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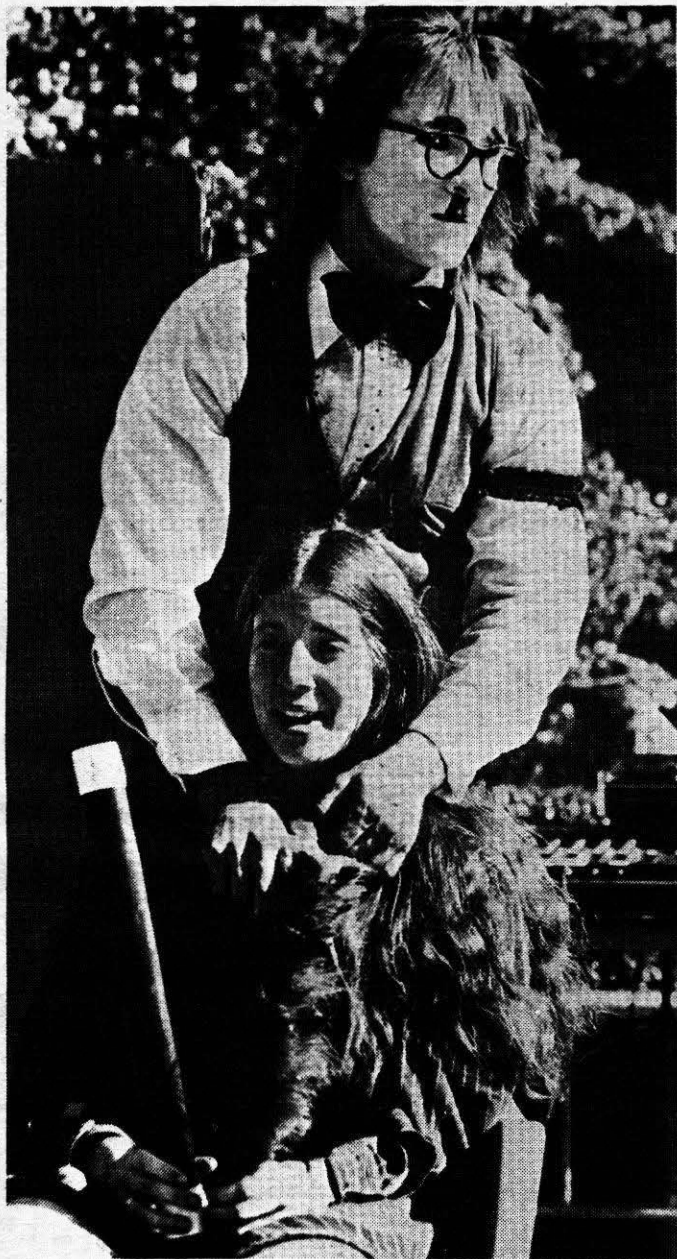
THE PARTHENON

Marshall University

Huntington, W. Va. 25701

Thursday, October 22, 1981

Vol. 82 No. 25



Locomotion entertains Marshall students

Locomotion, a three-member acrobatic vaudeville team, opened Homecoming activities Tuesday on the Memorial Student Center plaza. Along with performing stunts for passing and gathering crowds of students, the team involved student participation -- and a substantial amount of acting. Photos by Todd Meek

Mock removal of MU president today

By Brian Tolley

A student "takeover" has been planned to "remove" Marshall President Robert B. Hayes from his office today at 1 p.m.

Hayes said he plans no resistance, since the students are staging their takeover for a good cause.

"And calling attention to one of the world's major problems certainly falls into that category," Hayes said.

The students, members of the Model

United Nations Club, are staging their takeover in order to call attention to United Nations Day on Saturday.

"We're going to walk in and ask Dr. Hayes to relinquish his office, and then CARP will be in control," Barry Reed, Shepherdstown junior, said.

CARP, the Coalition for the Alleviation of the Refugee Problem, will offer a haven to all of the refugees of the world, Reed said.

"The first thing we are going to do is invite all refugees to come and live at

Marshall," Reed said. "Then we will request formal recognition from the U.N."

The number of international refugees has continued to increase in recent years, Reed said.

"They have also shifted location," Reed said. "After World War II, most refugees were in Europe. Now they are mostly in Africa and Asia."

The United Nations has been in the forefront of efforts to meet the needs of

over 10 million refugees and the takeover is designed to emphasize that problem, Reed said.

Reed said few countries are willing to accept refugees and as conditions of entry become tougher, the needs of refugees become more urgent.

This year's U.N. Day theme is "Improving the Quality of Life" in three subtheme areas: International Refugees, the International Year of Disabled Persons and the International Decade for Pure Water.

Editor, student president square off on opinions

By Brent Archer

The Parthenon has been unfair in its editorial analysis of Student Government this year, according to Marc E. Williams, student body president.

"I don't think you can help but notice an improvement in Student Government, but we continue to be attacked for no apparent reason," he said.

Parthenon Editor Katherine S. Curkendall, Vienna senior, said she thought The Parthenon had been fair in editorials concerning Student Government.

"I feel every editorial has represented Student Government fairly in what they have done," she said.

Williams, Huntington senior, said the most recent mistake of The Parthenon was in an editor-

ial concerning the "dead week" referendum, which used outdated information in stating that study days would be lost upon approval of the proposal.

Curkendall said she obtained information concerning the referendum from Williams and the Student Government newsletter, The Sentinel, and the editorial was correct when it was written.

Williams did not ask for a correction of the editorial in the next paper, until it already had been sent to press, Curkendall said.

Williams said a Parthenon reporter attended the senate meeting in which the proposal was changed one week before the publication of the editorial.

Curkendall, however, said a senator told her the proposal was not changed until after publication of the editorial.

Williams said The Parthenon was also incorrect in stating that Student Government was powerless because a large percentage of students did not vote in campus elections.

"The power of Student Government comes from the university administration and the Board of Regents, not the student," Williams said.

Curkendall said she thought students did have an influence in the power of Student Government. "The students elect them and that's who they work for," she said. "Student Government just does not have enough student support behind it."

Williams said he had not been contacted by Parthenon editors to affirm facts before the incorrect editorials were written.

Curkendall said it was common policy for an editor to obtain editorial information from direct

Continued on page 3

Fate of grant program in dispute

By Jennifer Dokes

Like all federal student financial aid programs, the Supplemental Educational Opportunity Grant (SEOG) will have its fate determined by Congress, according to Edgar W. Miller, director of financial aid.

SEOG is a campus-based program, like the National Direct Student Loan and College Work-Study. The university applies to the federal government and receives allocations. Miller said approximately 170 students receive SEOG. Each is awarded \$300-\$400 per year.

Miller said the proposals on the aid program are extreme in the two houses of Congress. The House of Representatives recommended that grant allocations remain the same, but the Senate proposed drastic cuts. Consequently, Miller said, the issue will go in circles

among several committees and sub-committees before anything is resolved. He said he has no idea when anything definite would be established.

In fiscal 1980, the government provided \$370 million for the SEOG. According to an article in the magazine, Nutshell, President Reagan's proposal coincided with the proposal of the House in requesting that the program receive no more than \$370 million allocated in 1980.

Miller said the SEOG, which evolved out of the Educational Opportunity Grant, is for students with exceptional financial need. The grant is never more than 50 percent of the total financial award package and is matched dollar for dollar with other awards. He said if a student didn't receive other awards, he couldn't receive the SEOG.

According to Miller, the Educational Amendments of 1980 did away with

the matching funds. In addition, more emphasis has been placed upon academic progress. Millers said Congress is spending more time specifying satisfactory academic progress than defining "needy."

For example, the phrase regarding academics formerly was "in good standing," which meant almost anyone who simply attended school was eligible for aid, Miller said.

Now the phrase is "showing satisfactory academic progress," which means that a student not only must be enrolled but is making progress toward a degree.

Miller said that SEOG awards are granted with the school's discretion since it is a campus-based program.

"Although we don't use federal guidelines, we continue to give to the needy," he said.

Program offers part-time jobs

By Gina Brooks

An internship program that lets students "try out" their career choices will return to Marshall this semester, according to Reginald A. Spencer, placement director.

Spencer said the program went "very well" in its last year, 1979, when 17 students participated. "The students said it was well worth their time," he said.

The internships are 20-hour programs in which students work four hours weekly for five weeks or as the student and employer prefer.

The programs begin Oct. 20 and will end by Nov. 24, Spencer said.

He said the program offers jobs in a student's major so the student can "get acquainted" with his selected field of study. If a student decides he does not want to continue in his major, he can then investigate other areas, Spencer said.

