

5-26-1989

## Student Conduct & Welfare 4-14-89 ( received 4-25-89)

Marshall University

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APR 25 1989

STUDENT CONDUCT AND WELFARE COMMITTEE

Recommendation  
April 14, 1989

RECOMMENDATION 1:

It was moved and seconded that the following definition be added to the Student's Code of Conduct. Motion passed.

1. PREJUDICE: Pre-judging on insufficient grounds; a hostile or negative attitude toward a whole group of people or toward one person simply because they/he/she is/are member(s) of that group.

RATIONALE/DISCUSSION:

"Prejudice"

Since the Student Conduct and Welfare Committee has made additional recommendations for the Student's Code of Conduct which include the term "prejudice" in the description of certain Type I behaviors which violate the Student Code of Conduct, this definition is necessary to clarify certain descriptions of behavior.

FACULTY SENATE PRESIDENT:

APPROVED: Rainey Duke DATE: 5/26/89  
DISAPPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_

UNIVERSITY PRESIDENT:

APPROVED: Don Antypull DATE: 4/3/89  
DISAPPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_

STUDENT CONDUCT AND WELFARE COMMITTEE

Recommendation  
April 14, 1989

RECOMMENDATION 2:

It was moved and seconded that the following definition be added to the Student's Code of Conduct. Motion passed.

1. RACISM: The systematic oppression by one race through power/control of another race that operates by customs, traditions, and patterns on behalf of the powerful group causing an adverse condition for the less powerful group.

RATIONALE/DISCUSSION:

"Racism"

Since the Student Conduct and Welfare Committee has made additional recommendations for the Student's Code of Conduct which include the term "racism" in the description of certain Type I behaviors which violate the Student Code of Conduct, this definition is necessary to clarify certain descriptions of behavior.

FACULTY SENATE PRESIDENT:

APPROVED: Rainey Duke DATE: 5/26/89

DISAPPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_

UNIVERSITY PRESIDENT:

APPROVED: Dan Fitchett DATE: 4/3/89

DISAPPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_

STUDENT CONDUCT AND WELFARE COMMITTEE

Recommendation  
April 14, 1989

RECOMMENDATION 3:

It was moved and seconded that the following definition be added to the Student's Code of Conduct. Motion passed.

1. DAY: The term "day" shall refer to calendar days unless otherwise specified.

RATIONALE/DISCUSSION:

Examination of the Student's Code of Conduct revealed a variety of ways to describe certain time periods (i.e., amount of time a student has to file an appeal of a decision rendered by the Judicial Board). Some of these include: "working days", "business days", or just "days." To avoid confusion, the committee felt that a standard needed to be defined and deviations of this standard would then require clarification. For example, the period of "three days" could indicate a period of Friday, Saturday, and Sunday. A period of "three business days" could indicate Friday, Monday and Tuesday.

FACULTY SENATE PRESIDENT:

APPROVED: Rainey Duke DATE: 5/26/89  
DISAPPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_

UNIVERSITY PRESIDENT:

APPROVED: Wau [Signature] DATE: 6/3/89  
DISAPPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_

## STUDENT CONDUCT AND WELFARE COMMITTEE

Recommendation  
April 14, 1989

### RECOMMENDATION #4:

It was moved and seconded that the following additions be placed in the Student's Code of Conduct. Motion passed.

1. Type I, Section H

Hazing: Violation of Board of Regents or University policies concerning hazing (see Section 4.05 Board of Regents Policy Bulletin 57, and Marshall University Student Handbook).

2. Type 1, Section I

Harassment: Committing, conspiring to commit or causing to be committed any act which causes or is likely to cause physical or mental harm or which tends to injure or actually injures, intimidates, stigmatizes, frightens, demeans, degrades or disgraces any person or group. This includes but is not limited to racial, sexual or peer harassment or intimidation.

- (1) Racial Harassment: This includes acts exhibiting prejudice and/or racism.
- (2) Sexual/Peer Harassment: This includes violation of University policies concerning sexual or peer harassment (see University catalog and Student Handbook on Sexual Harassment and Acts of Intolerance).
- (3) Intimidation: Committing, conspiring to commit or causing to be committed any act which causes or is likely to cause physical or mental harm or which tends to injure or actually injures, stigmatizes, frightens, demeans, degrades or disgraces any person. Retaliation against a student for filing a complaint or testifying before a hearing panel is considered intimidation and is strictly prohibited.

### RATIONALE/DISCUSSION:

Due to the nature and frequency of certain incidents on campus, and in particular in the residence halls, the committee felt it necessary to specifically identify the above areas as behaviors which violate the Student's Code of Conduct and that persons engaging in such behaviors will be subject to the appropriate sanctions.

STUDENT CONDUCT AND WELFARE COMMITTEE  
Recommendation #4  
April 14, 1989  
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**FACULTY SENATE PRESIDENT:**

APPROVED: Rainey Duke DATE: 5/26/89  
DISAPPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_

**UNIVERSITY PRESIDENT:**

APPROVED: David T. [Signature] DATE: 6/3/89  
DISAPPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_

## STUDENT CONDUCT AND WELFARE COMMITTEE

Recommendation  
April 14, 1989

### RECOMMENDATION #57

It was moved and seconded that the following be added to the Student's Code of Conduct. Motion passed.

[To be added as Section VI, following the section titled "Appeals".]

