

GLENVILLE STATE UNIVERSITY POLICIES

STUDENT POLICY 36

STUDENT RIGHTS AND RESPONSIBILITIES

36.1. General

1.1. Scope Policy regarding student rights, responsibilities and conduct at Glenville State University.

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and responsibilities, at Glenville State

of students and certain prohibited acts by

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prescribe penalties and sanctions for such prohibited conduct.

2.1.4. To define generally the powers, authority and duties to be exercised by the president and other officials of Glenville State University in applying this policy.

2.1.5. To prescribe disciplinary actions and proceedings to be taken in cases of the violations of this policy.

36.3. Definitions

3.1. Board of Governors The Glenville State University Board of Governors.

3.2. Institution or institutions Glenville State University and any other component of Glenville State University over which the Board of Governors shall have authority, responsibility or control.

36.4. Policies Regarding Student Rights and Responsibilities

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

- 4.2. 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,

5.2.1. Fights;

5.2.2. Assaults or battery;

5.2.3. Public disturbances;

5.2.4. Unlawful assembly;

5.2.5. The violation of any municipal, state or federal law, or the rules and regulations of the Board of Governors or the institution.

5.3. Theft or damage of property No student shall, individually or by joining with one or more others, misuse, steal, damage or destroy any institutional property or facilities or the property of any member of the institutional community. 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.

5.4. Disruption No student shall, individually or by joining with one or more other persons, do any of the following:

5.4.1. Disrupt or interfere with any institutional activity, program, meeting or operation;

5.4.2. Interfere with the rights of any member of the institutional community;

5.4.3. Injure or threaten to injure, or coerce by bodily harm or restraint or threats thereof or any other means, any member of the institutional community or persons lawfully on the institution's campus, property or facilities;

5.4.4. Seize, hold, commandeer or damage any property or facilities of the institution, or threaten to do so, or refuse to depart from any property or facilities of the institution upon direction, pursuant to policies, rules and regulations of the Board of Governors or the institution, by an institutional officer, faculty or staff member, or other person authorized by the president.

Students involved in any such action or activities shall be subject to institutional disciplinary action which may result in probation, suspension or expulsion, whether or in

- 5.5.1. Prohibit any action which subjects a pledge, initiate, or member of a student organization to activities which are personally demeaning or involve a substantial risk of physical injury. This includes both organized rites of initiation and informal activities;
 - 5.5.2. Include the institutional hazing policy in the student handbook, or such other publications which are readily distributed to all students as may be appropriate. The institutional policy shall provide that students involved in hazing activities are subject to institutional disciplinary action which may result in the sanctions of suspension or expulsion, whether or not there is prosecution for such actions in local, state or federal courts;
 - 5.5.3. Identify, through student publications and other appropriate mechanisms, the sanctions which apply to student organizations engaged in prohibited hazing activities or prohibited rites of initiation. These sanctions may include, but are not limited to: Denial of the use of institutional facilities, removal of some or all social privileges, removal of institutional recognition, and a recommendation to regional or national headquarters that the organizational charter be revoked. The president shall take steps to ensure that the chief officer of each student organization is informed at least annually of the institution's hazing policy and the sanctions which may be imposed upon offending organizations;
 - 5.5.4. Ensure that students accused of hazing offenses where the sanctions of suspension or expulsion may result are afforded the opportunity for a disciplinary hearing, as provided in Section 7.4. of this policy.
- 5.6. Discrimination No student shall, individually or by joining with one or more other persons, promote or demand action on their part or any other member of the institutional community that would constitute unlawful discrimination on the basis of race, sex, color, political affiliation, handicap or age. Students involved in any such action or activities shall be subject to institutional disciplinary action which may result in probation, suspension or expulsion, whether or not there is prosecution for such actions in local, state or federal courts.

36.6. Powers, Authority and Duties of the President

- 6.1. General powers, authority and duties of the president The chief executive officer of the institution shall be the president. The president shall be responsible for the entire administration of the institution, subject to the control of the Board of Governors. It shall be the president's 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 Governors; and policies, rules and regulations of the institution. The president is hereby vested with authority requisite to that end, subject to the control of the Board of Governors.

or implied notwithstanding.