Although no pay or class credit is offered for the internships, the experience for students is valuable, Spencer said.

"Students should know the value of working with employers," he said.

"One of the fringe benefits (of serving an internship) might be a part-time job or summer job if the employer likes your enthusiasm," he said.

The program is being re-established, Spencer said, because the placement center now has an assistant director, Suzanne Bloss. The program was discontinued earlier because the center had no assistant director and could not effectively oversee such a program, he said.

For more information on the internship program, students may contact the Career Services and Placement Center in Prichard Hall.

Campus crime

Prevention, caution, alertness keys to deterrence

By Susan Moss

Stressing prevention and encouraging those at Marshall to be careful and cautious are the most important elements in deterring campus crime, Director of Public Safety Donald L. Salyers, said.

"But there's an apathy toward that kind of cooperation," he said. "People don't want to feel inconvenienced."

Students sometime think it is inconvenient to lock their doors in the residence halls to discourage larceny, he said.

Salyers said there is some cooperation between the Residence Life staff, the students and security, but individual students need to be more alert.

"We don't want students to go around in constant fear," he said, "but

they should be aware of what could happen. When it hits close to home - sexual assault, for example - then you become aware."

To prevent assaults precautions should be taken, he said.

Salyers said no arrests have been made in connection with the summer assault incident and the fall citings.

"But to say the investigation is still active would be an understatement," Salyers said. "We'll continue to do everything possible to identify that person or those persons and prosecute them."

"There is a time element involved in these things which is not in our favor. Too often when these things occur it's quite awhile before we're notified."

Security has altered the hours of watchpersons in the four major residence halls to increase coverage, he said. New hours are from midnight to 8 a.m. Formerly the hours were 11 p.m. to 7 a.m.

"People ask why we don't extend the hours," Salyers said. "But these watchpersons are already working 40 hours a week. We have talked about increasing the total number of hours to provide better coverage."

Salyers said most of the reports made were of thefts on campus. He encouraged people to lock doors "whether they're going to visit a friend for a few minutes or going to use the restrooms. That's how long it takes for a thief to leave with something of a size that can be concealed."


Here Comes Halloween Fun!

Halloween Parties Are Fun...



...and Hallmark paper partyware makes them easy, too. Our perky pumpkin design is festive and makes clean-up a snap.

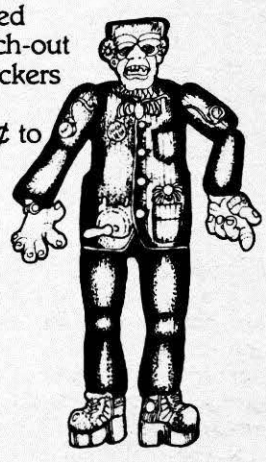
Send Halloween Surprises



Hallmark greeting cards for Saturday, October 31 are as fun to send as they are to receive!

Boo!

Haunt your house with giant jointed monsters, punch-out decorations, stickers and more for Halloween. 35¢ to \$5.50.



WUB WEEKLY SPECIALS

BRECK SHAMPOO

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\$1.99 SALE \$1.39



MISS BRECK HAIR SPRAY

9 OUNCE
\$1.99 SALE \$1.39



WUB MARSHALL UNIVERSITY BOOKSTORE

Officials examine remedial reading course

By Tom Marine

Remedial reading programs for incoming students whose ACT scores indicate a need are currently not required, but are being examined for that reason, Dr. Olen Jones, provost, said.

"We're concerned," Jones said, "particularly with the student who comes in unprepared. They have some catching up to do."

Marshall's current procedure deals only with math and English for those student with low ACT totals. If a student has an ACT average of under 15, the student must take English 100 and Math 100 instead of the 101 courses, Jones said.

Although the 100 courses cannot be used towards graduation, Jones explained, they do count towards the student's grade point average.

Jones said the reading deficiency, if not dealt with, "continues to compound the problems" students have in other courses.

Dr. Nell C. Bailey, dean of student affairs, said her department is now

developing a proposal to "require remedial reading for new students coming into the university, who are below the 10th grade reading level."

Bailey's Associate Dean Kenneth E. Blue, tested approximately 1,600 students in English 100 and 101 last year and found more than 25 percent (440) below the 10th grade level.

"This information is very helpful to the students," Blue said. "It is used to help with their reading rate."

However, Blue said the percentage below the 10th grade level indicates "something."

"There is a need for student support at the reading level," he said. "Remedial reading is not built into our academic program—but reading improvement is necessary."

Part of the problem with low reading scores on campus is the university's open admission policy, according to Jones.

Jones said as a result of the "open" admission policy any student graduating from a West Virginia high school can automatically be admitted to the university.

Theoretically, this could bring the

Marshall average ACT score down. But, Jones said, Marshall is taking steps to keep those averages up.

Several "encouragements" Marshall has to attract students with higher ACT scores deal specifically with financial aid, Jones said.

"The higher a student's ACT score or grade point average, the more money he or she is eligible for," Jones said. "The last several years it's been an excellent program."

Involved in those programs are Ed Miller, financial aid director; Dr. Claire Horton, director of Select Committee for Recruitment of Excellent Students (SCORES), and James W. Harless, director of admissions.

The effect of recruiting high quality students is "offsetting" the scores of the poor students, Jones said. But, "we still have people in college who need remedial help."

Bailey said she hopes to pass a proposal which would require all incoming students to take a test determining student reading skills. If the student did not pass, then the student would be required to take the remedial reading course.

Bailey and Blue both, however, fear financial sources could be a problem.

Bailey called sources "limited," while Blue said it was clearly a "budget crisis."

A program itself is not a problem, Bailey said, because it has already been developed. It's a matter of "people power," according to Blue.

"We need to increase our forces," Blue said. "We need to train other student how to deal with students with deficiencies."

Tutors handle part of the problem now, Bailey said. But, the tutors are working strictly with freshmen and sophomores—no others.

"We don't have the money to do the job," she said. "But, we are doing a good job spreading our resources."

Jones said there is only so much the university can do, reiterating Bailey's concerns. But, he doesn't want "quantity" of interfere with the "quality" of education at Marshall.

"We should maintain our high standards," he said, "and demand students to meet those standards. Too much emphasis is based on numbers—we must ensure quality in what we do."

'Recognized' groups may seek fees

By Gina Brooks

Members of the Marshall University Community may apply this week for a share of \$11,000 in Higher Education Resource Fee money, according to Dr. Nell C. Bailey, dean of student affairs.

Recognized student organizations, academic departments, standing faculty committees and university administrators are eligible to receive up to \$1,000 for projects directed by students, faculty or staff members, Bailey said.

Separate fund requests must be submitted for each project, she said.

Marshall received \$1.4 million in HERF money, and allocated \$11,000 to Student Affairs, Bailey said, "to fund projects which will benefit students directly."

Bailey said the money was allocated to Student Affairs for her to manage and disburse in a way that is directly related to student services.

"Directly is the key word," she said.

According to state legislation, HERF money may be used only for libraries, library supplies and "improvement" of student services.

Bailey said Student Body President Marc E. Williams appointed a Student Advisory Committee to assist in managing the HERF money.

"I did not turn it over to Student Government," Bailey said. "I wanted a student committee to advise me in the disbursement of it (the money)."

Members of the Student Advisory Committee and their constituencies are: Cathy Murphy, residence

halls; Sherry Genung, graduate students; James Veneable, minority students; John Finch, international students; and Janet Graber, women.

Williams will represent the entire Marshall student body, Bailey said.

"The committee has been extremely serious about these funds," Bailey said. "They're eager to assist in the disbursement."

Committee meetings are scheduled for Oct. 29, Nov. 19 and Dec. 10.

Bailey said groups requesting HERF funds must submit a narrative of five pages or less to her office, 118 Old Main, by Friday prior to the committee meetings.

For more information on the application process, contact Student Affairs at 118 Old Main.

THE PARTHENON

Editor and Managing Editor Positions

The Parthenon is now accepting applications for positions of editor and managing editor for the spring 1982 semester. Deadline for applications is Nov. 3.

Persons interested in applying should see Terry Kerns, The Parthenon adviser, for information regarding requirements and applications. Apply in Room 311, Smith Hall.

Bowl bound

Intramural college bowl teams competing for Marshall spots

One team remains undefeated after three rounds of intramural College Bowl, according to Dr. Robert J. Mutchnick, assistant professor of criminal justice and College Bowl coach.

Team two, lead by Kurt Taube, Chesapeake graduate student, defeated team four, captained by Holley Faulkner, Craigsville senior, 270-90. They also defeated team five, led by Scot Hines, Huntington medical student, 285-130, and team eight, cap-

tained by Steve Crawford, Cannonsburg senior, 240-25.

