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### The Student Handbook of Marshall University, 1976-1977

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# MARSHALL UNIVERSITY

# STUDENT HANDBOOK

## 1976-77

### EQUAL OPPORTUNITY

It is the policy of Marshall University to provide equal opportunities to all prospective and current members of the student body, faculty, and staff on the basis of individual qualifications and merit without regard to race, sex, religion, age, or national origin.

This nondiscrimination policy also applies to all educational programs and activities as they pertain to admission, employment and other related activities covered under Title IX which prohibits sex discrimination in higher education.

Marshall University also neither affiliates with nor grants recognition to any individual, group, or organization having policies that discriminates on the basis of race, sex, religion, age, or national origin. Information on the implementation of the policy and/or the Title IX Amendment should be addressed to:

Affirmative Action Officer  
Marshall University  
Huntington, West Virginia  
25701

NOTICE OF A POLICY STATEMENT ON EDUCATION RECORDS: PRIVACY RIGHTS OF PARENTS AND STUDENTS

The General Education Pro-

Records: Privacy Rights of Parents and Students from the Office of the Dean of Students, Memorial Student Center, Marshall University, Huntington, West Virginia 25701.

Complaints of alleged failure by the University to comply with the Act shall be directed to:

The Family Educational Rights and Privacy Act Office

Department of Health, Education and Welfare  
330 Independence Avenue, S.W.

Washington, D.C. 20201

The University encourages complainants to lodge a formal complaint with either the President, University Attorney or Attorney for Students.

Further clarification on this Act, the regulations and University policy should be directed to the Dean of Students.

## Student conduct

### UNIVERSITY POLICIES PERTAINING TO STUDENT CONDUCT\*

POLICIES, RULES, AND REGULATIONS REGARDING STUDENT RIGHTS, RESPONSIBILITIES, AND CONDUCT IN WEST VIRGINIA STATE UNIVERSITIES AND COLLEGES

amended, and they supersede any existing policies, rules, and regulations that are in conflict with these policies, rules, and regulations.

1.04 Filing Date - These policies, rules, and regulations were filed in the Office of the Secretary of State of West Virginia on the 7th day of August, 1970.

### SECTION 2. DEFINITIONS

2.01 Board of Regents - The West Virginia Board of Regents.

2.02 Institution or Institutions - Any or all of the institutions of higher education, the State Colleges and Universities, or any branch or division thereof, over which the Board of Regents shall have authority, responsibility, or control.

2.03 President - The chief executive officer of the institution, whatever his title, whether responsible directly to the Board of Regents or through some other officer to the Board of Regents, and shall include all those acting for or on behalf of such chief executive officer, at or by his direction, or at or by the direction of the Board of Regents.

2.04 Property - Any property, whether owned, rented, or otherwise held or used by the Board of Regents, by an institution, or by the institution community.

2.05 Activity - All of any operations conducted, sponsored, promoted, operated,

### SECTION 3. POLICIES REGARDING STUDENT RIGHTS AND RESPONSIBILITIES

The submission of an application for admission to an 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, rules and regulations of the Board of Regents and the institution. Institutional approval of that application, in turn, represents the extension of a privilege to join the institution community and to remain a part of it so long as the student fulfills the academic and behavioral expectations that are set forth in the policies, rules, and regulations of the Board of Regents and the institution.

3.01 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:

- To have access to campus resources and facilities.
- To espouse causes.
- To inquire, discuss, listen to, and evaluate.
- To listen to any person through the invitation of organizations recognized by the institution.
- To have a free and in-

ditions leading to and attendant upon academic probation, and the requirements for student honesty and originality of expression.

- The student is responsible for fulfilling course work requirements.
- The student shall be graded solely on performance measured against academic and related standards.
- The student shall be protected against prejudicial or capricious academic evaluation.

3.05 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, he is expected to abide by the institution's code of student conduct which clarifies those behavioral standards considered essential to its educational mission.

3.06 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 proved guilty of any charge. Rules and regulations shall be promulgated by each institution consistent with policies, rules, and regulations of, and subject to the control of, the Board of Regents.

**CORDS: PRIVACY RIGHTS OF PARENTS AND STUDENTS**

The General Education Provisions Act, Title IV of Public Law 90-247, Section 438, as amended, 88 Stat. 571-574 authorizes the granting to parents and students the right of access, review, challenge, and exception to education records of students enrolled in an educational agency or institution. The Department of Health, Education, and Welfare, after review and accepting comments, has published in the June 17, 1976 issue of the *Federal Register* the regulations to be met by an educational agency or institution to protect the rights to privacy of parents and students. In accordance with the regulations, Marshall University has adopted a policy to be implemented by all units of the institution. Upon enrollment in the University, the student and/or eligible parent(s) may request a copy of the policy.

