



**BEARFACTS
2017-2018**

**Community Expectations
&
Campus Information**

Division of Student Life
505 S. Kanawha Street
304-929-1232

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Greetings from the Dean of Students

Dear Students:

Welcome! All of us in the Division of Student Life are delighted that you have chosen WVU Tech as your college home. You will find the campus to be small enough that you will be recognized by name and big enough that you will receive a true university experience. You will have many rewarding experiences and build lifelong friendships during your time at Tech.

The Division of Student Life is responsible for many programs designed to make your college experience successful. The departments within Student Life include the Dean of Students Office, Campus Life (Housing and Student Activities), Student Government Association, Dining Services, Campus Police, Student Success Programs, Student Health, Career Services and Cooperative Education, Student Support Services, Upward Bound, and Accessibility Services. Each department is dedicated to helping you succeed. We are here to serve you. I strongly encourage you to take advantage of our many services.

It is well-proven that engaging in the full range of activities of a college campus increases students' chances of graduating. There is much to learn outside the classroom, and we are here to provide you those learning opportunities so you may benefit fully from your education at Tech.

My office is located in the Student Life House at 505 S. Kanawha Street, and I can be reached by telephone at 304-929-1232 and via email at Richard.Carpinelli@mail.wvu.edu. If there is ever anything I or another member of the Student Life team can do to assist you in any way, please do not hesitate to contact me.

Welcome once again to WVU Tech. We look forward to having you as a part of our family. We care about your success and look forward to serving you throughout the year.

Sincerely,

Richard Carpinelli
Dean of Students

Compliance Statement

It is the policy of West Virginia University Institute of Technology to provide equal opportunities to all prospective and current members of the student body, faculty and staff on the basis of individual qualifications and merits without regard to race, color, religion, sex, marital status, disability, veteran status, sexual orientation, national origin or age. This policy is in compliance with the requirements of Title VI and VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and all other applicable federal, state and local statutes, ordinances and regulations.

Information on the implementation of the policy may be obtained by contacting:

Chief Diversity Officer
West Virginia University
Morgantown, West Virginia 26506
304-293-5600
diversity@mail.wvu.edu
<http://diversity.wvu.edu/>

Non-Discrimination Statement

West Virginia University Institute of Technology (WVU Tech) and is an Equal Opportunity/Affirmative Action Institutions. WVU Tech does not discriminate on the basis of race, sex, age, disability, veteran status, religion, sexual orientation, color, or national origin in the administration of any of our educational programs, activities, or with respect to admission or employment. Faculty, staff, students, and applicants are protected from retaliation for filing complaints or assisting in an investigation under the WVU Tech Equal Opportunities Policy/Affirmation Action Plan. Inquiries regarding the WVU Tech non-discrimination policy may be directed to the Director, Affirmation Action/Equal Employment Opportunity, at West Virginia University.

Contact:
304-293-5600
diversity@mail.wvu.edu
<http://diversity.wvu.edu/>

Sexual Harassment

West Virginia University is committed to provide faculty, staff and students with a work and educational environment free from all forms of sexual harassment. Therefore sexual harassment, in any manner or form, toward West Virginia University students, faculty and staff is a violation of University policy and expressly prohibited.

For further information contact:
Division of Diversity, Equity, and Inclusion
304-293-5600
diversity@mail.wvu.edu
<http://diversity.wvu.edu/>

Americans with Disabilities Act

The Americans with Disability Act (ADA) and the Rehabilitation Act of 1973 were established in order to provide a clear comprehensive national mandate for the elimination of discrimination against individuals with disabilities.

For further information contact:
Division of Diversity, Equity, and Inclusion
Email: <mailto:access2@mail.wvu.edu>
304-293-6700
<http://diversity.wvu.edu/>

Academic Calendar

2017-2018 Academic Calendar

FALL SEMESTER - 2017

Sunday, August 13.....	New Student Move-In
Sunday, August 13.....	Bear's Den Opens
Sunday, August 13.....	New Student Orientation
Monday, August 14.....	General Registration
Tuesday, August 15.....	Returning Student Move-In
Wednesday, August 16.....	On Campus First Day of Classes
Tuesday, August 22,	Last Day to Register, Add New Courses, Make Section Changes, Change Pass/Fail and Audit
Monday, September 4.....	Labor Day Recess: University Closed
Tuesday, October 3.....	Mid-Semester
Friday October 6 thru Saturday October 7.....	Homecoming
Monday, October 9 by noon.....	Mid-Semester Reports Due
Tuesday, October 24	Last Day to Drop a Class
Friday, November 17.....	Bear's Den Closes at 3:00 pm
Saturday, November 18.....	Halls Close at noon for Thanksgiving Break
Saturday, November 18 thru Sunday, November 26.....	Fall Recess
Sunday, November 26.....	Bear's Den Reopens at Noon
Sunday, November 26.....	Halls Reopen
Monday, December 4.....	Last Day to Withdraw from University
Tuesday, December 5.....	Last Day of Classes
Wednesday, December 6.....	Prep Day for Finals
Thursday, December 8 thru Friday December 8 and Monday, December 11 thru Wednesday December 13.....	Final Exam Week
Wednesday, December 13.....	Bear's Dean Closes at 3:00 pm
Thursday, December 14	Winter Recess Begins
Thursday, December 14	Residence Hall Close at noon
Friday, December 15.....	Degree Conferral Date (No Ceremony)