On Tuesday, team two defeated team six, led by Debbie Scott, Sissonville senior, 355-80.

On Monday, team one defeated team seven, 250-165, team five defeated team eight, 205-165, and team six defeated team 10, 160-70.

In other action Tuesday, team eight defeated team nine, 125-55 and team nine defeated team 10, 320-115.

Next Monday, team one will play

team four at 5 p.m., followed by teams five and seven at 5:30 and teams three and 10 at 6 p.m.

Next Tuesday, team two will play team seven at 5 p.m. followed by teams five and nine at 5:30 and teams six and eight at 6 p.m.

Intramural competition will end Nov. 23, Mutchnick said. The Marshall University team will then be chosen from individuals who competed in intramurals, he said.

Editor Continued from page 1

quotes in news stories and not from actual conversation with sources.

"If I were unsure about anything I would call," she said.

Student Government has attempted to establish favorable relations with The Parthenon, but has received little cooperation, Williams said.

"We've asked repeatedly for a meeting with the editors to discuss our concerns and plans, but they ignored us," Williams said.

"That is what the reporters are for," she said. "My job is to organize and disseminate information to the public."

Williams said The Parthenon was hindering the

development of the university by attacking Student Government.

"All groups must have one goal, and that is to make Marshall University better for the faculty, students and administration," he said.

Curkendall said that by working for a single goal The Parthenon would lose its objectivity as a newspaper.

"I don't work for the university - I work for this paper," she said.

Williams said he did not want the editorial board of The Parthenon to agree with Student Government on every issue, but rather to practice more accuracy in its editorials.

FOR THE RECORD

Manchin applauded; Queen visits capitol to discuss election

Three cheers for Secretary of State A. James Manchin, and for Student Government Election Commissioner Michael Queen.

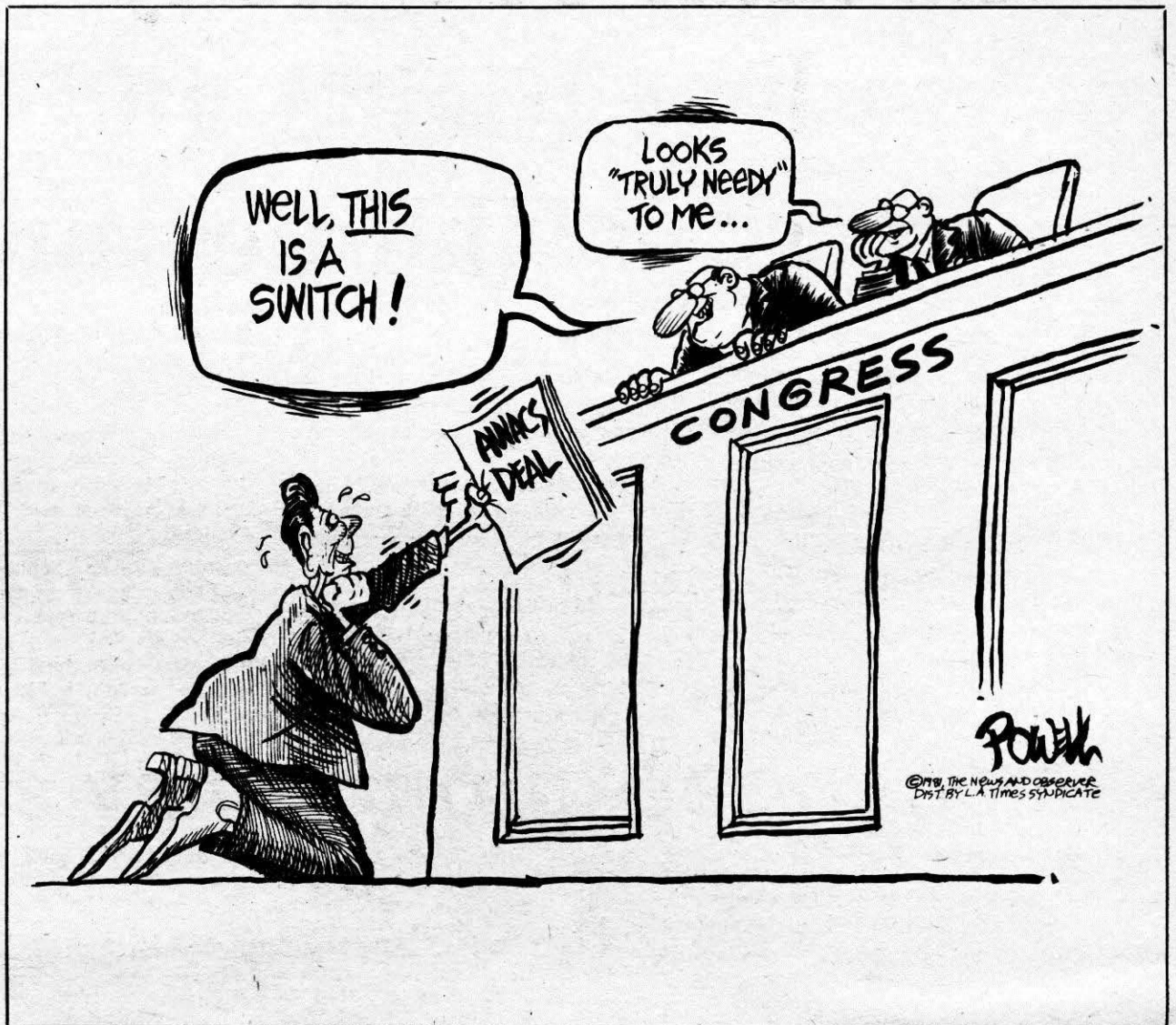
Manchin offered Tuesday to oversee the next Student Government election. For once, a busy state official is going to take time from his schedule to do something tangibly constructive for his constituents.

In response to Manchin's offer, Queen took a trip Wednesday to the state capitol to visit Manchin to get some help for Student Government's poorly run elections.

Both men should receive applause in their attempts to better Student Government election procedures.

Manchin proposes sending his chief deputy in charge of elections to Marshall to train poll workers, who, in the last election were found violating the ethical standards of elections by informing voters about the "dead week" referendum. They claimed no opinions were asserted, but Manchin was still "shocked" by such behavior from some of the country's future leaders.

We applaud Manchin and his concern for Marshall students, and Queen for doing his job as election commissioner.



LETTERS

Poll worker criticizes editorial

TO THE EDITOR:

I would like to respond to the two articles in the October 20th issue that were found on page 4. to begin with, I agree with Mike Queen totally. I believe the whole problem surrounding the dead week proposal is that The Parthenon made a mistake in one of its editorials and for some reason failed to correct it. Failed to do so, I may add, even after it was brought to their attention.

I would also like to make known that I was a poll worker and at no time was instructed to explain the issues concerning any part of the dead week proposal. However, Mike did tell us that if any student did question the working of the proposal to tell them that the editorial appearing in The Parthenon was totally incorrect when it stated the proposal would eliminate study days. He also wanted us to bring to the attention of the students a poster which stated the proposal, word for word, as it would be proposed to the Academic Standards and Planning Committee.

I might add that there were a lot of people who came in with the wrong information; information which was initiated by this publication.

I realize that people make mistakes but they should be responsible enough to correct them.

If this type of information, information which I as a student of Marshall University feel is more

than just a right to know, is considered "unjustified," then Mike Queen or any of the Election Committee need not ask me to serve as a poll worker again. If I can't inform my fellow students of what exactly their voting for without being accused of cheating in an election, I won't participate! And as far as I'm concerned being accused of possibly cheating is a bad excuse of The Parthenon to use when all we were really doing was covering up a stupid error that they made and refused to correct!

The editorial also stated that a person could possibly steal computer cards and then be able to vote several times. This accusation is ridiculous! Mike had asked that we keep the cards directly in front of us to eliminate this possibility; therefore, we did so.

Finally, I would ask that the staff take heed to what I'm about to say. To admit to a mistake is one thing; to correct that mistake is another. It takes a big person to swallow their pride and admit to being wrong. I feel that the editorial staff of The Parthenon lacks that person.

Sincerely,
James G. Stewart

EDITOR'S NOTE: I must explain my sources for the editorial titled, "Dead week proposal a bad bargain" were Student Body President Marc Williams and his publication The Student Sentinel.

LETTERS POLICY

The Parthenon welcomes letters concerning the Marshall University community. All letter to the editor must be signed and include the address and phone number of the author.