#### Mediation

Mediation is a method of resolving disputes and conflicts. It is an alternative to the formal judicial process. It is a voluntary process requiring the participation of a mediator who operates from an impartial base and whose primary role is to promote agreement.

The purpose of mediation is not to judge guilt or innocence, but to help parties get to the root of their problems and to devise their own solutions. compromise is at the heart of a successfully mediated dispute and the end result of a mediation session is that there are neither winners nor losers, but rather, it is hoped, generally satisfied individuals. If a satisfactory agreement cannot be reached through mediation, the complainant may refer their complaint to the coordinator of judicial affairs for judicial action.

#### **RATIONALE/DISCUSSION:**

The committee feels that by offering the mediation process as an alternative to judicial action, students may benefit from this experience by learning additional means of resolving conflict which may benefit them in future interpersonal relationships.

STUDENT CONDUCT AND WELFARE COMMITTEE

Recommendation  
April 14, 1989

RECOMMENDATION #6:

It was moved and seconded that the following change be made in the Student's Code of Conduct. Motion passed.

Section IV, E:

Change (last sentence) to read: "Changes and amendments in this Code of Conduct shall take effect immediately following approval by the Student Conduct and Welfare Committee, *the Faculty Senate* and the President of the University."

RATIONALE/DISCUSSION:

The change was proposed to keep current with changes in procedures since the inception of the Faculty Senate.

FACULTY SENATE PRESIDENT:

APPROVED: Ramsey Duke DATE: 5/26/89

DISAPPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_

UNIVERSITY PRESIDENT:

APPROVED: Walter H. ... DATE: 6/3/89

DISAPPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_

STUDENT CONDUCT AND WELFARE COMMITTEE

Recommendation  
April 14, 1989

RECOMMENDATION #7:

It was moved and seconded that the following changes be made in the Student Code of Conduct. Motion passed.

Change Section V, 3, b to read as follows:

"In those cases where the recommended sanction is deferred suspension, suspension or expulsion, appeals shall be directed to the President whose decision, *which must be rendered within 10 days*, will be final, except in cases where the President, imposes a sanction of expulsion. In those cases, where the President has imposed a sanction of expulsion, an appeal may be filed with the Board of Regents.

RATIONALE/DISCUSSION:

The current statement in the Code of Conduct does not include any time limitations for reaching a final decision. It was the opinion of the committee that it is in the best interest of the student who has received a recommended sanction of deferred suspension, suspension or expulsion to reach a final decision in a timely fashion. In addition, the well-being and safety of other students, faculty members, and staff members may be jeopardized if a final decision and imposition of sanctions is delayed.

FACULTY SENATE PRESIDENT:

APPROVED: Rainey Duke DATE: 5/26/89

DISAPPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_

UNIVERSITY PRESIDENT:

APPROVED: Walter P. [Signature] DATE: 6/3/89

DISAPPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_

STUDENT CONDUCT AND WELFARE COMMITTEE

Recommendations  
April 14, 1989

RECOMMENDATION #8:

It was moved and seconded that the following change be made in the Procedure Manual. Motion passed.

Change Page 12, Section G (Appeals) to include:

"Within ten days following receipt of the student's appeal, the President shall review the facts of the case and render a decision."

RATIONALE/DISCUSSION:

This recommendation is consistent with the recommended change in the Student Code of Conduct (see Student Conduct and Welfare Committee Recommendation #7, April 14, 1989).

FACULTY SENATE PRESIDENT:

APPROVED: Rainey Duke DATE: 5/26/89  
DISAPPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_

UNIVERSITY PRESIDENT:

APPROVED: W. J. [Signature] DATE: 6/3/89  
DISAPPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_

**STUDENT CONDUCT AND WELFARE COMMITTEE**

**Recommendation  
April 14, 1989**

**RECOMMENDATION #9:**

It was moved and seconded that the following statement be included in the Student Handbook. Motion passed.

**Acts of Intolerance**

Marshall University provides more than an intellectual experience. It also provides the opportunity to further the social growth of students by maintaining an environment conducive to learning how to get along with peers and how to handle differences such as race, ethnicity, and gender. Respect for other individuals and the ability to treat others in a civil manner is a basic tenet on which our society was built. Accordingly, the University has an obligation to address behaviors within our environment that are unacceptable. Incidents based, for example, on racial or sexual prejudice are inconsistent with our educational mission and will not be tolerated.

It is a goal of Marshall University to provide an environment which is free from acts of harassment based on intolerance directed against individuals or groups. Harassment is a violation of University policy and will be subject to disciplinary sanctions, including dismissal from the University when appropriate.

**RATIONALE/DISCUSSION:**

It was the opinion of the committee that this information should be presented to students in places other than the Student Code of Conduct. The Student Handbook is widely read by students and will be a vehicle through which this information can potentially reach all of students.

STUDENT CONDUCT AND WELFARE COMMITTEE

Recommendation  
April 14, 1989

RECOMMENDATION #10:

It was moved and seconded that the attached policy regarding students involved in travel/study abroad. Motion passed.

RATIONALE/DISCUSSION:

Please see attached memo from Dr. Claire Matz, dated March 1, 1989 for support.

FACULTY SENATE PRESIDENT:

APPROVED: Rainey Duke DATE: 5/26/89

DISAPPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_

UNIVERSITY PRESIDENT:

APPROVED: David Ryzub DATE: 6/3/89

DISAPPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_