SPRING SEMESTER - 2018

Friday, January 5.....	General Registration
Saturday, January 6.....	New Student Orientation
Sunday, January 7.....	Bear's Den Opens at 4 pm
Sunday, January 7.....	Residence Halls Open at 8 AM
Monday, January 8.....	On Campus First Day of Classes
Friday, January 12.....	Last Day to Register, Add New Courses, Make Section Changes, Change Pass/Fail and Audit
Monday, January 15.....	Dr. Martin Luther King Jr. Day: University Closed
Wednesday, February 28.....	Mid-Semester
Wednesday, March 7 by Noon.....	Mid-Semester Reports Due
Friday, March 9	Bear's Den Closes at 3:00 pm
Saturday, March 10	Halls Close for Spring Break at noon
Saturday, March 10 thru Sunday, March 18.....	Spring Recess
Sunday, March 18	Bear's Den Opens at Noon
Sunday, March 18	Halls Reopen at 8 AM
Friday, March 30.....	Friday Before Easter Recess: University Closed
Friday, April 27.....	Last Day to Withdraw from the University
Monday, April 30.....	Last Day of Classes
Tuesday, May 1.....	Prep Day for Finals
Wednesday, May 2 thru Wednesday, May 9.....	Final Examination Week
Wednesday, May 9.....	Bear's Den Closes at 3:00 pm
Thursday, May 10.....	Halls Close at Noon
Saturday, May 12.....	Commencement

Summer 2018

Monday, May 14.....	Registration
Monday, May 14.....	On-Campus First Day of Classes
Monday, May 28.....	Memorial Day Recess: University Closed
Friday, June 22.....	Final Exams for First Six-Week Session
Wednesday, July 4.....	Independence Day Recess: University Closed
Friday, August 3.....	Final Exam for Second Six-Week Session and Twelve Week Session
Friday, August 10.....	Degree Conferral Date (No Ceremony)

Academic Information

For information specific to WVU Tech academics please refer to academic catalogues at:
<http://techregistrar.wvutech.edu/academic-calendar>

Student Code of Conduct

WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS POLICY 31

UNIVERSITY STUDENT CONDUCT AND DISCIPLINE POLICY

Section 1: General.

- 1.1. Scope: The purpose of this policy is to encourage West Virginia University students to engage in proactive and intentional efforts to build connections and relationships with their community and to set forth a policy regarding student conduct and discipline at West Virginia University.
- 1.2. Authority: W. Va. Code § 18B-1-6; § 18B-2A-4.
- 1.3. Effective Date: December 18, 2015.
- 1.4. Revision History: This is a revision to Policy 31, which was originally effective August 15, 2006 and amended September 8, 2006, again on April 12, 2013, and December 18, 2015.

Section 2: Preamble.

Students of West Virginia University (“University”), whether on the main campus, its divisional campus(es), or at any of its instructional locations throughout the state of West Virginia, the nation, or the world, are citizens of a broader academic community. As such, the University expects that every member of its academic community share its historic and traditional commitment to honesty, integrity, and the search for truth. In addition, the University is concerned with the living and learning environment of all of its students. It is expected that each person will grow to have greater respect for self, others, and property. In implementing this Policy, the University is not intending to create a substitute for civil or criminal penalties. The collegiate nature of the educational mission requires that all members of the academic community unite to administer and support this Policy and to suggest change and improvement as necessary.

The University seeks to establish basic guidelines for University students to be good neighbors and expects all students to adhere to generally accepted standards of conduct for actions and events occurring within the formal boundaries of the University’s campuses and also to actions and events occurring in the communities off of the University campus. Further, students and student organizations are required to engage in responsible social conduct that reflects credit upon the University and to model good citizenship for the greater academic community. It is the University’s expectation and priority that students feel integrated into the rich fabric of this diverse community and make a positive contribution to it.

It is further expected that every member of the University's academic community will respect the democratic process, a society based on law, and the basic tenets on which our nation was founded. Rights and responsibilities under local, state, and national law are neither abridged nor extended because of student status, and each student must be mindful of these responsibilities.

The University will not request special consideration for any students charged with violations of any law on the basis of their status as students, nor will prosecution by federal, state, or local authorities necessarily preclude disciplinary action by the University.

The University has the inherent authority to discipline and to protect itself and its property. However, when such authority must be exercised, students will be provided any substantive and procedural due process rights and the right of appeal, as required by law. The student's right to be treated with respect and dignity will be protected.

When a student is charged with a specific violation, the University will use procedures for determining if the charge is fair and accurate. This Policy enumerates and explains that specific procedures shall be used in determining the fairness and accuracy of such charges and the sanctions which might be imposed if the charges are found to be true. In adjudicating alleged violations, the process is not intended to be punitive or deterrent in the criminal sense, but rather seeks to determine whether the student is qualified to continue as a member of the University community. Thus, the standards applicable to this administrative process are, by their very nature, distinct from those found in criminal or other courts of law.

Opportunities for participation in the process and equality of treatment are afforded all students. The University does not discriminate on the basis of race, color, national origin, ancestry, age, physical or mental disability, marital or family status, pregnancy, veteran status, service in the uniformed services (as defined in state and federal law), religion, creed, sex, sexual orientation, genetic information, gender identity, or gender expression in the administration of any of its educational programs or activities, or with respect to admission or employment. In this regard, compliance with all applicable state and federal regulations and the requirements of Title VI of the Civil Rights Act and Title IX of the Higher Education Act of 1972 is expected.

The primary mission of the University is to educate its students and prepare them for responsible and full participation in society. The implementation of this Policy is designed to ensure that University students conduct themselves in an acceptable manner in accordance with the mission and values of the University.

Section 3. Off-Campus Conduct and Community Responsibility.

University students are expected to be good neighbors to the families, professionals, retired individuals, and others who make up the diverse communities adjacent to and near each University campus. Students who live in these neighborhoods should keep these

individuals and their own personal rights in mind when living off campus. Importantly, students must understand that behavior that violates the Campus Student Code, even though it occurs off campus, may result in sanctions.

Section 4: Definitions.