Under the Act the student and eligible parent(s) are granted the following rights:

- a. to be informed of the provisions of the Act through adoption of an institutional policy;
- b. to inspect and review the records of the student;
- c. to reserve consent for disclosure except as exceptions are granted in the regulations, i.e., school officials, officials of other schools to which the student seeks attendance, or others as delineated in Section 99.31;
- d. to review the record of disclosures which must be maintained by the University; and
- e. to seek correction of the record through a request to amend the record and to place a statement in the record.

After the student registers for courses, the student and/or eligible parent(s) may request a copy of the policy. Education

**STUDENT RIGHTS, RESPONSIBILITIES, AND CONDUCT IN WEST VIRGINIA STATE UNIVERSITIES AND COLLEGES**

**SECTION 1. GENERAL**

1.01 Authority - These policies, rules, and regulations are hereby promulgated by the West Virginia Board of Regents in accordance with, and pursuant to, Chapter 18, Article 26, of the West Virginia Code of 1931 as amended, and, to the extent the same are applicable, the Administrative Procedure Act of the West Virginia Code of 1931 as amended.

1.02 Purpose - The purpose of these policies, rules, and regulations includes, but is not limited to, the following:

- a. To establish a general policy on student life, including a statement on student rights and responsibilities, at the State Colleges and Universities.
- b. To identify behavioral expectations of students and certain prohibited acts by students at the State Colleges and Universities.
- c. To prescribe penalties and sanctions for such prohibited conduct.
- d. To define generally the powers, authority, and duties to be exercised under the control of the Board of Regents, by the presidents and officials of the State Colleges and Universities.
- e. To prescribe disciplinary actions and proceedings to be taken in cases of the violations of these policies, rules, and regulations.

1.03 Effective Date - These policies, rules, and regulations are effective immediately in as much as they cover any general or emergency situation that might arise at any State College or University, and as rules relating to student conduct as defined in the Administrative Procedure Act of the West Virginia Code of 1931 as

community.  
2.05 Activity - All of any operations conducted, sponsored, promoted, operated, or otherwise engaged in by an 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.

2.06 Facility - Any and all property of an institution used or usable in any activity of an institution.

2.07 Campus - All the property and facilities of any institution serving as the locus in quo of any activity of an institution.

2.08 Faculty - These employees of the Board of Regents who are assigned to teaching or research or service functions at an institution, and who hold academic rank.

2.09 Staff - Those employees of the Board of Regents who are assigned to any duties at an institution and who are not members of the faculty.

2.10 Student - Any person who has been admitted to an institution to pursue a course of study, research or service, and who has not been graduated or dismissed from such course, 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 his 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 Regents or the institution.

2.11 Member of the Institution Community - Any officer, administrator, faculty member, staff member, employee, or student of or at an institution, as well as any person participating in an institution activity at the time applicable.

d. To listen to any person through the invitation of organizations recognized by the institution.

e. To have a free and independent press which adheres to the canons of responsible journalism.

f. To not violate the rights of others in matters of expression and assembly.

g. To abide by policies, rules, and regulations of the Board of Regents and the institution pertaining to freedom of expression and assembly.

3.02 Freedom of Association - Students may organize whatever associations they deem desirable, and are entitled to affiliate with any group or organization for which they qualify for membership. However, institutional recognition of student organizations shall be limited to those whose purposes comport with the educational mission of the institution as defined by the Board of Regents and the institution.

3.03 Right to Privacy - The student is entitled to the same safeguards of his rights and freedoms of citizenship as are afforded his peers outside the academic community, including, but not limited to, the following:

- a. Privileged communication on a one-to-one relationship with faculty, administrators, counselors, and other institutional functionaries.
- b. Respect for his personality, including freedom from unreasonable and unauthorized searches of his living quarters.
- c. Confidentiality of his academic and disciplinary records.
- d. Legitimate evaluations made from his records.

3.04 Academic Responsibilities - The institution shall define and promulgate, subject to the control of the Board of Regents, the academic requirements for graduation, the con-

regulations shall be promulgated by each institution consistent with policies, rules, and regulations of, and subject to the control of, the Board of

**SECTION 4. STANDARDS OF CONDUCT: RULES AND REGULATIONS**

4.01 Conduct Required in General - All students at the institutions are subject to, and are required to comply with, observe, and obey the following:

- a. The laws of the United States.
- b. The laws of the State of West Virginia.
- c. Local city, county, and municipal ordinances.
- d. The policies, rules, and regulations of the Board of Regents and the institution.
- e. The directions and orders of the officers, faculty, and staff of the institution who are charged with the administration of institutional affairs on campus.

4.02 Prohibited: 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 institution property or facilities, 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:

- a. Fights.
- b. Assaults or battery.
- c. Riots.
- d. Unlawful assembly.
- e. The violation of any municipal, state, or federal law, or the rules and regulations of the Board of Regents or the institution.