Letters must be typed and no longer than 200 words. Letters must be submitted between the hours of noon and 5 p.m.

THE PARTHENON

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Figures released on tenured faculty at Marshall

Tenure is alive and well this year at Marshall University. Of the 377 persons on full-time faculty, 65 percent are on tenure, according to figures released for the fall 1980-81 semester by Diana Joseph, administrative assistant of the Institutional Research department at Marshall. This percentage will remain unchanged for the spring, she said.

These figures compare favorably to a nationwide survey in which 67.4 percent of full-time faculty were tenured. The survey was conducted of more than 222,000 full-time faculty employed at 1,200 colleges and universities by the Higher Education Panel of the American Council on Education.

Of the 65 percent faculty on tenure at Marshall, five departments have 100 percent full-time faculty tenured. These include the departments of Philosophy, Geography, Social Sciences, and Pre-Engineering.

"I feel that tenure is an absolute must to protect academic freedom," said Provost Olen E. Jones Jr. "It is an essential ingredient."

Academic freedom of faculty members can be defined by the revised policy bulletin number 36 of the West Virginia Board of Regents as "full freedom in research and in the publication of the results of such research, subject to the adequate performance of their other academic duties which may include designated research, extension service, and other professional duties. Further, each faculty member is entitled to freedom in the classroom in discussing the subject taught. In addition, when faculty members speak or write as citizens outside of the college or university, they shall be free from institutions censorship or discipline.

To obtain tenure at Marshall, faculty members must be appointed by official action of the Board of Regents or the president and then confirmed by the Board.

Faculty considered in a tenure track are those employed on a full-time basis and appointed in a probationary status for tenure by the president.

"They are usually notified after six years for the condition or status of the

seventh year appointment," Jones said.

"They can receive it prior to this time if they have been outstanding in their endeavors."

As defined in policy number 36, "Tenure applies to those faculty members who qualify for it, and is a means of making the teaching and research profession attractive to persons of ability. There shall be demonstrated evidence that tenure is based upon a wide range of criteria such as: excellence in teaching; accessibility to students; professional and scholarly activity and recognition; significant service to the college community; experience in higher education and at the institution; possession of the doctorate, special competence, or the highest earned degree appropriate to the teaching field; publications and research; potential for continued professional growth; and service to the people of the State of West Virginia."

"It is possible for a faculty member to receive tenure early when they join the

institution," Jones said. "This is known as instant tenure."

"I am aware that people are given early tenure for various reasons, said Dr. Virginia Plumley, chairman of the personnel department. "It is like giving them a vote of confidence. There is a committee here that discusses that sort of thing, but each institution has its own criteria," she said.

Tenure is highly sought after in universities; especially with fewer faculty due to lower enrollment figures in schools and the condition of the economy.

"What has happened now with the decline is that faculty members are not as mobile; they are looking for some security," Dr. Plumley said.

"One problem with tenure is that two or three people become complacent once they have tenure," Jones said. "This is not common here, however. Tenured faculty are evaluated on performance every three years. Good faculty continue to be good faculty and they continue to be productive," Jones said.

Honoraries to sponsor Ghou-a-thon

A Ghou-a-thon for Cystic Fibrosis will be sponsored by Alpha Epsilon Delta, the pre-medical honorary, and Chi Beta Phi, the science honorary, at 1 p.m. Oct. 31, according to Kelly Kearfott, Pennsboro senior and president of Alpha Epsilon Delta.

The 10-mile walk will begin at the Marshall track and follow a course around Huntington, Kearfott said.

T-shirts will be given to participants who raise at least \$25; sweat shirts will be given to those who raise at least \$75;

and those who raise \$100 or more will receive one of each, Kearfott said.

Participants are asked to wear Halloween costumes, Kearfott said.

Each participation is responsible for obtaining sponsors. Prizes, donated by local merchants, will be awarded to those who raise the largest amounts of money, Kearfott said.

Refreshments for participants will be provided along the route by sponsors, Kearfott said.

"This will be a way to have an unselfish but fun Halloween," Kearfott said. "We hope to really get in the spirit."

Anyone may participate and may pick up sponsor sheets in the Campus Christian Center.

Campus problems discussed at Wheeling conference

Possible solutions to parking, housing, food service and student loan problems were discussed by student leaders at a student government conference, according to Student Body President Mark Williams, Huntington senior.

"Critical issues facing higher education in the 80s was the theme of this conference held in Oglebay Park, Wheeling," Williams said. "We attended workshops on time management, committee dynamics, student personnel, and goal plan implementation."

Bluefield State College, a 100 percent commuter campus, has no parking problems, Student Senator Michele Hale, Huntington junior, said. Their parking system is on a first-come-first-served basis, Hale said. Student Government plans to offer suggestions to Bonnie Lytle, parking and traffic coordinator, which might improve the parking situation, Hale said.

"One gets what one pays for," Williams said about the food service at Marshall. He said he believes students are willing to pay more for better quality food. Williams said he hopes Marriott, Inc., will put in the lowest bid when the food system comes up for bid in the spring, which would ensure a higher food quality in the residence halls.

Contingency housing plans such as local and private dormitories were also suggested at the conference, Williams said. West Virginia University and Fairmont College face no major housing problems because of their contingency housing plans, he said.

As for student loan problems, a partial solution could be to increase skilled technical programs, Williams said. This would offer job skills to those who cannot afford attending college for four years.

Volunteer service program bridges student-community gap

Volunteers in Community Service is a bridge between Marshall students and community needs and has something for everyone, Kelly S. Kearfott, VICS co-ordinator said.

"A lot of students are unaware of the opportunities that VICS offers. They can get experience in career-related fields and decide whether they have chosen the right major," said Kearfott. For example, volunteer work is available at the Veterans Administration Hospital for students in health-related fields.

For education and psychology majors, volunteers are needed at Cammack Children's Center to work with underprivileged children. Region III Child Development Day Care Center is also excellent for education majors, and the center is pleased with the Marshall students, she said.

The Big Brothers, Big Sisters program is also offered at VICS. This pro-

gram works with disadvantaged children by guiding and showing them ways of living other than their own, Kearfott said. It is available to children who are having problems or just need someone to talk with.

"I have one (a little sister) and it is worthwhile," Kearfott said. "You become enchanted with them and don't want to give them up." For more information contact the VICS office in the Campus Christian Center.

For anyone interested in nature, the Huntington Art Galleries is looking for volunteers to conduct children's tours.

Another duty of VICS is to develop and initiate special projects such as fund raisers for needy organizations.

Huntington State Hospital was the site of one of these special projects and consisted of various booths such as a dunking booth for the entertainment of the residents.

Special Services

Help available for needy students

Since it began in 1970 the Special Services program has become more available to more students according to Stephen W. Hensley, assistant dean of student development.

Special Services provides tutors on almost all subjects, Hensley said. He also said Special Services can provide help with such things as improving reading skills, note-taking, test-taking, and time management.

Hensley said Marshall had one of the first Special Services programs in the country. It began under the Lyndon Johnson administration. It was part of his 'war on poverty' designed to take the impoverished out of the home and put them into college," Hensley said.

The federally funded program was designed to help the economically and educationally disadvantaged, and the culturally deprived student, Hensley said.

"Educationally disadvantaged is a very broad category," Hensley said. "Anyone could be considered educationally disadvantaged. For instance, if your high school didn't teach chemistry then you may need help in that subject."

Economic barriers still exist, but if someone needs help they will be taken care of, Hensley said. He also said that a student who does not qualify for Special Services can generally qualify for the Educational Support Program (ESP).

ESP, according to Hensley, is a program that grew out of Special Services. It is much like Special Services except that it is university supported rather than federally funded. Also, money allocated for tutoring with ESP is much more restricted than Special Services, he said.

Hensley said the program is funded for 250 students which generally consists of about 150 freshmen and 100 returning students.

Hensley said that he thinks Special Services is a good program but wishes he had more money to work with. He said there hadn't been any notification of any budget cutbacks yet. However, the grant has been approved for the next two years if funds are available, Hensley said.

"It's the kind of program that is vulnerable," Hensley said. "Hope is all we have."

SPORTS '81

Volleyball

Captain says team has skill despite disappointing season

By Colette Fraley

"It's depressing for the season to be going on the way it is, this being my last year on the team and all," Sherrie L. Harless, Scott Depot senior and captain of the 8-26 volleyball team, said.

"Struggling just isn't the word for it," she said. "I feel like I'm beating a dead horse when I say this, but I know we have the skills of a good team. We just can't seem to play well in game situations."