- 4.1. The term “University” means West Virginia University and its divisional campuses.
- 4.2. The term “student” means all persons taking or auditing courses at the University, either full-time or part-time, pursuing undergraduate, graduate, or professional studies; persons who are not officially enrolled for a particular term but who have a continuing relationship with the University or who have been notified of their acceptance for admission; or persons who are living in University supervised housing at any time, even if not enrolled at the University. A person will continue to be a “student” until such status is terminated upon the occurrence of one or more of the following events:
 - a. Graduation (without any indication of intent to pursue post graduate activities at the University during the following semester);
 - b. Voluntary withdrawal of the student from West Virginia University; or
 - c. Involuntary dismissal (or other withdrawal of the student initiated by the University) from all programs and activities of the University, and the exhaustion of all internal grievance procedures to redress the dismissal or withdrawal (if applicable).
- 4.3. The term “University official” means any person employed by, or acting on behalf of, the University, performing assigned academic, administrative or professional responsibilities.
- 4.4. The term “member of the University community” means an individual engaged in any University activity or program, whether on or off campus, or an individual lawfully on University property, including, but not limited to, any person who is a student, staff, faculty member, other University official, or a visitor.
- 4.5. The term “University premises” means all land, buildings, facilities, and other property owned, leased, operated, used, supervised or controlled by the University (including adjacent streets and sidewalks).
- 4.6. The term “student organization” means any number of students who have complied with the formal requirements for University recognition.

Section 5: Campus Student Code.

- 5.1. General. The President or the President’s designee shall establish appropriate procedures for each of the University’s campuses that contain written rules and regulations concerning student conduct and discipline (the “Campus Student Code”). Each Campus Student Code

shall comply with this Policy and contain within it, at a minimum, the requirements set forth here.

- 5.2. Campus Student Code Administrators. On each campus, at least one professional shall be responsible for implementing and maintaining efficient administration of the Campus Student Code and performing all necessary functions mandated by the Campus Student Code and this Policy (a “Campus Student Code Administrator”). The Campus Student Code Administrator(s) shall be available to assist any student, student organization, or University official in understanding and applying the Campus Student Code and this Policy.
- 5.3. Statement of Jurisdiction. Each Campus Student Code should include a statement of jurisdiction indicating that the Campus Student Code shall apply to student conduct that occurs on University premises; at University sponsored activities; to any conduct that does not occur on University premises but adversely affects or interferes with the educational or orderly operation of the University, its mission, or the pursuit of its objectives, including failing to engage in conduct which is appropriate for an academic institution; and to conduct that does not occur on University premises but, in light of all of the facts and circumstances, would endanger the health, safety, or property of the University, the University community, or its neighboring communities.

Conduct from the time of application for admission through the actual awarding of a degree, even if conduct occurs before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment, is subject to the applicable Campus Student Code and this Policy. The applicable Campus Student Code shall apply to a student’s conduct even if the student withdraws from school while a disciplinary matter is pending, and even if the student’s conduct is not discovered until after a degree is awarded.

Further, each Campus Student Code shall apply to all students enrolled in undergraduate, graduate, and professional programs. Academic and professional standards of conduct may also apply to students enrolled in programs that have adopted such standards, i.e., all students are subject to this Policy and some students may be concurrently subject to additional standards as determined by the respective academic programs.

Section 6: Requirements of Each Campus Student Code.

Each Campus Student Code is expected to reflect the culture, resources, and organization of the associated campus. Regardless, each Campus Student Code shall ensure due process under the law for all students; outline necessary time frames or scheduling deadlines; clearly articulate requirements or prohibitions with respect to witnesses, evidence, or hearing matters; and include the following:

6.1. Prohibited Conduct.

All students of the University are expected and required to obey applicable laws, to comply with the policies of the West Virginia University Board of Governors, with institutional or campus rules and regulations, with directives issued by any University official acting in the course of his or her authorized duties, and to observe standards of conduct appropriate for an academic institution. These standards apply on or off of University premises or property.

Accordingly, each Campus Student Code shall list specific acts of prohibited conduct that will result in sanctions being sought by the Campus Student Code Administrator. The list of specific acts of prohibited conduct should further the goals and mission of the University and the statements located in the preamble of this Policy.

6.2. Sanctions.

It is expected that the Campus Student Code Administrator and/or any hearing body or other decision maker will impose or seek a sanction that is fair under the circumstances. Each Campus Student Code should include and explain, at a minimum, the following sanctions: Expulsion; Suspension; Probation; Warning; Community Service; Loss of Privileges; Fines; and Restitution.

6.3. Reporting.

Each Campus Student Code must establish a manner by which allegations of a student's prohibited conduct are to be reported to the Campus Student Code Administrator.

6.4. Investigation.

Each Campus Student Code must establish a process by which allegations of a student's prohibited conduct, from any credible source, are thoroughly investigated by the Campus Student Code Administrator or his or her designee(s). To ensure a thorough investigation, the Campus Student Code Administrator or designee(s) shall have the authority to summon by written or electronic request any member of the University community for a meeting for the purposes of investigating and/or discussing allegations of prohibited conduct and those summoned shall be obliged to attend any such meeting. Finally, each Campus Student Code must establish a minimal threshold for allegations to proceed through the conduct process.

6.5. Procedures and Processes Required.

At a minimum, each Campus Student Code shall incorporate the following for each of the processes listed below. Based on the facts and evidence obtained during the investigation, the Campus Student Code Administrator will determine the sanction being sought, which, in turn, will determine the process to be followed. In deciding which sanction to seek, the

Campus Student Code Administrator shall consult with appropriate University officials, including academic officials, so that any impact on a student's current academic program is considered.

6.5.1. Complaints Seeking Suspension or Expulsion.

Each Campus Student Code shall provide a process for determining responsibility and a sanction for matters or situations in which the alleged actions, if true, would justify a suspension or an expulsion. This process must incorporate each of the following, to the extent required by law: notice of the charge, which at a minimum shall include a brief, but detailed, statement of facts that support the allegation and put the accused student on notice of the alleged conduct and the potential sanction(s) which may result if it is determined that the accused student is responsible for the alleged prohibited conduct, and also clearly articulates whether past code violations will be considered in determining a sanction for the alleged current conduct; an agreed resolution procedure; a hearing process procedure; the procedure for selecting an impartial hearing body or other decision maker, which should ensure that both the due process rights of any accused student and the fairness of the process are preserved; a notice of outcome, which at a minimum, shall plainly state the decision and shall plainly state the rationale for the decision; in the event that the student is found responsible for violating the Campus Student Code, the notice of outcome should include a brief statement of the facts relied upon by the decision maker, the assigned sanction, the impact that the student's past conduct may have had on the determination of the assigned sanction, and an explanation of any appeal rights; the right to counsel; and appeal.