4.03 Prohibited Conduct: Theft or Damage of Property - No student shall, individually or by joining with one or more others, appropriate to his or their own use, or steal, or in-

tionally damage or destroy any institution property or facilities or the property of any member of the institution community on or in campuses, property or facilities of an institution. 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.

**4.04 Prohibited Conduct: Disruption** - No student shall, by himself or by joining with one or more other persons, do any of the following:

- a. Disrupt or interfere with any institutional activity, program, meeting, or operation.
- b. Interfere with the rights of any member of the institution community.
- c. Intentionally injure or threaten to injure, or coerce by bodily harm or restraint or threats thereof or any other means, any member of the institution community or persons lawfully on the institution's campus, property, or facilities.
- d. Seize, hold, commandeering, or damage any property or facilities of an institution, or threaten to do so, or refuse to depart from any property or facilities of an institution upon direction, pursuant to policies, rules, and regulations of the Board of Regents or the institution, by an institution 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, suspension, or expulsion, whether or not there is prosecution for such actions in federal courts.

bility, 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.

**5.03 Powers, Authority, and Duties of the Presidents: Promulgation of Institutional Regulations for Student Discipline** - The president of each institution shall have authority and responsibility, subject to the control of the Board of Regents, for the discipline of all students at the institution of which he is president.

The president, with the advice of faculty and students and subject to the control of the Board of Regents, shall develop, promulgate, and use disciplinary regulations and channels at each institution not inconsistent with the policies, rules, and regulations of the Board of Regents. All disciplinary regulations and channels now in existence and operation at any institution shall remain in effect and shall be used until modified, except as such regulations and channels shall be deemed modified and amended by these policies, rules, and regulations.

**5.04 Powers, Authority, and Duties of the Presidents: Activities on, and Use of Institution Property or Facilities** - The use by any person of the property or facilities of the institutions shall be controlled and governed by the policies, rules, and regulations of the Board of Regents.

Regulations governing the use of such property or facilities at a particular institution shall be promulgated by the president thereof, 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 Regents. All presently existing such regulations shall remain in full force and effect until modified or amended in conformity to these rules, except as the same shall be deemed specifically modified and amended by these rules.

**5.05 Powers, Authority, and**

expressly prohibited, any rule, regulation, or permission, express or implied, notwithstanding.

**5.07 Powers, Authority, and Duties of the Presidents: Limitations of Assembly and Student Use of Institution Property or Facilities** - Subject to the control of the Board of Regents, when, in the judgment of the president of any institution, an assembly is not in the best interests of the institution or the individuals concerned, such president or his delegate of authority 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.

**5.08 Powers, Authority, and Duties of the Presidents: 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 institution 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 Regents, when the president of an institution at which such occurrences happen or take place, deems it necessary to end or to control such occurrences and the circumstances caused thereby, he shall take any or all of the following actions or other appropriate actions:

- a. Declare a state of emergency to exist on the campus, and:
  - i. 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;
  - ii. impose curfews on the presence of persons in or on insti-

hibited by these policies, rules, and regulations, notwithstanding the fact that at the time he is also an employee of the Board of Regents, or he is not presently registered for current classes or course, research or service programs. In taking disciplinary action against a student, as defined herein, an 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 not have received from the institution.

**6.02 Sanctions in Disciplinary Action** - The following sanctions may be imposed upon students as a result of disciplinary action by an institution:

- a. Probation - exclusion from participation in certain institution 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.
- b. Suspension - exclusion from all institution activities for a definite stated period of time, and any condition on resumption of activities, if any, also may be imposed.
- c. 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.

Sanctions of lesser severity may be imposed in any case, depending upon the finding of extenuating circumstances and the discretion of the president of the institution or the Board of Regents, whoever might be

tution, from the determinations and recommendations of any lesser disciplinary channel, but, in any event, there shall be an appeal to the hearing board from such lesser disciplinary channels as a matter of right on behalf of any student where the lesser disciplinary channel has made a recommendation for the imposition of the sanctions of suspension or expulsion.

- e. The student may then object or take exception to the recommendation of the hearing board under such procedures as the president may deem appropriate.

**6.04 Procedural Standards in Disciplinary Proceedings** - In any disciplinary proceedings before a hearing board established pursuant to section 6.03, brought against a student for alleged misconduct, actions, or behavior for which sanctions of suspension or expulsion may be imposed, the following procedural standards shall be observed:

- a. Written charges of violation shall be presented to the accused student which shall include at least:
  - i. a statement of the policy, rule, or regulation which he is alleged to have violated;
  - ii. a statement of the facts 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; and
  - iii. a statement that a hearing will be had before the hearing board on the charges, together with notice of the date, time and

4.05 Discrimination — No student shall, by himself or by joining with one or more other persons, promote or demand action on their part or any other member of the institution community that would constitute unlawful discrimination on the basis of race, sex, color, or political affiliation.