She said she thinks the major problem is that the freshman are having trouble adjusting to college-level play. That, combined with a tough schedule has made this season disappointing, she said.

She said that she has tried to help the younger players with positive reinforcement and feedback, but it just doesn't seem to help.

"I've done everything I can," she said. "Coach (Linda Holmes) has done everything she can. We've changed players, rotations, offenses—everything. But, in game situations, we (the team) just seem to let down. Everyone's frustrated by the way we've been playing."

Harless said she is not used to losing quite this much.

"I've been on the team here since I was a freshman," she said. "We had winning seasons those years ('78-25-16; '79-24-23-3; '80-31-20-1). This

year, we've already lost as many as we won in some of those years."

Harless, a three-year letter winner at MU, also earned letters at Winfield High School in basketball, volleyball and track.

Harless said she decided to come to MU because some of her friends were here and they talked her into it. She said she decided to try to play volleyball for two reasons.

"First, I knew that (former women's basketball coach) Donna Lawson had a reputation for suggesting that if you weren't 5'10", you might as well not try out for the team (Harless is 5'1")."

"Second, I was a sprinter in high school," she said. "Here, my stride just wasn't big enough to really compete with taller runners."

She said she was a walk-on player for MU volleyball in her freshman year.

"My head coach in high school had talked to Linda about me," she said. "Linda said 'yeah, sure, tell her to try out,' but that was about all."

Harless said she made the team and became what Holmes calls a "defensive specialist."

Holmes said of Harless, "She is an excellent defensive player. She knows where she's supposed to be on the court and she has good anticipation as to where the ball is coming. She gives one hundred ten percent all the time."

Harless said that being used only on

the back line was hard at first, but that now she appreciates where she plays.

"I know I'm better off in the back," she said. "When I see some girl at the net who is 6'4", I really appreciate being back here."

As team captain and lone senior on the team, Harless said she isn't sure what the team thinks of her.

"I'm sure I've overstepped my bounds in criticizing them," she said. "But, I'm just trying to share what I've learned from the past with them."

She said that that sharing sometimes got her into trouble with teammates.

"Well, last year I know Jennifer (Casey) couldn't stand me," she said. "But this year, she told me she was glad that I had tried to help. So, I'm kind of proud of that. It makes me feel useful."

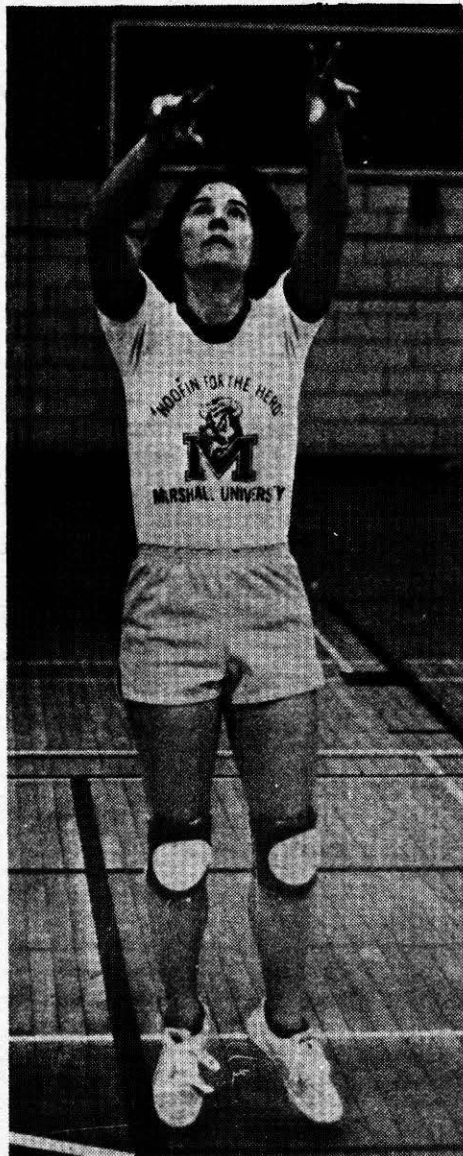
Holmes said Harless is a good team leader.

"She's very even-tempered and her moods don't fluctuate, which helps the team," Holmes said. "If she lets down, imagine how that might make the team feel."

Harless said her nickname of "Flea" can be attributed to Holmes.

"When I was a freshman, we had to be weighed and measured for the phys-

Continued on page 7



Sherrie L. Harless

State tourney title primary goal of volleyball team

By Colette Fraley

The volleyball team lost two matches Tuesday, but Coach Linda Holmes said she was not discouraged by the way the team played.

"The scores are not indicative of the way we played against Ohio University and the University of Cincinnati," she said. "Both schools have good teams, so I'm not real discouraged by the scores."

MU lost 15-17, 10-15 to Ohio; 6-15, 14-16 to Cincinnati.

"We didn't play badly against OU," Holmes said. "I

think we should've won the match, but we just didn't play up to our potential."

Against UC, Holmes said that MU had the momentum for a while during the match but that Cincinnati regained its composure and won the match.

Despite the team's dismal 8-26 record, Holmes said the team still has two goals for the remainder of the season.

"Winning the state tournament (Nov. 13-14) is our primary goal," she said. "A state title is important, regardless of whether we have to play one team or thirty to win."

A more immediate goal the team has is to win its invitational tournament Oct. 30-31, she said.

In order to win that tournament, Holmes said that the team is going to have to think positively.

"Our problems this season mostly have been mental errors," she said. "And it's hard for the team and the coach to not get discouraged by the way the season has gone."

"I try to keep reinforcing to the team that it is young," she said. "We're starting to play much better now than we did earlier in the season, so I think our goals can be attained."

Intramurals

Director 'discouraged' by low weekend participation

By Jeff Morris

Sometimes the life of an intramural director can be rough as there are only some many activities you can cram into one weekend.

Thomas A. Lovins, director of intramurals and recreational services, shares this same sentiment. He said the reason he had to cancel the intramural flag football tournament this past weekend was because students were just too involved in other things.

"It's discouraging to offer weekend activities when no one takes advantage of them," he said. "We only had one team register, but I guess people were just too busy this weekend to participate."

The tournament was being offered as part of the "Anything Goes" program, which features structured weekend sports.

Lovins said he designed the event so students would have an alternative to regular flag football which was dropped from the schedule because of last year's high incidence of official harassment and fighting.

Lovins said he is unsure whether flag football will be reinstated into the regular intramural schedule next year.

"The Intramural Council will decide its fate sometime this spring," Lovins said.

In other intramural action Pat Sheehan, of 5th floor Holderby, successfully defended his title against Bill Lilly, of 14th floor Twin Towers East, 6-1, 6-4 to

win the men's tennis singles residence hall championship.

Lambda Chi Alpha's Doug Ford defeated fellow fraternity brother Jay Nelson 6-4, 6-4 to capture the men's tennis singles fraternity division championship.

Alpha Tau Omega are again as fraternity division softball champs by claiming a 24-2 victory Monday over Sigma Phi Epsilon. Lovins said Alpha Tau Omega jumped out to take a 11-0 lead in the first inning.

Lovins said the Intramural Council will hold a noon meeting Oct. 26, in Gullickson Hall Room 123 to discuss problems in the "Anything Goes" program, current activities, suspension of players, letters of protest and the appointment of a council chairperson.

Golf team to play in Duke classic

By Peg Hellstern

Although the competition is not as stiff as it has been for the Marshall men's golf team, they still will face a talented field of teams at the Duke University Fall Classic being played this week in Durham, N.C.

"The overall strength of the field is not as great as we've faced in our last two tournaments," Coach Joe Feaganes said. "But out of the 20 teams participating there are 10 or 12 good teams. It's excellent golf course and there will be some good competition."

Major teams participating will be Duke, Georgia Southern, Wake Forest, North Carolina, North Carolina State and Marshall.

"One of our major objectives for this fall was to get a good look at as many different players in tournaments as possible," Feaganes said. "There will be some new faces but I'm just as confident in our ability to do well in the tournament."

Competition for the 54-hole tournament begins today and concludes on Saturday. This tournament is Marshall's final one of the fall season.

Volleyball Continued from page 6

icals," she said. "Well, the girl in front of me weighed 198 pounds, and I tipped the scales at 98 pounds. Coach said that was 'flea weight' and it just kind of stuck."

Harless said that her participation in athletics had helped her in several ways.

"It has definitely made me more independent," she said. "And, I've gotten to see more of the country that I would not have if I hadn't played sports."

She said she thinks sports will help her after she graduates and tries to find a job.

"It has made me more aggressive," she said. "I know my abilities and I'm going to make sure possible employers know them too. You need all the help you can get. After all, it's not what you can do, but who you know."