6.5.2. Complaints Not Seeking Suspension or Expulsion – Conduct Conference.

Each Campus Student Code shall have a process for the administrative disposition of complaints not seeking suspension or expulsion through an informal conference ("Conduct Conference"). The Conduct Conference will be used for determining responsibility and a sanction for matters or situations in which the alleged actions, if true, would not justify a suspension or an expulsion and must incorporate each of the following: notice of the charge; an opportunity for an agreed resolution; opportunity to present evidence; notice of outcome; and appeal.

6.5.3. All Complaints or Reports of Discrimination, Harassment, Sexual Harassment, Sexual Misconduct, Domestic Misconduct, Stalking, and Retaliation.

In matters or situations involving complaints of Discrimination, Harassment, Sexual Harassment, Sexual Misconduct, Domestic Misconduct, Stalking, and Retaliation, all as defined in West Virginia University Board of Governors Policy 44, the interests of the complainant and the accused must be equally protected. The process for determining responsibility and a sanction for matters or situations in which the alleged Discrimination, Harassment, Sexual Harassment, Sexual Misconduct, Domestic Misconduct, Stalking, and Retaliation, if true, would justify

sanctions must ensure that the accused student and complainant are afforded the same rights. Therefore, each campus should have a process for investigating and resolving complaints of Discrimination, Harassment, Sexual Harassment, Sexual Misconduct, Domestic Misconduct, Stalking, and Retaliation in such a manner so as to achieve a prompt and equitable resolution. This process should complement Policy 44 and any procedure implemented in support of the same.

6.5.4. Cases of Academic Dishonesty or Misconduct.

Cases of academic dishonesty or misconduct shall be concurrently subject to this Policy and its disciplinary sanctions as well as to academic sanctions in accordance with West Virginia University Policy 15 or other applicable academic procedures. Such matters may be brought to the Student Code Administrator for investigation in accordance with the applicable Campus Student Code and/or may be addressed in accordance with Policy 15 or other applicable academic procedures.

6.6. Interim Suspension.

Each Campus Student Code will have a process for the interim suspension of students. The President or the President's designee shall be authorized to impose an interim suspension prior to a formal hearing or other disposition of allegations against a student. Such immediate interim disciplinary action may be taken as is appropriate under the circumstances for a time period and under those conditions as may be determined by the President or the President's designee when it is necessary to ensure the safety and wellbeing of members of the University community or to preserve University property; to ensure the student's own physical or emotional safety and well-being; or to deter a threat of disruption or interference with the normal operations of the University.

At a minimum, the process for the interim suspension must require that written notice be given as soon as possible to a student issued an interim suspension and the matter promptly brought to hearing or other disposition.

6.7. Additional Necessary Procedures.

Subject to applicable state and federal law, the President or the President's designee shall be authorized to establish processes through which the welfare of the members of the University community shall be preserved, including a process to address any student who poses a direct threat. The processes may or may not be an integrated part of the Campus Student Code, but must ensure due process to the student giving students a reasonable opportunity to be heard and respond before a final decision can be made. The processes shall be implemented in a nondiscriminatory manner with all determinations based on an individualized assessment of a student's observed conduct, actions, and statements, and not merely on knowledge or belief that a student is or may be an individual with a disability. Further, all determinations to remove a student will be made in consultation with a qualified

healthcare professional to interpret all available information, and will not be based on a slightly increased, speculative, or remote risk of substantial harm.

6.8. Appeals.

Each Campus Student Code shall contain a right to appeal, except matters involving an agreed resolution. Each Campus Student Code shall contain provisions ensuring that all appeals will be processed according to clearly articulated requirements and time frames and shall identify to whom such appeals must be directed. Moreover, in cases involving Discrimination, Harassment, Sexual Harassment, Sexual Misconduct, Domestic Misconduct, Stalking, and Retaliation, the complainant shall also have a right to appeal.

6.9. No Reprisal or Retaliation.

Each Campus Student Code must provide that no reprisal or retaliation of any kind shall be taken by any member of the University community against any student who asserts his/her rights under this Policy.

6.10. Withholding Transcripts, Grades, and Degrees.

Each Campus Student Code shall provide that the Campus Student Code Administrator may direct the Registrar (or other appropriate campus office) to withhold the issuance of an official transcript, grade, diploma, certificate, or degree to a student, pending a hearing or conference, agreed resolution, and/or exhaustion of appellate rights if, in the opinion of the Campus Student Code Administrator, the best interests of the University would be served by this action. In the event that such action is taken pending the conclusion of Campus Student Code proceedings, the Campus Student Code Administrator shall inform the Registrar of the action within five (5) consecutive days of the conclusion of the proceedings and shall withdraw or continue such withholding, as is determined by the hearing body or other decision maker or in any other disposition.

Section 7: Residence Life.

The President or the President's designee shall have the authority to establish a separate process to hear matters that involve Campus Student Code violations that occur within University supervised housing, whether committed by residents or nonresidents. This process may include sanctions, with the exception of expulsion or suspension.

Section 8: Classroom Behavior.

The primary responsibility for managing the classroom environment rests with the faculty. Students who engage in any prohibited or unlawful behavior that results in disruption of a class may be directed by the faculty member to leave the class for the remainder of the class period. Longer suspensions from a class, or dismissal on disciplinary grounds, must be subject to the appropriate Campus Student Code. The term "prohibited or unlawful behavior" would include behavior prohibited by a faculty member. It must be emphasized

that this provision shall not be used to punish classroom dissent. The lawful expression of a disagreement with a faculty member is not in itself disruptive behavior. However, dissent must be presented in a manner consistent with the classroom environment set by the faculty. A student who believes that he or she has been treated in an arbitrary manner in this regard should contact his or her Dean of Students or the Campus Student Code Administrator.