#### SECTION 5. POWERS, AUTHORITY, AND DUTIES OF THE PRESIDENT

5.01 General Powers, Authority, and Duties of the Presidents — The president of each institution shall be the chief executive officer of the institution of which he is the head. He shall be responsible for the entire administration of the institution, subject to the control of the Board of Regents. It shall be his duty to 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 Regents, and the policies, rules, and regulations of the institution of which he is president. Each such president is hereby clothed with authority requisite to that end, subject to the control of the Board of Regents.

5.02 Powers, Authority, and Duties of the Presidents: Delegation of Authority and Responsibility — Any authority, responsibility, or duty granted to or imposed upon such a president by these policies, rules, and regulations may be delegated by him, subject to the control of the Board of Regents, to another person or persons on the faculty or staff of the institution of which he is president.

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, responsi-

Facilities, and Restrictions Imposed — Subject to the control of the Board of Regents, notwithstanding any rule, regulation, policy, or express or implied permission for the use of, or presence in or on, the property or facilities of any 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 Regents currently on duty at the institution; and (b) by his conduct or his speech or expressions causes, or, in the opinion of the president of the institution or his delegate of authority, 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 such institution or his delegate of authority, shall cause such persons to be ejected from, kept off, and kept out of the property and facilities of the institution. The president or his delegate of authority may take whatever legal or institutional action is necessary to effectuate his authority.

5.06 Powers, Authority, and Duties of the Presidents: Use of Institutional Property or Facilities: Activities Which Interfere With, Disrupt, or Inhibit Institutional Operations — The exercise by any person or persons of rights or speech, assembly, press, or other expression in such a fashion as to be inappropriate, under all the circumstances, as to time, place or nature of expression, or as 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

- Property;
- iii. place bans on gatherings of persons at places or times on or in the institution's property or facilities; or
  - iv. enlist the aid of any public authority, police or otherwise, as may be necessary to restore order, protect persons, property, health, safety, or welfare.
- b. Immediately suspend any student who is found involved in prohibited action or conduct and who is (i.) first advised, told, or notified that his action or conduct is prohibited, and who (ii.) continues such action or conduct in spite of the warning. Such immediate suspension shall be followed with disciplinary proceedings consistent with these policies, rules, and regulations.
  - c. See to the enforcement of the laws of the State of West Virginia, the policies, rules, and regulations of the Board of Regents, and the policies, rules and regulations of the institution, including any emergency orders imposed as a result of the state of emergency so declared.

#### SECTION 6. DISCIPLINARY ACTION: PROCEEDINGS

6.01 Application to Students — Any person who is a student as defined in these policies, rules and regulations shall be subject to disciplinary action by the institution at which he is a student if he is involved on the campus of that institution in any of the actions or conduct pro-

6.03 General for Disciplinary Channels — Rules and regulations establishing disciplinary channels at the institutions, promulgated pursuant to sections 3.06 and 5.03, hereof, or any of these policies, rules or regulations, shall provide, among other things, at the least for the following:

- a. There shall be a hearing board whose members shall be members of the institutional community and whose number shall be at least three and, in any event, on any panel hearing a case, shall be odd.
- b. The jurisdiction and authority of the hearing board shall be, in cases of disciplinary action against students:
  - i. to hear evidence;
  - ii. to make findings of fact from the evidence presented; and
  - iii. to make recommendations to the president of the institution, based upon such findings of fact, as to the disposition of the disciplinary action, including sanctions to be imposed, if any.
- c. The hearing board shall have exclusive original, first hearing, jurisdiction of cases involving the alleged violations of sections 4.02, 4.03, and 4.04 of these policies, rules, and regulations, and of cases involving students suspended pursuant to section 5.08 b. of these policies, rules, and regulations.
- d. The hearing board shall have such appellate jurisdiction, as may be appropriate to the insti-

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.

- b. Said written charges shall be served upon the student charged by one of the following means:
  - i. handing a copy to him in person, if he can be found with reasonable diligence in the town where the institution is located and the hearing is to take place; or
  - ii. mailing, via certified mail, a copy to him at the residence he uses while in attendance at the institution, as last noted on his official records at the institution; or
  - iii. if he is not presently registered at the institution, or in any event, by mailing, via certified mail, a copy to his last known permanent or home residence as disclosed by his official records at the institution.

It is expressly provided, however, that such service of charges and notice of hearing shall not be defective if the student shall have hidden himself, refused mail, or shall have failed to notify the institution of his current address while

attending the institution or of his current permanent home address, and the hearing may proceed without hindrance or delay.

c. A hearing shall be had at the date, time and place specified, unless postponed by the hearing board for good cause shown. The hearing shall be conducted in such manner as to do substantial justice and shall include at least the following:

i. The accused student has the right to have an advisor with him, but such advisor may not be a person other than his parent or guardian, a student at the institution, or member of the faculty or staff of the institution, unless specifically permitted by name

by the hearing board;

ii. All material evidence may be presented subject to the right of cross-examination of the witnesses;

iii. There shall be a verbatim record, such as a tape recording, of the hearing;

iv. 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 to present any evidence on his behalf as may be relevant and material to the case.

d. No recommendation for the imposition of sanctions may be based solely upon the failure of the accused student to answer charges or to ap-

review of disciplinary action, the Board of Regents may take such action as it deems reasonable and proper in all the circumstances and in answer to all of its responsibilities under the law.