- 6.7. Limitations of assembly and student use of institutional property or facilities Subject to the control of the Board of Governors, when, in the judgment of the president, an assembly is not in the best interests of the institution or the individuals concerned, in that it presents a clear and present danger of harm to persons, property, or facilities or interference with or disruption of activities, the president or designee 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.
- 6.8. 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 institutional 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 Governors, when the president deems it necessary to end or to control such occurrences and the circumstances caused thereby, the president shall take any or all of the following actions or other appropriate actions:
 - 6.8.1. Declare a state of emergency to exist on the campus; and
 - 6.8.1.1. 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;
 - 6.8.1.2. Impose curfews on the presence of persons in or on institutional facilities or property;
 - 6.8.1.3. Place bans on gatherings of persons at places or times on or in the institution's property or facilities; or
 - 6.8.1.4. Enlist the aid of any public authority, police or otherwise, as may be necessary to restore order, protect persons, property, health, safety or welfare.
 - 6.8.2. Immediately suspend any student who is found involved in prohibited action or conduct and who is (1) first advised, told or notified that a particular action or conduct is prohibited, and who (2) continues such action or conduct in spite of the warning. Such immediate suspension shall be followed with speedy disciplinary proceedings consistent with this policy.
 - 6.8.3. See to the enforcement of the laws of the State of West Virginia; the policies, rules and regulations of the Board of Governors or the Higher Education Policy Commission; and the policies, rules and regulations of the institution, including

any emergency orders imposed as a result of the state of emergency so declared.

36.7. Disciplinary Action; Proceedings

7.1. Application to students Any person who is a student as defined in this policy shall be subject to disciplinary action by the institution if that person is involved in any of the actions or conduct prohibited by this policy, notwithstanding the fact that at the time the student is also an employee of the Board of Governors. In taking disciplinary action against a student, as defined herein, the institution may act to remove any status of such a person or to revoke or remove any right or privilege of such person as a student, or to withhold, remove, or cancel any benefit, recognition or certification, including the conferring of a degree, which such a person might yet not have.

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student who is expelled from any public University or university in West Virginia may not be considered for admission to Glenville State University until one (1) year has elapsed after the student has been expelled.

When a sanction is scheduled for a particular semester and the time lapse during an appeal process makes enforcement in the designated semester impossible, then the sanction shall be applied to the semester in progress at the time of completion of the appeal. In the event that sanction cannot be implemented during that semester, then it shall be applied during the next regular semester, except that if the student has completed the course of study during the pendency of the appeal, the sanctions, where possible, shall be carried out retroactively to affect the grades and records of that student during the semester designated in the original sanction. In any event, the accused student may not be graduated during the process of appeal.

7.3. General requirements for disciplinary channels Rules and regulations establishing disciplinary channels at the institution, promulgated pursuant to Sections 4.6. and 6.3. of this rule, or any of the policies, rules and regulations, shall provide, among other things, at the least for the following:

7.3.1. There shall be provisions for the following designated hearing authorities who may adjudicate judicial incidents:

7.3.1.1. 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 (3), and, in any event, on any panel hearing a case, shall be odd.

7.3.1.2. There shall be designated judicial officers who are staff members assigned by the President or designee to administratively attend to judicial matters.

7.3.2. The designated hearing authorities shall have jurisdiction of cases involving the alleged violations of Sections 5.2., 5.3., 5.4., 5.5. and 5.6. of this policy, of cases involving students suspended pursuant to Section 6.8.1.1. of this policy and of any alleged violations of the Student Conduct Code.

7.3.3. The jurisdiction and authority of all designated hearing authorities shall be, in cases of disciplinary action against students:

7.3.3.1. To hear evidence;

7.3.3.2. To make findings of fact from the evidence presented;

7.3.3.3. To make recommendations to the president of the institution or designee, based upon such findings of fact, as to the disposition of the disciplinary action, including sanctions to be imposed, if any; and

7.3.3.4. To refer for hearing to a lesser disciplinary channel, as appropriate, in cases not involving potential suspension or expulsion.

7.3.4. All designated hearing authorities shall have such appellate jurisdiction as may be appropriate to the institution, from the determinations and recommendations of any lesser disciplinary channel.

7.3.5. The student may then object or take exception to the recommendations of the designated hearing authority under such procedures as the president or designee may deem appropriate.

7.4. Procedural standards in disciplinary proceedings In any disciplinary proceedings before a hearing authority established pursuant to Section 7.3. of this policy 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.

7.4.1. Written charges of violation shall be presented to the accused student which shall include at least:

7.4.1.1. A statement of the policy, rule or regulation which allegedly has been violated;

7.4.1.2. 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;

7.4.1.3. A statement that a hearing will be held before the hearing authority on the charges, together with notice of the date, time and place of the hearing; and

7.4.1.4. 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 authority at least forty eight (48) hours 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 authority.

7.4.2. Said written charges shall be served upon the student charged by one (1) of the

following means:

- 7.4.2.1. Handing a copy to the student in person, if he/she can be found, with reasonable diligence in the town where the institution is located and the hearing is to take place;