Section 9: Student Organizations.

The President or the President's designee shall have the authority to establish a process to hear matters that involve Campus Student Code violations or unlawful activity that involve a student organization. This process may include sanctions, including the student organization's loss of selected rights and privileges or deactivation (loss of all privileges, including University recognition).

Section 10: Institutional Discretion.

Subject to this Policy, the President or the President's designee shall have sufficient latitude and authority to implement any reasonable process necessary for the fair and efficient administration of this Policy.

**WEST VIRGINIA UNIVERSITY
INSTITUTE OF TECHNOLOGY
DIVISION OF STUDENT LIFE**

**STUDENT CONDUCT CODE AND DISCIPLINE PROCEDURE
FOR WEST VIRGINIA UNIVERSITY INSTITUTE OF TECHNOLOGY**

Section 1: General.

- 1.1. Purpose: To establish written rules, regulations, and procedures concerning student conduct and discipline for West Virginia University Institute of Technology.
- 1.2. Authority: Board of Governors Policy 31
- 1.3. Scope: This code applies to all students associated with West Virginia University Institute of Technology, which is a divisional campus of West Virginia University under the authority of the West Virginia University Board of Governors.
- 1.4. Effective Date: August 12, 2013

Section 2: Definitions.

- 2.1 “Tech” means the divisional campus of West Virginia University known as West Virginia University Institute of Technology.
- 2.2 The definitions set forth in Section 3 of West Virginia University Board of Governors Policy 31, University Student Conduct and Discipline Policy, are incorporated by reference as if fully set forth herein.

Section 3: Establishment of Student Code.

- 3.1 The President of West Virginia University Institute of Technology, as the President’s designee for Tech, hereby establishes the following written rules, regulations, and procedures concerning student conduct and discipline (the “Student Code”).

Section 4: Student Code Administrators.

- 4.1 The professional staff members of the Office of Campus Life shall serve as the Student Code Administrators for Tech and shall be available to assist any student, student organization, staff member, faculty member, or administrator in understanding and applying the Student Code.

- 4.2 The Office of Campus Life is located in 325 Old Main; this office shall be the official repository for all conduct-related materials concerning students associated with Tech.
- 4.3 Requests for conduct-related materials concerning students associated with Tech should be made to the Dean of Students who is the custodian of such materials.
- 4.3 The Student Code Administrators are charged with the following duties, which shall be undertaken in a manner to ensure the fair administration of this Student Code:
- (1) Advise any segment or individual within the University wishing to bring charges against one or more students;
 - (2) Inform any student against whom charges have been brought of substantive rights, due process rights, and procedures forthcoming, including the right of appeal;
 - (3) Advise the chairperson of the appropriate review board and assist the chairperson and members of the committee in setting up the hearing, being certain that all conditions of the Board of Governors and Tech for such procedures are met;
 - (4) Prepare all papers necessary for the hearing and resultant from the hearing for appropriate dispensation and signature;
 - (5) Assist in the appointment of the hearing bodies and provide and/or coordinate training opportunities for all members, both student and faculty;
 - (6) Attend hearings, present the facts and information obtained from the investigation on behalf of Tech, ask questions of witnesses, and have administrative responsibility for maintaining all confidential files, tapes, and documents which result.

Section 5: Jurisdiction of the Student Code.

- 5.1 This Student Code shall apply to conduct that occurs on Tech premises; at Tech sponsored activities; to conduct that does not occur on Tech premises but adversely affects or interferes with the educational or orderly operation of Tech, its mission, or the pursuit of its objectives; to conduct that does not occur on Tech premises but, in light of all of the facts and circumstances, would endanger the health, safety, or property of Tech, the Tech Community, or its neighboring communities; and to conduct that occurs on or off of Tech premises or property which violates federal, state, or local laws, policies of the West Virginia University Board of Governors, institutional or campus rules or regulations, directives of University officials, including failing to observe conduct which is appropriate for an academic institution.
- 5.2 Conduct from the time of application for admission through the actual awarding of a degree, even if conduct occurs before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment is subject to this Student Code. The Student Code shall apply to a student's conduct

even if the student withdraws from school while a disciplinary matter is pending, and even if the student's conduct is not discovered until after a degree is awarded.

- 5.3 This Student Conduct Code shall apply to all students enrolled in undergraduate, graduate, and professional programs. Academic and professional standards of conduct will also apply to students enrolled in programs that have adopted such standards, i.e., all students are subject to this Student Code and some students may be concurrently subject to additional standards as determined by the respective academic programs.

Section 6: Prohibited Conduct.

6.1 General.

All students of Tech are expected and required to obey federal, state, and local laws, to comply with the policies of the West Virginia University Board of Governors, with institutional or campus rules and regulations, with directives issued by any University official, and to observe standards of conduct appropriate for an academic institution.

6.2 Specific Acts.

A student, and to the extent applicable, any student organization that commits any of the following acts is subject to sanction by Tech:

- a) Sexual misconduct. "Sexual misconduct" is defined in West Virginia University Board of Governors Policy 44.
- b) Prohibited drug related conduct. "Drug related conduct" means (1) possessing any illicit drug, synthetic drug, or other controlled substance; (2) manufacturing any illicit drug, synthetic drug, or other controlled substance; (3) producing any illicit drug, synthetic drug, or other controlled substance; (4) distributing any illicit drug, synthetic drug, or other controlled substance; (5) selling any illicit drug, synthetic drug, or other controlled substance; (6) possessing with the intent to distribute or sell any illicit drug, synthetic drug, or other controlled substance; or (7) being under the influence of any illicit drug, synthetic drug, or other controlled substance. It also means (8) using any prescribed drug in a manner inconsistent with the prescription; or (9) intentionally or recklessly inhaling, ingesting, or using in any manner inconsistent with its purpose any chemical, liquid, substance or other compound. "Drug related conduct" shall not include (1) any use or possession of prescription medication in accordance with a valid prescription; or (2) any University recognized research or other scholarly activity.
- c) Prohibited alcohol related conduct. "Alcohol related conduct" means violating West Virginia University Board of Governors Policy 18 or being a student (1) under the age of twenty-one, who consumes or possesses alcohol; (2) who gives alcohol

to a person under the age of twenty-one; (3) driving or operating a vehicle while under the influence of alcohol; or (4) who is in public or on Tech premises in an intoxicated condition; (5) who possess an open container of alcohol, regardless of their age, in or on any public sidewalk, street, or other place.