Enacted by the Board of Regents August 4, 1970

### STUDENT CODE OF CONDUCT

#### A. Statement of Policy

1. Marshall University's primary concern is the student. It attempts to provide for all students a university environment that is conducive to academic endeavor, social growth, and individual self-discipline. The student is expected, as are all citizens, to respect and abide by local ordinances and state and federal statutes, both on and off campus. As a member of the educational community, he/she is expected to abide by the institution's code of conduct which clarifies those behavioral standards considered essential to the university's educational mission.

2. When a student has been apprehended for the violation of a law of the community, state, or nation, the university will not request or agree to special consideration for that individual because of his/her status as a student. The university will cooperate fully, however, with law enforcement agencies and with other agencies in any program for the rehabilitation of the student. The university reserves the right, for educational purposes, to review any action taken by civil authorities regarding students. Although ordinarily the university will not impose further

member of the Vice President for Student Affairs staff has determined that such action, rather than a medical or counseling referral, is appropriate.

2. The sanctions outlined in Section C. below may be imposed on a student by or in the name of the University only as stipulated by this code.

3. All cases which utilize the Code of Conduct shall be heard by the Marshall University Judicial Board or the Dean of Students or his designate. The choice of the appropriate hearing body shall be the decision of the student.

4. Disciplinary warning, social probation, definite suspension, indefinite suspension, or monetary reimbursement may result from the commission, or the aiding or abetting, of any of the following offenses:

a. Academic cheating or plagiarism;

b. Furnishing false information to the university with intent to deceive, including incidents of embezzlement and fraud;

c. Forging, alteration, or misuse of university documents, records, or identification cards;

d. Violation of university regulations and policies concerning the use of alcoholic beverages and beer. Marshall University students are subject to all West Virginia state and local codes and laws relating to the possession and consumption of intoxicating beverages and/or beer;

e. Unauthorized possession of keys to University-owned or controlled property;

f. Failure to comply with directions of University officials and security officers acting with

accordance with this code.

b. Nothing herein is intended to limit the authority of other properly constituted agencies to adjudicate conflicts between student organizations or to order adherence to the announced and chartered purposes of any organization and to take suitable action to achieve those ends.

#### C. Sanctions

1. Sanctions which may be imposed upon individuals for the commission of offenses recognized by this Code include the following:

a. Disciplinary Probation. Probation is intended to serve as notice to students that their violations are considered serious and that future violations could result in further penalties. In addition to the designation of a specific length of time in which the student is on probationary status, a student may be placed on one or more of the following specific probation categories:

**Social Probation.** Exclusion from participation in privileges or extracurricular University activities, including surrender of the Student Activity Card, as set forth in the notice of probation. Such exclusion might include, but is not limited to, residence in University housing, visitation hours, prohibition from representing the University as an official delegate, representative, athlete or as a holder of office or committee chairmanship in University student groups of any kind.

**Self Improvement.** A program of self development will be plan-

status and all related privileges and activities, and exclusion from the campus if set forth in the notice of suspension. If a student, while on suspension, violates any of the terms set forth in the notice of suspension or violates the Student Code of Conduct while on a campus of the University, or in relation to a University-sponsored activity, he will be subject to further discipline.

c. Indefinite Suspension. Exclusion from the campus and termination of student status for an indefinite period.

The student may be readmitted to the University only with the specified approval of the President of the University. If a dismissed student violates the Student Code of Conduct while on campus, or in relation to a university sponsored activity, or is present on the University campus without the written permission of the Dean of Students, he will be subject to further discipline.

d. Monetary Reimbursement. The University has the authority to compel reimbursement for damage to University property.

2. Sanctions which 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 university organizations (Interfraternity Council, Student Government, intramurals, etc.);

d. Forfeiture of right to representation in the

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 presented, and shall be based upon proof of violation of policies, rules, and regulations by the student as charged by a preponderance of the evidence in the case as a whole.

- e. 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 president of the institution. After the time for making objections or exceptions as may be provided in the institution's rules and regulations shall have elapsed, the president shall take such action as he finds appropriate under all the circumstances.

6.05 Review by the Board of Regents - The Board of Regents may, from time to time, require from the presidents, or any of them, reports 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 of Regents may require. In addition, the Board of Regents may, pursuant to such procedures as the Board of Regents may specify, grant an appeal from the disciplinary action of any president on the record of the case submitted and on leave of the Board of Regents first obtained. In any case of any

review any action taken by civil authorities regarding students. Although ordinarily the university will not impose further sanctions after law enforcement agencies have disposed of a case, it does have the obligation to introduce counseling and/or disciplinary action if a student's conduct has interfered with the university's exercise of its educational objectives or responsibilities to its members; any disciplinary action taken on this basis shall conform to the terms of this code, including appeal.