Harless said that if she could change the past four years of her life she would do some things differently.

"I'd divide my time more carefully between my athletic life and academic life," she said. "As a freshman, I had trouble in some classes, because I was having a hard time doing that."

Harless said she thinks that might be a problem with the volleyball team now.

"They might be worrying about their classes," she said. "But most of these girls are here on athletic scholarships, so they don't have to worry as much about that as I did."

She said that attitude may not be helping the team.

"When I came here, I knew I was going to have to fight to get to play in my position," she said. "These girls know they're going to get to play some. Maybe they're thinking 'well, what's one season? I've got two or three more.'"

"That makes it hard on the rest of us," she said. "I can't say that anymore. I had hoped to go out on a winning season, but I just don't see any chance of that happening now."

Homecoming

Losing season, excuses nothing to get excited about

Homecoming is here already, rah rah.

I'm sorry folks I just can't get excited about a losing season, and I'm tired of hearing excuses about the offense falling down and now the defense is following suit.

I can't get too thrilled either about the fact that we're playing Virginia Military Institute, which is now first in the Southern Conference. Marshall is seventh.

Maybe this weekend will be the weekend the Herd stampedes and comes up

with a victory.

Then again, maybe not.

It looks like Marshall is going for the longest conference losing streak in history.

And comments like "the race for the basement" don't boost my team spirit one bit. I'm sure it isn't helping the players any either.

I have noticed that Coach Sonny Randle is taking more "responsibility" for the team's losses. I find it refreshing when the coach, or coaches, considers himself a part of the team in good

SHAWN STANICK



times and bad times.

And Randle is sticking by his players, the team.

This football program turnaround everyone is talking about in the athletic department is taking longer than anyone wants. And Coach Randle is handling criticisms and spectator coaching better than he has been known to.

I just wish he didn't have to keep making excuses.

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Education students take national exam

The National Teachers Examination, required for graduating seniors in the College of Education, will be given Nov. 14, Feb. 20, and April 17.

The examinations are standardized tests designed to measure knowledge gained from clinical experience and academic achievement. The test, prepared and administered by the Educational Testing Service, is for college seniors completing education programs and for advanced candidates who have received additional training in specific fields.

The first section is the Common Examination, which is divided into four tests covering professional and general education. Professional Education is the first test and includes questions related to the social and cultural forces that influence curriculum and teaching, as well as questions dealing with general principles of learning and instruction.

The other three tests, Written English Expression, Social Studies, Literature and the Fine Arts, and Science and Mathematics, measure general education.

The second section is the Area Examination, which measures a student's knowledge in separate subject areas. In addition to taking the common Examinations, a student may take only one Area Examination on a given test date.

Scores are used by many state for certification of teachers, by school districts in hiring teachers and by colleges as part of their graduation requirements.

"Students cannot fail the examination, they just have to take it," said Jack E. Nichols, director of student clinical experiences. "Some states require certain scores, but it varies from state to state and from school district to school district."

Nichols said the tests are a part of the application for a teaching position. A student's grade point average, recommendation from a supervising teacher and the interview with the superintendent are also important, he said. If a student's scores are not high he can make up for it in these other areas, Nichols.

Registration for the test closes three weeks prior to the test date. The cost is \$49, but a limited number of fee waivers are available to enrolled college seniors who are receiving financial aid. Only \$27 will be waived to each eligible student.

Requests for fee waivers were due Sept. 23 for the Nov. 14 test; Dec. 30 for the Feb. 20 test; and Feb. 24 for the April 17 test.

For more information or to obtain registration forms, students may contact Dr. C. Jack Maynard, assistant dean of the College of Education.

ALMANAC

There will be a rally at 1 p.m. today in front of Old Main to celebrate the 36th anniversary of the United Nations. All MU students and faculty are welcome to attend.

A sexual assault program will be presented at 3 p.m. today in the Memorial Student Center.

Two speakers will be on campus from 10:30 a.m. to 12:30 p.m. today in the Memorial Student Center Room 2W37 to provide information and answer questions about the physical therapy program at Marshall. All interested students are welcome.

Plaque to be unveiled

A ceremony is being planned for the middle of November to unveil the new Holderby Hall plaque, Mary-Ann Thomas, associate dean of student affairs, said.

Holderby Hall was previously named South Hall until the spring of 1980 when the West Virginia Board of Regents approved the new name.

According to files in the University Relations office, the residence hall was named for James Holderby, whose family settled Guyandotte before 1800.

Holderby inherited sections of land which is now Huntington. The area was then called Holderby's Landing because of a boat landing point Holderby owned.

Holderby had one of the earliest trading posts in the area, according to the file, served as county sheriff in 1819 and was appointed a County Court "gentleman justice," similar to today's county commissioner.

The trustees of Marshall Academy purchased a one and one-fourth acre lot from Holderby for \$40, June 30, 1931. Old Main now sits on this site, the file said.

Holderby's deed to the trustees stated that the land sold could be used only for an academy or school. Holderby died in 1855.

"We're planning on having an open house of the residence hall and an official unveiling of the plaque," Thomas said.

Any living descendants of Holderby will be contacted and invited to the ceremony also, Thomas said.

"Holderby Hall's previous name, South Hall, was only temporary until a name could be found for it. South Hall was a label," Thomas said.

Completed in the fall of 1961, Holderby Hall was first a four-story building. The remaining floors were added in 1967, C.T. Mitchell, director of University Relations, said.

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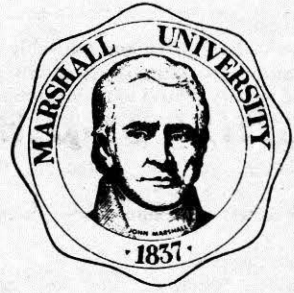
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Marshall University

Student Rights and Responsibilities and Code of Conduct 1981-82



Part 1 Student Rights and Responsibilities

POLICY STATEMENT

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, handicap, 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 discriminate on the basis of race, sex, religion, age, handicap, 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

Educational records

The Family Educational Rights and Privacy Act of 1974 enables students (and parents of students if the student is not 18 years old or older) to review, and challenge, the content of education records and information contained therein which are directly related to students and maintained by the university.

Marshall University is in full compliance with this legislation and a copy of the university's policy on collection, retaining, and releasing a student's records, to the student is available in the office of the Dean of Student Life, Memorial Student Center 2W31.

POLICIES, RULES, AND REGULATIONS REGARDING 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 Administration 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 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 divi-

sion 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 or 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, 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 in-

stitution 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.

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:

- a. To have access to campus resources and facilities.
- b. To espouse causes.
- c. To inquire, discuss, listen to, and evaluate.
- d. To listen to any person through the invitation of organizations recognized by the institutions.
- e. To have a free and independent student 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 conditions leading to and attendant upon academic probation, and the requirements for student honesty and originality of expression.

- a. The student is responsible for fulfilling course work requirements.
- b. The student shall be graded solely on performance measured against academic and related standards.
- c. 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.

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 in-

stitutional 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. Riots.
- c. Unlawful assembly.
- d. 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 intentionally 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, commandeer, 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.

Student 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 local, state, or federal courts.

4.05 Prohibited Conduct: 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, responsibility, or duty, and such persons shall be required to deal with the institution or the president through such designees, except on appeal to the president as specified by the president.

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 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 Duties of the Presidents: Public Use of Institution Property or 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 of 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 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 institutional facilities or 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 prohibited 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 program. 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 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 dealing with the case at the time.

Each institution shall identify in its student handbook or other similar publication the offenses for which a student who is found guilty may be subject to the sanctions of suspension or expulsion.

6.03 General Requirements 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, including student and faculty representatives, and whose number shall be at least three, and, in any event, on any panel hearing a case, shall be odd.

- b. The hearing board shall have 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.
- c. The jurisdiction and authority of the hearing board shall be, in cases of disciplinary action against students:
- to hear evidence;
 - to make things of fact from the evidence presented;
 - 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; and
 - to refer for hearing to a lesser disciplinary channel in cases not involving potential suspension or expulsion. (In lieu of calling together the entire hearing board to decide on referrals, a referral board, including a faculty representative and a student representative selected from the hearing board, may decide the level of hearing by establishing hearing levels of categories of disciplinary infractions or by considering individual referral cases.
- d. The hearing board shall have such appellate jurisdiction, as may be appropriate to the institution, from the determinations and recommendations of any lesser disciplinary channel.
- 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 — 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:
- a statement of the policy, rule, or regulation which he is alleged to have violated;
 - a statement of the facts and evidence 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;
 - a statement that a hearing will be had before the hearing board on the charges, together with notice of the date, time and place of the hearing; and
 - in cases involving potential suspension or expulsion, as specified in institutional policies, the student must be informed of his/her right to have legal counsel present at the hearing (students retain attorneys in such cases at their own expense and must notify the hearing board at least five days prior to the hearing if the attorney will be present at the proceedings).