- d) Impermissible burning. “Impermissible burning” means (1) setting fire to; (2) causing a fire to be set to; or aiding, inciting, enticing, or soliciting any person to set fire to furniture, vehicles, garbage, dumpsters, garbage receptacles, construction material, rubbish, debris, brush, or any other material, unless specifically permitted. “Impermissible Burning” also means contributing or adding furniture, vehicles, garbage, dumpsters, garbage receptacles, construction material, rubbish, debris, brush, or any other material to a fire that has already been set, unless specifically permitted.
- e) Riotous behavior and hooliganism. “Riotous behavior and hooliganism” means participation in a disturbance of two or more persons acting with the common purpose to commit or incite any action that threatens, presents a danger to, or terrorizes the public. However, riotous behavior and hooliganism does not mean peaceful demonstrations, peaceful picketing, a call for a peaceful boycott, or other forms of peaceful dissent.
- f) Aiding, abetting, assisting, or facilitating prohibited behavior. “Aiding, abetting, assisting, or facilitating prohibited behavior” means to be actively associated with or actively encouraging another person or persons whose behavior is in violation of this Student Code, University policy, or the law.
- g) Assault or battery. “Assault” means attempting to commit a violent injury to another person or committing an act that places another person in reasonable apprehension of immediately receiving a violent injury. “Battery” means intentionally making physical contact of an insulting or provoking nature with another person or intentionally causing physical harm to another person.
- h) Misconduct at Tech athletic events, concerts, or other events. For purposes of this section only, “misconduct” means failing to follow event or venue rules or guidelines or interfering in any way with the athletic event, concert, or other event, including but not limited to throwing objects into a crowd, at another person, or onto a playing field, court, or stage, or acting in a manner that reasonably interferes with others’ enjoyment of the athletic event, concert, or other event.
- i) Violating West Virginia University Board of Governors policies, institutional rules and regulations, or campus rules and regulations. “Violation of West Virginia University Board of Governors policies, institutional rules and regulations, or campus rules and regulations” means engaging in conduct that violates West Virginia University Board of Governors policies, institutional rules and regulations, or campus rules and regulations. A charge alleging a violation of a University policy, rule, or regulation shall identify the policy, rule, or regulation violated.

- j) Violation of federal, state, or local law. “Violation of federal, state, or local law” means engaging in conduct that violates federal, state, or local law whether such conduct takes place on campus or off campus or whether civil or criminal penalties may also be imposed for such conduct. A violation of this provision is not predicated upon a final determination by a court of law. In other words, it is not necessary for a student to have been actually found to have violated a federal, state, or local law by a court of law in order to be disciplined under this Student Code. It is only necessary that a student be found to have engaged in such prohibited acts by processes under the Student Code. It is specifically noted here that the standard of proof in the Student Code process is distinct and different from what is applied in criminal federal, state, and local law violations. A charge alleging a violation of a federal, state, or local law shall identify the federal, state, or local law violated.
- k) Endangerment. “Endangerment” means engaging in conduct that endangers the health or safety of any person, or causes a reasonable person to fear for his/her safety or the safety of another.
- l) Obstruction or disruption. “Obstruction or disruption” means acting alone or in concert with others to unreasonably obstruct, disrupt, or interfere with a teaching, educational, research, administrative, disciplinary, public service, other activity or public performance authorized to be held or conducted on or off campus, or the duties or actions of public safety officials. Obstruction or disruption includes but is not limited to (1) misconduct in the classroom; (2) any act that interrupts, modifies, or damages the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions; (3) any act that damages or interferes with a utility service or equipment, communication service or equipment, University computers, computer programs, computer records or computer networks accessible through the University’s computer resources; (4) any student that fails to comply with lawful directions of University officials or University law enforcement officers acting in the performance of their duties is subject to discipline.
- m) Indecent exposure. “Indecent exposure” means exposure of the private or intimate parts of the body in public or in private premises when such exposure may be readily observed by others without consent.
- n) Obscene conduct “Obscene conduct” means conduct which the average individual applying contemporary University standards would find (i) taken as a whole, appeals to the prurient interest; (ii) depicts or describes in a patently offensive way ultimate sexual acts, normal or perverted, actual or simulated; and (iii) the matter, taken as a whole, lacks serious literary, artistic, political or scientific value.
- o) Theft “Theft” means the taking of possession of the property of another without consent.

- p) Damage, vandalism, or misuse of property. “Damage, vandalism, or misuse of property” means destroying or otherwise rendering another person’s property unusable for its intended purpose.
- q) Prohibited computer or electronic activity. “Prohibited computer or electronic activity” means (1) unauthorized entry into a file to use, read, change the contents, or other purpose; (2) unauthorized transfer of a file; (3) unauthorized use of another individual’s identification and password; (4) use of a computer or other electronic device to unreasonably interfere with the work of another student, faculty member, or University official; (5) use of a computer or other electronic device to send obscene or abusive messages; (6) use of a computer or other electronic device to unreasonably interfere with the normal operation of the University’s network; or (7) use of a computer or other electronic device in violation of copyright laws.
- r) Tampering with emergency response equipment. “Tampering with emergency response equipment” means interfering with or unnecessarily using a fire-alarm system, sprinklers, smoke detectors, fire-fighting equipment, or any other public safety or emergency call device.
- s) Making false reports. “Making false reports” means reporting an emergency, crime, fire or that a bomb or other explosive has been placed on premises when knowing such a report is wrong or inaccurate.
- t) Hazing. “Hazing” means any action or situation which (1) endangers or adversely affects the mental or physical health or safety of another person or persons; (2) would cause extreme embarrassment or adversely affect the dignity of another person or persons; or (3) causes another person or persons to destroy or remove public or private property. This includes, but is not limited to, any brutality of a physical nature, such as whipping, beating, branding, forced consumption of any food, alcohol, drug or other substance, any activity which would subject an individual or individuals to extreme mental stress, such as sleep deprivation or forced exclusion from social contact. Hazing with or without the consent of a student is prohibited. Initiations or activities of student organizations are prohibited from including any feature that is dangerous, harmful, or degrading to the student. A violation of this prohibition renders both the organization and participating individuals subject to discipline. Any student who knowingly witnesses or acquiesces in the presence of hazing is also subject to discipline.
- u) Stalking. “Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (i) fear for his or her safety or the safety of others; or (ii) suffer substantial emotional distress. One engages in an impermissible course of conduct under this definition if one engages in two or more acts that include, but are not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person in a way prohibited as described above, or interferes with a person’s property. A “reasonable