3. Propriety and the university's educational objectives demand that when formal disciplinary action is necessary, the relevant principles of legal due process be observed. However, it is to be recognized that a university cannot fully assure a hearing of a judicial nature, since a university does not have the right to compel the appearance of witnesses or the production of documents. The university will, to every extent possible, protect the rights of the student during the hearing and appeal procedures as outlined in the sections of this code that deal with the procedural standards.

4. Recommendation of policies, rules, and regulations pertaining to the non-academic affairs of students is a responsibility of the Student Conduct and Welfare Committee. The administration of said policies, rules, and regulations is the responsibility of the Office of the Vice President for Student Affairs or his designate.

#### B. Violations

1. Formal disciplinary action shall be instituted against the student only after a

trolic property,  
f. Failure to comply with directions of University officials and security officers acting within the scope of that authority;

g. Violation of rules and regulations prevailing within university-controlled or regulated residence units;

h. Violation of any policy, rule, or regulation regarding students' rights, responsibilities, and conduct promulgated by the West Virginia Board of Regents.

5. All University policies, rules, and regulations, the violation of which may be punishable by the terms of this Code, shall be in writing and shall be published, distributed or posted in such a manner as to furnish adequate notice of their contents to students affected by such rules. The failure to comply with this requirement shall be a complete defense to any charge of violation of a rule which the student has no actual knowledge.

6. All student organizations are responsible for compliance with University policy, rules, and regulations. Upon satisfactory proof that an organization has violated any such University policy, rule, or regulation, the organization may be subject to disciplinary action.

a. The determination that an organization is liable to sanction, and the nature of the sanction to be imposed, shall be made at a hearing held for that purpose. The president or principal officer of the organization shall appear on its behalf. Proceedings shall be conducted in

sity student groups of any kind.

Self Improvement. A program of self development will be planned for each student by a faculty or staff person assigned to assist in a counseling/guidance capacity. Numerous resource persons and agencies may be used to assist the student in identifying and clarifying experiences, goals, educational and career choices, and other personal objectives.

Service. Request by the student to spend a period of time as a volunteer in the University community or the community-at-large in a social service capacity, subject to the supervision of the Dean of Students. Category (3) must be selected by the student of his/her own accord with the knowledge that the University cannot force the student to so choose.

Work Request by the student to spend a period of time in labor to the University in a capacity appropriate in nature in view of the violation, i.e., littering-clean-up, subject to supervision by the Dean of Students. Category (4) must be selected by the student of his/her own accord with the knowledge that the University cannot force the student to so choose.

- b. Definite suspension. Forced withdrawal from the University for a specified period of time, including exclusion from classes, termination of student

(Interfraternity Council, Student Government, intramurals, etc.);

- d. Forfeiture of right to representation in the Student Handbook or other publications;

- e. Denial of privilege of some or all social activities for a definite period;

- f. Forfeiture of right to function as a group-including forfeiture of charter. This penalty must be approved by the Student Conduct and Welfare Committee and the President of the University;

- g. The University reserves the right to establish contact with the organization's regional or national office.

3. The sanctions described above and in the procedures established by this code are not intended to limit or otherwise apply to those steps which may be taken by an individual instructor in the exercise of his professional obligation. The sanctions do, however, apply to any disciplinary action sought by an instructor beyond those for which he himself is professionally responsible; for example, definite or indefinite suspension or other action which would affect the status of a student in the general University community.

4. Emergency Action. Emergency action is a special category that may be used by the President or his designee upon special occasions in which he has the authority to impose the sanction, inter alia, of suspension to a student or group of students who act or refuse to act, the result of which conduct is to interfere with the rights of others

and which conduct is non-peaceful or is disruptive or which conduct constitutes a danger to health, safety or property of others, provided that a hearing is held within 72 hours of the decision to suspend. (The Board of Regents Policies, Rules and Regulations Regarding Student Rights, section 6, Disciplinary Action: Proceedings, contains general guidelines with which the student should be familiar.)

D. Procedural Standards

1. The President of Marshall University has delegated, through the Vice President for Student Affairs, to the Dean of Students the responsibility to administer the University Policies Pertaining to Student Rights, Conduct, and Organizations.
2. In discipline cases originating in University housing, the Director of Housing, in cooperation with the Dean of Students, will be responsible for maintaining these procedural standards. In all cases where the Director of Housing is to administer the procedures, he must notify the Dean of Students prior to initiating action.
3. When the Dean of Students, or his/her designee, after investigation into an alleged violation, believes a student has committed a disciplinary offense as defined within the Student Code of Conduct or other University regulations, he/she shall schedule an advisory meeting with the student. There shall be three or more administrators and/or faculty present in an advisory meeting. The student is entitled to bring an advisor, who is a student, faculty, or family member,

student during a hearing session is strictly confidential and inadmissible in any judicial proceeding of the University that is to consider a refusal to comply with a previous sanction.