It is expressly provided, 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:
- handling 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
 - 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
 - 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 which shall provide the student a reasonable amount of time to rebut the charges, 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:
- 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 or unless provided pursuant to section 6.04 a.iv. of these policies, rules, and regulations relating to sanctions involving expulsion or suspension (the college or university may request legal counsel through the Office of the Chancellor);
 - All material evidence may be presented subject to the right of cross-examination of the witnesses;
 - There shall be a complete and accurate record of the hearing prepared by a qualified stenographer or court reporter;
 - 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 have them present at the hearing at appropriate times; and to present witnesses and 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 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 facts 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 on 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 reviewing student appeals, the Board of Regents will review all relevant information and records of applicable institutional disciplinary proceedings to ensure that due process has been afforded. In any case of any 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 its responsibilities under the law.

CODE OF CONDUCT

This is a statement of policy of Marshall University which is the Code of Conduct required of all students. The implementation of this Code is given in the document Procedural Standards available to each student upon request to the Student Conduct Office.

Future changes or amendments in the Board of Regents Policies, Rules, and Regulations Regarding Student Rights, Responsibilities, and Conduct in West Virginia State Universities and Colleges shall supersede any specific language contained in this code of conduct and procedures manual.

Changes and amendments in this code of conduct shall take effect immediately following approval by the Student Conduct and Welfare Committee and the President of the University.

I. INTRODUCTION

Marshall University is a community, which exists to promote educational and academic goals. The University is responsible for maintaining an environment which allows individuals maximum opportunity to pursue those goals. To facilitate this, the University has developed a Code of Student Rights and Responsibilities.

Students are individual members of the University. By virtue of this membership, a student acquires both rights from and responsibilities to the University community. The Code strives to balance the maintenance and promotion of individual rights with the need to protect and balance the maintenance and promotion of individual rights with the need to protest and preserve an environment consonant with the community's goals. As such, the Code is essentially this community's expectations and standards established for each of its members.

Students are also members of such larger communities as city, state and country. A student's conduct may be subject to concurrent review by both the University community and another jurisdiction. Therefore, students charged with violating the University Code may also be held responsible for violating existing local, state and federal law. Similarly, Marshall University upholds and will not violate student's rights guaranteed under the United States Constitution.

Upon enrollment at the University, each student becomes responsible for upholding the provisions of the Code, and all other applicable University and community standards. Official University action will be taken when a student's behavior violates community standards, and interferes either with the University's educational purpose, or with its duty to protect individual and institutional health, welfare and property.

Students charged with violating University regulation or standards are guaranteed fundamental fairness in the handling of those charges, the conduct of hearings, the imposition of sanctions and the right of appeal.

Students who commit offenses off-campus may have the incident reviewed by appropriate sub-component units of the University, particularly when the act and subsequent civil action may have a bearing upon the integrity of the University in recommending the student for certification or a similar professional status.

II. DEFINITIONS

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

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

Known or Knowingly: This term shall refer to either actual knowledge or culpable ignorance of the truth.

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

President: The chief executive officer of Marshall University, 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.

Reasonable Care: This term shall mean that

degree of care which would be exercised by the ordinarily prudent person under like or similar circumstances.

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.

University Premises: Buildings or grounds owned, leased, operated, controlled, supervised by the University or serving as the locus in quo of any activity of the institution.

II. PROSCRIBED CONDUCT

Students and student organizations are expected at all times to conduct themselves in accordance with University regulations. A student or organization suspected of misconduct may be referred by any member of the University community to the Student Conduct Office for action. This office and the campus judicial system are described in detail in a different section of this Code. All students, undergraduate and graduate, as defined in the Board of Regents Standards of Conduct, are subject to the provisions of this Code.

The following behavior may result in a referral to the Student Conduct Office, or to another University Office responsible for upholding standards of conduct.

A. TYPE OF BEHAVIOR

The following behavior is considered of the utmost gravity by the University, and may result in a maximum sanction of expulsion from the University or any lesser sanction authorized by this Code.

1. Academic Misconduct. This includes all forms of student academic misconduct wherever committed, including but not limited to plagiarism, cheating on examinations, etc. A student charged under this section will be referred to the involved academic department or division for appropriate disciplinary action, which may include imposition of a failing grade on the examination or in the course involved in the misconduct. The instructor or department may also prefer charges under the Code of Conduct.

2. Intentional Infliction or Threat of Bodily Harm. This includes intentional inflicting, or threat of bodily harm or the brandishing of dangerous weapons. This also includes inflicting, attempting to inflict or threatening to inflict bodily harm on any person while on or about University premises.

3. Dishonesty. Includes (a) knowingly furnishing false information to the University by forgery, alteration or misuse of University documents or records with intent to deceive; (b) knowingly furnishing to a University office or official a written or oral statement known to be false.

4. Disruption/Obstruction of University Functions or Activities. Knowingly and intentionally obstructing or interfering with the orderly conduct of University affairs including teaching, research, administrative and disciplinary procedures or any University activity on University premises; or intentional obstructing the free flow of vehicular or pedestrian traffic on University premises.

5. Unauthorized Use of University Keys. Using the unauthorized duplication, attempted duplication, use, loan, or possession of any key to any building, room, property or facility owned or controlled by the University.

6. False Report of Emergency. (a) Intentionally initiating or causing to be initiated any false report, warning or threat of impending fire, explosion or other catastrophe; (b) intentionally causing the evacuation of a University building for reasons known to be false.

7. Forcible Entry. Forcibly breaking into and entering, or attempting to break into, any building, room, locker, or facility on University premises.

8. Hazing/Harassment. Committing, conspiring to commit, or causing to be committed any act which causes or is likely to cause serious physical or mental harm or which tends to injure or actually injures, frightens, demeans, degrades or disgraces any person.

9. Intentional Interference with Emergency

Services and Procedures. (a) Intentionally obstructing or hindering the maintenance, provision or function of such emergency services as fire department, police department, security, first aid, rescue, etc., on or coming onto or about University premises; (b) intentionally obstructing or hindering emergency evacuation or similar procedures announced for any building or facility on University property. This will include misuse, abuse or alteration of all safety equipment and devices including but not limited to, fire extinguishers, elevators, etc., on or about University premises.

10. Possession of Dangerous Weapons or Devices. Possession, keeping or storage of any firearm, pellet gun, illegal knife, sling shot, ammunition, dangerous chemical or explosive device or other dangerous weapon of any kind on or about University premises.

11. Manufacture, Distribution or Sale of Drugs Narcotics or Marijuana. This will include manufacture, distribution, cultivation or sale of any illegal drug or narcotic while on or about University premises.

12. Trespass to, Theft, Conversion or Intentional Destruction of Property. This includes both University property and property belonging to any person or group on University premises.

13. Aiding Abetting and Complicity. This includes conspiring with or knowingly helping or encouraging another person to engage in Type One behavior violations. Students present during the commission of an act or acts by another which constitutes a Type I behavior violation and who fail to report such act or acts to the proper authorities shall be guilty of complicity.

14. Violation of federal, state, local, city, county, municipal ordinances and Board of Regents policies in or about University premises.

15. Throwing Objects from University Buildings.

16. Repeated Violations, Violation of Probation. This applies to students who have demonstrated a history of convictions of University regulations of any type or who commit any violation of the terms of any form of probation with the University.

B. TYPE TWO BEHAVIOR

The following behavior may result in a maximum sanction of suspension from the University, or any lesser sanction authorized by this Code.

1. Trespassing or Misuse of University Facilities. Unauthorized presence in or use of any University building or facility.

2. Unauthorized Possession of Property. Unauthorized possessing, receiving or storing property known to have been taken from the University or from any person or group on or about University premises.

3. Negligent Bodily Harm. (a) Failure to exercise reasonable care, thereby causing bodily harm to any person on or about University premises; (b) Failure to exercise reasonable care, thereby creating a substantial risk of bodily harm on or about University premises.

4. Negligent Destruction or Impairment of Property. Failure to exercise reasonable care thereby causing, or creating a substantial risk of damage, defacement, destruction, theft or loss of property belonging to the University or to any person or group on or about University premises.

5. Failure to Comply with Lawful Direction of a University Official. Failure to comply with directions of University or other law enforcement officers, or University officials in the proper performance of their duties.

