, the University reserves the right to change the student's assignment or to consider the Contract terminated. When residency is terminated under these conditions, refunds will be made in accordance with the terms of the Contract.

In addition, *all* University students are expected to abide by Residence Services rules and policies when visiting residence Halls. Any university student who violates Residence Services Policies may be subject to loss or restriction of residence hall visiting privileges.

The Department of Residence Services guarantees to residents and student guests a fundamentally fair process for determining when students have violated its policies. This process includes adequate notice of charges, fair review of the charges, and an appeals process. Sanctions for violations of residence services policies are listed below. The most severe sanctions are suspension or cancellation of the housing contract or, for non-resident students, suspension or cancellation of the privilege to visit residence halls. Each sanction carries a point value. An accumulation of 6 points in any academic year shall result in cancellation of the student's housing contract or, for non-residents, cancellation of visiting privileges, subject to appeal as defined below.

Residence Services Sanctions:

- *Residence Services Written Warning* -- 1 point
- *Residence Services Restrictions / Loss of Privileges* – 2 points
- *Disciplinary Room Change* (may also include restrictions) – 2 points
- *Residence Services Probation* (may also include restrictions; room change) – 3 points
- *Contract Cancellation/Cancellation of Non-Resident Privileges*

In addition, the Department of Residence Services may assign points to students who are found to be in violation of the *Code of Student Rights and Responsibilities* as a result of acts committed in residence halls, or as a result of acts that affect or endanger persons, property, or services within the residence halls. The Office of Judicial Affairs will notify the Department of Residence Services of the final outcome of all disciplinary proceedings related to residence halls. Residence Services may assign 1 point for each Formal Warning and 2 points for Probation and 3 points for Probationary Suspension received as sanctions through the Office of Judicial Affairs. It is the responsibility of the Director of Residence Services or designee(s) to notify students when residence hall points are assigned for *Code*-based sanctions. Students who wish to challenge or appeal the assignment of Residence Hall points for campus judicial sanctions, may appeal such actions to Residence Services following the challenge and appeal processes described herein.

The Residence Services points system does not affect the University's authority to dismiss or ban a student from campus housing as a condition of a disciplinary sanction issued under the *Code of Student Rights and Responsibilities*.

The Department of Residence Services will notify the Office of Judicial Affairs upon the final determination of cancellation of a resident's contract, or non-resident's privileges, for disciplinary reasons. Resident contract cancellation or non-resident privilege cancellation by the Department of Residence Services shall be recorded in the student's file in the Office of Judicial Affairs as a probationary-level violation of Standard 6 of the *Code of Student Rights and Responsibilities*.

Residence Services Policy Review Process:

1. Upon receipt of a report of an alleged Residence Services violation, the Assistant Director of Residence Services or his/her designee(s) will, within five business days, notify the accused student *in writing* of the complaint and the recommended Residence Services Sanction.
2. The accused student will then have three business days in which to respond to Residence Services *in writing*, and either accept or challenge the charges and/or sanction. Failure to respond, assuming that proper notice was given, will be considered an acceptance.
3. Upon receipt of a challenge, the Assistant Director of Residence Services or his/her designee(s) will meet with the student within five business days and attempt to resolve the

- matter in conference. Challenges to charges and/or sanctions that cannot be resolved in conference with the Assistant Director of Residence Services or his/her designee(s) will be reviewed, within five business days, by the Director of Residence Services or his/her designee(s). The student will be notified of the Director's decision within two business days of the conclusion of the meeting.
4. The Director's decision will be final, except in cases resulting in cancellation of the student's contract.
 5. All Contract cancellations based on policy violations may be appealed, within two business days of receipt of the cancellation notice, to the Senior Vice President for Operations, or his/her designee. Grounds for appeal are limited to:
 - a. Procedural errors.
 - b. Evidence not available at the time of the decision or to the maker(s) of the decision.
 - c. Insufficient grounds to support the cancellation decision.
 - d. Misinterpretation of Residence Services policies.

Appeals shall be submitted in writing. The Senior Vice President's decision, also in writing, will be returned to the student within five business days. The **Senior** Vice President may, at his or her discretion, refer the appeal to a Hearing Panel for review and recommendation. The **Senior** Vice President will establish the Panel. **The Hearing Panel shall be fair and impartial and selected in a manner consistent with other University hearing panels.** The decision of the Senior Vice President shall be final.