6. The withdrawal from or

refusal to comply with the conditions of the hearing process as outlined in Sections 4 and 5 above shall be offense within the meaning of this Code and shall be referred directly to the Judicial Board.

7. If a student signs a statement requesting a Judicial Board hearing, the Dean shall refer the charges to the Judicial Board. The Dean or his/her designee is thereafter concerned with presenting the results of his/her investigation to the Judicial Board, keeping the records, and aiding the student in complying with any sanction.
  8. All student grievances involving rights shall be reported to the Dean of Students.
  9. The Dean of Students shall have investigatory powers in non-academic cases and he/she shall receive prompt and full cooperation from students, student organizations, faculty, and administrators. He may recommend policies or practices that should be terminated, modified, or initiated to the proper University governmental bodies or other appropriate persons.
- E. Judicial Board Structure and Procedures
1. There shall be a University Judicial Board, often referred to as the J Board, with appellate jurisdiction over the decisions of all inferior judicial agencies and original jurisdiction over cases involving alleged violations by students and recognized student organizations of the University's

and the University judicial process for an offense which is a violation of both the Code and the federal, state, or local law, the J Board may direct the disciplinary sanction be mitigated by any penalty imposed by off-campus authorities.

- d. The J Board shall have the authority to impose the following sanctions:
    - (1) Acquittal;
    - (2) Disciplinary Probation.
  - e. The J Board shall have the authority to recommend the following to the Dean of Students for his decision:
    - (1) Definite Suspension;
    - (2) Indefinite Suspension;
    - (3) Monetary Reimbursement.
  - f. The Board has the authority to review the failure by a student to satisfy all stipulations of its sanction and to take appropriate action.
3. Judicial Board Membership
- a. The Judicial Board shall be comprised of the student pool as described in section b, below, the faculty pool as described in section c, below, and the Hearing Officer, with the Attorney for Students as consultant to the Board.
  - b. Student members of the Judicial Board shall be selected by random retrieval from the master list of students. The instructions shall be to randomly select thirty names and addresses of currently enrolled students, full-or part-time, who are taking classes at the main campus. The thirty students shall be contacted individually to explain their

The Hearing Officer shall not be a voting member in either deciding guilt or sanction.

- f. In notifying representatives of the University and an accused student that a hearing date has been established, the Hearing Officer will also indicate a date, time, and place at which a board of two students and one faculty shall be randomly selected from the pool. The date for the selection for the board members by the Hearing Officer shall be at least 48 hours prior to the established date of the hearing. Representatives of the University administration and the accused student may observe the selection process.
  - g. In order to insure the availability of a full board of two students and one faculty, the Hearing Officer shall draw ten students and five faculty, and number them according to the order of selection by their respective category. The first two students chosen and the first faculty member chosen shall comprise the board. The remaining members of the pool shall stand as alternates who shall ascend to the board's service according to the descending numerical order of their selection.
  - h. In any proceedings of the board, two students and one faculty and the Hearing Officer must be present. Any decision of the J Board must be a majority of the voting members of the Board.
4. Eligibility Requirements
- a. All student members of the J Board must be in

shall have the authority to issue a subpoena and/or subpoena *duces tecum* requesting any member of the University community

to appear before the Board and/or produce documents for the Board. The subpoena shall be in writing and shall be served upon the witness or sent by mail.

9. The right to have, during the hearing, an advisor, but such an advisor may not be a person other than his parent or guardian, student at the institution, a member of the faculty or staff of the institution, unless specifically permitted by name by the Judicial Board.
10. The J Board shall maintain a verbatim record of the hearing, and a history and disposition of each case.
11. A student's prior record shall not be admissible as evidence to prove his/her guilt. However, if the Board so chooses, a prior record may be considered in determining the appropriate disciplinary sanctions.
12. Before determination of sanction by the Judicial Board, the student has the right to request a service or work assignment as provided in C. 1. b. (3) and (4).
13. Where the facts are disputed, the accuser shall have the burden of proof of the alleged violation of the University policies and regulations through the presentation of substantial evidence. A student shall be presumed innocent until proven guilty.
14. Appeals
  - a. Appeals of decisions rendered through informal hearings before the Dean of Students or the Director of Housing shall be referred to the Vice President for Student Affairs. A final on-campus appeal of

meetings. The Dean of Students, or his/her designee, shall provide an explanation of the procedural standards. He/she shall also inform the student of the full implications of his/her actions within the Student Code of Conduct and the previous experience of the University and its students in similar disciplinary situations. He/she will then outline the facts and, after answering all questions, he/she will solicit from the student one of the following:

- (a) A plea of no contest and request for service or work assignment;
- (b) A plea accepting the charges and requesting an administrative hearing; or
- (c) A request for a Judicial Board Hearing.