6. Misuse of University Telephones. (a) Charging or causing to be charged any long distance or other toll telephone call to a University telephone without proper authorization; (b) Damage or destruction to University telephones.

7. Aiding, Abetting and Complicity. Conspiring with or knowingly helping or encouraging another person to engage in Type Two Behavior violations. Students present during the commission of an act or acts by another which constitutes a Type Two behavior violation and who fail to report such act or acts to the proper authorities shall be guilty of complicity.

8. Conduct Intended to Cause Emotional Distress. This includes conduct which results in physical manifestations, significant restraints on normal behavior or conduct, and/or which compels the victim to seek assistance in dealing with the distress.

9. Unauthorized Possession or Use of Drugs or Narcotics. This includes possession or use of any illegal drug or drug for which the required prescription has not been validly obtained (ex-

cept marijuana or alcohol.)

C. TYPE THREE BEHAVIOR

The following behavior may result in a maximum sanction of probation, or any lesser sanction authorized by this Code.

1. Sales/Solicitation. This includes unauthorized sales or solicitation at any time on or about University premises.

2. Gambling/Scalping. This includes illegal gambling at any time in any form, or the resale of tickets to a University event or function for a price higher than the price originally listed on the ticket.

3. Unauthorized Possession or Use of Marijuana or Alcoholic beverages or beer.

4. Disturbing the Peace. This includes disruption of the peace on or about University premises by fighting, disorderly conduct or violation of University policies concerning demonstrations and use of sound amplifying equipment.

5. Violations of Housing Contract General Conditions. All general conditions of the Housing Contract and other rules and regulations contained in the residence hall handbook not otherwise covered in this code are incorporated herein by reference.

6. Bad Checks. This includes the repeated passing of worthless checks or failure to promptly redeem a worthless check.

7. Failure to report a change of address with the Registrar of the University.

8. Failure to comply with a subpoena and/or subpoena duces tecum of a duly constituted judicial body.

9. Abiding, Abetting and Complicity. This includes conspiring with or knowingly helping or encouraging another person to engage in Type Three behavior violations. Students present during the commission of an act or acts by another which constitutes a Type Three behavior violation and who fail to report such act or acts to the proper authorities shall be guilty of complicity.

10. Unauthorized use of University-leased long distance tie-lines.

11. Misuse of University Identification. Loaning, transferring, altering, borrowing or otherwise misusing official University identification materials.

III. SANCTIONS

The purpose of a sanction, in addition to protecting others, is primarily to educate an individual by increasing his or her awareness of the consequences of conduct violations and the importance of responsibility to the University community for one's actions. This will ordinarily be the guiding force behind imposition of sanctions by the University judicial system. In some instances, however, the community's need to properly function outweighs the University's ability to so educate an individual. In such a case, for the benefit of both the student and the community, suspension from the University may result.

The following sanctions may be imposed for violation of this Code.

A. Expulsion — Termination of all student status, including any remaining right or privilege to receive some benefit or recognition or certification. Conditions for readmission may be established only through written appeal to the President no sooner than one complete calendar year from the date the expulsion was placed in effect. During the expulsion the person is barred from coming onto or using University property and facilities. The action will appear on the student's official transcript until such time as an appeal is made to and granted by the President to terminate the expulsion.

B. Suspension — This action involves separation of the student from the University for the period of time specified by the Judicial Board or the Student Conduct Office. Notification appears on the student's official transcript until the expiration of the sanction. A suspended student may apply for readmission to the University through the Coordinator of Student Conduct at the end of the suspension period specified by the judicial action. The Coordinator of Student Conduct may deny readmission in those instances where the suspended student fails to demonstrate a positive change in behavior which indicates that the suspended student is not yet prepared to become again a responsible member of the University community. A denial or readmission by the Coordinator may be appealed to the Judicial Board. The academic record of the student will not be used in consideration of the application for readmission after suspension for disciplinary reasons. During suspension a stu-

dent may not participate in any University activity, nor come onto University property without express written consent from the Associate Dean, Student Life. If a suspended student violates these provisions, or any other University regulations while on University property, the student may — after the opportunity for a hearing — be subject to expulsion as provided above. Two alternate forms of suspension are available:

1. Probationary Suspension — Suspension is withheld pending careful evaluation of the student's behavior during a probationary period not to exceed one year. If the student is involved in any further offense, or if otherwise warranted, this suspension of disciplinary action may be revoked by the Associate Dean of Student Life and the full sanction of suspension enforced subject to appeal to the Judicial Board.

2. Deferred Suspension — This is suspension which becomes effective at a specified future date. It is normally used near the end of a semester to avoid the financial penalty of immediate suspension. During this period, probationary status as described in Probationary Suspension, above, will exist.

C. Probation

This action involves a period of time specified by the Judicial Board or the Student Conduct Office during which a student in violation of one or more University regulations is given an opportunity to prove that he or she can become a responsible and positive member of the University community. Probation may include one or more of the following:

a. The student may not represent the University in any extra-curricular activities such as intercollegiate athletics, debate teams, University theatre, band, etc.; however, the student may participate in informal activities of a recreational nature sponsored by the University.

b. The student may neither run for nor hold elective or appointive office with any student organization recognized by the University.

c. Self Improvement. A program of self development will be planned in conjunction with 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.

d. Surrender of Student Activity Card. A student violating any University regulation or the terms of probation while on social probation will be subject to additional disciplinary action, up to and including suspension from the University. When a student is placed on social probation, the Student Conduct Office will notify appropriate University offices of that action.

e. Dismissal from University Housing. In the event of serious or repeated violations of University regulations occurring in a residence hall, a student may be dismissed from University housing for a specified length of time. Such dismissal may result in percentage refund of housing and dining service fees in accordance with the regular University Housing refund policy. The student may reapply for housing following the period of dismissal, in accordance with normal procedures established by the Office of Student Housing and with the written permission of the Coordinator of Student Conduct.

f. Restitution. A student may be required to make payment to the University or to the complainant for any expenses incurred as a result of physical injury or property lost, damaged, destroyed or stolen as a result of a violation of a University regulation. Once ordered, restitution becomes an integral part of the student's sanction. Failure to make restitution constitutes a subsequent violation of sanction, and may lead to more serious disciplinary action pursuant to the regulation entitled Repeated Violations, Violations of Probation, described under Type One

Behavior.

g. Other conditions and restrictions as deemed appropriate by the Judicial Board or Student Conduct Office may be imposed.

D. Formal Warning — A formal warning is written notification from a University official or the Judicial Board to a student containing a warning that repeated infractions of regulations may result in more severe disciplinary action. A record of the action will be filed in the Student Conduct Office.

E. Organization Sanctions — 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, intramural, etc.);

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

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

f. The University reserves the right to establish contact with and recommend to the organization's regional or national office the 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. Restitution. An organization may be required to make payment to the University, or to the complainant, for any property lost, damaged, destroyed or stolen as a result of a violation of a University regulation. Once ordered restitution becomes an integral part of an organization's sanction. Failure to make restitution constitutes a subsequent violation of sanction, and may lead to more serious disciplinary action pursuant to the regulation entitled Repeated Violations, Violations of Probation, described under Type One Behavior.

IV. THE UNIVERSITY JUDICIAL SYSTEM

Maintenance of discipline and preservation of community standards is properly the concern of all students, faculty, staff and administration. The University judicial system provides for deliberation and resolution of alleged student misconduct through a judicial board composed of two students and one faculty member. The Judicial board is the highest hearing body for student conduct violations. The Judicial Board shall have appellate jurisdiction over final decisions or actions from all recognized student organizations, student government and any residence hall governing bodies.

Any member of the University community may refer a student or student organization suspected of violating this Code to the Student Conduct Office. The person making such referral is expected to provide all information relevant to handling and deciding the case.

V. APPEALS

Appeals for all decisions of the Judicial Board shall be directed to the President. (See Procedures Manual for Judicial Appeals).

VI. EMERGENCY AUTHORITY

Emergency authority may be exercised by the President or his designee in special circumstances. 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 or himself; provided that a hearing is held within 72 hours of the decision to suspend, subject to a 48 hour extension at the option of the student.

VII The student should familiarize himself with the Board of Regents Policies, Rules and Regulations Regarding Student Rights, Responsibilities, and Conduct in West Virginia State Universities and Colleges which is incorporated herein by reference and copies of which are available in the office of the Coordinator of Student Conduct.

IX. The student should also familiarize himself with the Code of Conduct Procedures Manual which is incorporated herein by reference and copies of which are available in the Office of the Coordinator of Student Conduct.