person”, for purposes of this definition, means a reasonable person under similar circumstances and with similar identities to the victim. “Substantial emotional distress”, for purposes of this definition, means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

- v) Harassment. “Harassment” is conduct that creates a hostile environment, as defined below, and is based upon an individual’s race, color, national origin, ancestry, age, physical or mental disability, marital or family status, pregnancy, veteran status, service in the uniformed services (as defined in state and federal law), religion, creed, sex, sexual orientation, genetic information, gender identity, or gender expression. Harassment may take various forms, including, but not limited to, name-calling, graphic or written statements (including the use of social media, text messages, email, or other similar forms), or other conduct that may be physically threatening, harmful, or humiliating. Harassment does not necessarily have to include intent to harm, be directed at a specific target, or involve repeated incidents.

- w) Discrimination. “Discrimination” is conduct that is based upon an individual’s race, color, national origin, ancestry, age, physical or mental disability, marital or family status, pregnancy, veteran status, service in the uniformed services (as defined in state and federal law), religion, creed, sex, sexual orientation, genetic information, gender identity, or gender expression and excludes an individual from participation, denies the individual the benefits of, treats the individual differently or otherwise adversely affects a term or condition of an individual’s employment, education, living environment or participation in a University program or activity. This includes failing to provide reasonable accommodation, consistent with state and federal law, to persons with disabilities. It does not, however, include programs or activities specifically exempt by law. See, e.g., 20 U.S.C. § 1681(a) (2015).

- x) Domestic Misconduct. “Domestic Misconduct” means “Domestic Violence” and “Dating Violence” as defined below.
 - “Domestic Violence” means a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the alleged victim, by a person with whom the alleged victim shares a child in common, by a person who is cohabitating with or who has cohabitated with the alleged victim as a spouse, by a person similarly situated to a spouse of the alleged victim under the domestic or family laws of the State of West Virginia, by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the State of West Virginia. “Domestic Violence” under the laws of the State of West Virginia, which is also prohibited by this Policy, means: (i) unlawfully and intentionally making physical contact of an insulting or provoking nature with one’s family or household member(s); (ii) unlawfully and intentionally causing physical harm to one’s family or household member(s); (iii) unlawfully attempting to commit a violent injury against one’s family or household member(s); or (iv)

unlawfully committing an act which places one's family or household member(s) in reasonable apprehension of immediately receiving a violent injury.

- For purposes of this subsection, "family or household members" means persons who: (1) are or were married to each other; (2) are or were living together as spouses; (3) are or were sexual or intimate partners; (4) are or were dating: provided, that a casual acquaintance or ordinary fraternization between persons in a business or social context does not establish a dating relationship; (5) are or were residing together in the same household; (6) have a child in common regardless of whether they have ever married or lived together; (7) have the relationships described in W. Va. Code § 48-27-204.
- "Dating Violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship. The view of the Complainant shall generally be controlling in determining whether such a relationship existed. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence, for purposes of this Policy, does not include emotional abuse.
- y) Retaliation. "Retaliate" means to take an adverse action against an individual or subject an individual to conduct that has the purpose or effect of unreasonably interfering with that individual's educational experience, work or academic performance, or creates an educational experience or academic or work environment that a reasonable person would find intimidating or hostile because of something that individual did to further this Policy, including but not limited to filing a complaint or being a witness in or supporter of or against a complaint. This includes interfering with the reporting of or the investigation of prohibited behavior, such as tampering with or destroying relevant evidence; intimidating, threatening or attempting to influence, in any way, the testimony or information of a Reporter, Complainant, or witness.
- z) Academic dishonesty. The term "academic dishonesty" means plagiarism; cheating and dishonest practices in connection with examinations, papers, and/or projects; and forgery, misrepresentation, or fraud as it relates to academic or educational matters.
- 1) The term "plagiarism" means the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment, including, but not limited to, the unacknowledged use of materials prepared by another individual engaged in the selling of term papers or other academic materials.