The student will be presented with a written summary of the charges and space provided for his/her statement of either request for service/work assignment, no contest, or request for a Judicial Board hearing to be followed by his/her signature and the date.

- 4. When the student requests a service or work assignment he/she waives the requirement to a hearing. With the Dean the student designs a project and agrees to the conditions including the time, location, and evaluation. When the student satisfactorily completes the project the record shall be expunged.
- 5. When a student signs a statement accepting the charges, the Dean or his/her designee shall confer and counsel with the student and outline

sanctions. Any information obtained from the

and other non-academic offenses.

## 2. Authority

- a. Appellate Jurisdiction. The Judicial Board shall have appellate jurisdiction over all inferior judicial agencies in the following instances:

(1) The case was initiated or conducted according to improper procedures.

(2) The decision embodied an inappropriate penalty.

(3) Evidence not available at the time of the decision, but now available, would affect the decision itself.

The Judicial Board shall review the evidence and do one of the following:

(1) Sustain the decision of the inferior judicial body;

(2) Reverse the decision of the inferior judicial body;

(3) Grant a rehearing. In all cases where the Judicial Board grants a rehearing, the Board shall adhere to the pro-

cedures outlined for original jurisdiction cases.

- b. The J Board shall have the sole authority to determine the issue of guilt. It shall have the authority to impose sanctions, short of actual suspension, or monetary reimbursement, upon any student found guilty of a violation of University disciplinary rules. If the J Board believes that suspension or monetary reimbursement is the

appropriate sanction, it shall recommend such action to the Vice President for Student Affairs.

- c. If a student is subject to criminal prosecution

the Judicial Board, and to request their participation as a member of the Judicial Board pool. Members of a previous pool may request to be continued in a succeeding year. Such requests must be approved by the Student Conduct and Welfare Committee and, if approved, added to the pool of student members.

- c. Faculty representatives to the Judicial Board shall be selected by random retrieval from the master list of all full-time faculty. The instructions shall be to randomly select twelve names. The twelve faculty shall be contacted individually to explain their selection and the role of the Judicial Board, and to request their participation as a member of the Judicial Board pool. Members of a previous pool may request to be continued for a succeeding year. Requests must be approved by the Student Conduct and Welfare Committee and, if approved, added to the pool of faculty members.
- d. The full membership of the J Board shall nominate two of its students to the President of the University who shall appoint one of them as the Hearing Officer.
- e. The Hearing Officer shall be the chairman of the J Board and he/she shall convene meetings of the Board at such

times and places as necessary to carry out its duties. He/she shall direct the proceedings and rule upon all questions of procedure.

standing with the University and must have been enrolled for at least one semester at Marshall University.

- b. The Hearing Officer shall be a junior, senior, or graduate student who has been in attendance at the University for at least one year and who has previously served on the J Board.

## 5. Terms of Office

- a. The Hearing Officer, student members, and faculty members shall be appointed to one-year terms. All terms are to begin August 20 and end on August 19. All terms are renewable upon application and reappointment.

- 6. A student who is charged with violation of the University policies and regulations and who has by his choice or action selected a J Board hearing shall receive written notice at least five class days prior to his hearing. The notice shall be sent by certified mail or delivered personally. The written notice of charge shall state the specific policies or regulations alleged to have been violated and the date,

time, location, and the nature of the event at which the violation is alleged to have occurred, a brief description of the specific behavior alleged to constitute said violation, and a list of witnesses. It shall state the time, place, and date of the hearing.

- 7. A request for delay of a hearing shall be directed in writing at least 48 hours prior to the time set for the hearing to the Hearing Officer or the Dean of Students. The Hearing Officer may grant a delay.
- 8. The Hearing Officer of the University Judicial Board

Vice President for Student Affairs can be directed in writing to the President of Marshall University.

- b. Appeals of the actions of the Judicial Board shall be directed to the President of the University. Both the accused and the University have the right to appeal.

- c. Appeals of the decisions of the President of Marshall University shall be directed to the West Virginia Board of Regents.

- d. All appeals must be made within seven calendar days of receiving written notification of the decision of the hearing body and the right to appeal. A written request for appeal must be delivered to the appeal body and contain the following information:

(1) A brief statement that he appeals the decision;

(2) A brief statement of the basis upon which the appeal is requested. The basis for appeal must be one of the following:

(a) The case was initiated or conducted according to improper procedures.

(b) The decision embodied an inappropriate penalty.

(c) Evidence not available at the time of the decision, but now available, would affect the decision itself.

(3) The Dean of Students or his/her designee retains the right to appeal a decision of the Judicial Board.

- e. While an appeal is pending, all sanctions shall be held in abeyance.

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