- 2) The terms “cheating and dishonest practices in connection with examinations, papers, and/or projects” means (i) giving or receiving of any unauthorized assistance in taking quizzes, tests, examinations, or any other assignment for a grade; (ii) depending upon the aid of sources beyond those authorized by the instructor in quizzes, tests, examinations, writing papers, preparing reports, solving problems, or carrying out other assignments; (iii) the acquisition or use, without permission, of tests or other academic material belonging to a member of the University faculty or staff; or (iv) engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.
- 3) The terms “forgery, misrepresentation, or fraud as it relates to academic or educational matters” means (i) wrongfully altering, or causing to be altered, the record of any grade or other educational record; (ii) use of University documents or instruments of identification with the intent to defraud; (iii) presenting false data or information or intentionally misrepresenting one’s records for admission, registration, or withdrawal from the University or from a University course; (iv) knowingly presenting false data or information or intentionally misrepresenting one’s records for personal gain; (v) knowingly furnishing the results of research projects or experiments for the inclusion in another’s work without proper citation; or (vi) knowingly furnishing false statements in any University academic proceeding.
 - aa) *Tampering with or falsifying an official record.* “Tampering with or falsifying an official record” means altering or assisting in the altering of any official record of the University or submitting false information or omitting requested information that is required for or related to an application for admission, the awarding of a degree, or any official record of the University. This conduct may result in a prohibition against readmission, revocation of degree, and/or withdrawal of diploma.
 - bb) *Intrusion of Privacy.* “Intrusion of privacy” means unreasonably invading the private domain or seclusion of another by any means, including observation, videotaping, audio taping, photographing, or capturing the actions, image, audio, or likeness of any other member of the University community without permission or knowledge, when such member of the University community has a reasonable expectation of privacy.
 - cc) *Possession of deadly weapons or destructive devices.* “Possession of deadly weapons or destructive devices” means possessing or using any type of deadly weapon, firearm, imitation firearm, ammunition, explosive, firework, dangerous chemical, or other destructive device while on University premises. “Firearm” means any item which will or is designed to or may readily be converted to expel a projectile by the action of an explosive. “Deadly weapon” means any device, instrument, material, substance, or object, whether animate or inanimate, designed to be used to produce serious bodily injury or death or is readily adaptable to such use. This provision does not apply to those individuals specifically permitted by University policy or procedure to possess such items.

- dd) Trespass. “Trespass” means to enter or remain without lawful purpose in any Tech building, room, structure, facility, vehicle, construction area, roof top, or other Tech related premises.
- ee) Unauthorized Use of Keys or Other Access Devices “Unauthorized use of keys or other access devices” means to possess, duplicate, or use a key or other access device, including an electronic keycard or other device used to grant access, to any Tech building, room, structure, facility, vehicle, construction area, roof top, or other Tech related premises without proper authorization.
- ff) Attempting to engage in an act prohibited by the Student Code. An “attempt” is defined as conduct that, if successful, would constitute or result in the prohibited conduct. Any student who abandons an attempt or prevents the prohibited conduct from occurring under circumstances that demonstrate a complete and voluntary renunciation of the prohibited conduct will not be subject to disciplinary action.
- gg) Abuse of the Student Code. A student who engages in any of the following actions is subject to discipline for abuse of the Student Code:
1. Failure to obey the notice from a Student Code Administrator or other Tech official to appear for a meeting or hearing concerning violations of the Student Code.
 2. Falsification, distortion, or misrepresentation of information at any point in the student conduct process.
 3. Disruption or interference with the orderly conduct of a Student Code proceeding.
 4. Initiating a Student Code proceeding in bad faith.
 5. Attempting to discourage or discouraging an individual’s proper participation in, or use of, Student Code proceedings.
 6. Retaliating against an individual because of the individual’s participation in, or use of, Student Code proceedings.
 7. Attempting to influence or influencing the impartiality of a member of a Hearing Panel prior to, and/or during the course of, a Student Code proceeding.
 8. Harassment (verbal or physical) and/or intimidation of a member of a Hearing Panel prior to, during, and/or after any Student Code proceeding.
 9. Influencing or attempting to influence another person to commit an abuse or violation of the Student Code.
 10. Failing to comply with one or more sanctions imposed under the Student Code.

11. Knowingly violating the terms of a disciplinary sanction imposed in accordance with the Student Code.

Section 7: Sanctions.

- 7.1 It is expected that the Student Code Administrator and/or the Hearing Panel will impose or seek a sanction that is fair under the circumstances. To that end, a student found responsible for a violation or violations of the Campus Student Code shall be subject to sanctions commensurate with the offense with consideration given to any aggravating and mitigating circumstances, including the student's conduct record. A student who receives a period of suspension as a disciplinary sanction is subject to further disciplinary action for prohibited conduct that takes place during the period of suspension. Sanctions available for violations of the Student Code include any of the following:
 - a) Expulsion: Permanent separation of the student from Tech. Permanent notification will appear on the student's transcript. The student may be denied access to Tech premises, provided that such restrictions are stipulated in the Outcome Letter and bear a reasonable relationship to the violation. If a student is expelled, the student will not receive a refund of any tuition or fees that have been paid to the University.
 - b) Suspension: Separation of the student from Tech for a specified period of time. Permanent notification will appear on the student's transcript. The student may be denied access to Tech premises and to all other Tech activities or privileges for which the student might otherwise be eligible, provided that such restrictions are stipulated in the Outcome Letter and bear a reasonable relationship to the violation. Suspended time will not count against any time limits for completion of a degree. If a student is suspended, the student will not receive a refund of any tuition or fees that have been paid to the University.
 - c) Deferred Suspension: The student will be officially suspended from the University for a definite interim time period and given a certain set of expectations, but the suspension will be deferred and does not go into effect as long as the student complies with all requirements during the interim period. In those cases where the student completes all expectations during the interim period, the student's record will show that the sanction was never imposed. In the event that a student fails to comply with a sanction and the Office of Student Conduct has decided to impose a suspension, the student will be notified of the apparent failure to comply and of the intent to suspend, and provided an opportunity to meet and explain the circumstances prior to a final decision.
 - d) Probation: A written reprimand for prohibited conduct that specifies a designated period of time and includes the probability of more severe

disciplinary sanctions if, during the designated probationary period, the student violates any applicable law or fails to comply with the policies of the West Virginia University Board of Governors, with institutional or campus rules and regulations or with directives issued by any Tech official acting in the course of his or her authorized duties.

- e) **Warning:** A notice in writing to the student that the student is violating or has violated Board of Governors policies, institutional rules and regulations, or the Student Code, and that any further prohibited conduct may result in more severe disciplinary action.
- f) **Loss of Privileges:** Denial of specified privileges for a designated period of time.
- g) **Restitution:** Students may be required to make payment to Tech or to other persons, groups, or organizations for loss, damage, or injury incurred as a result of a violation of any Student Code. This may take the form of appropriate service and/or monetary or material replacement. Once restitution is satisfied, the student must provide documentation to the Office of the Student Conduct.
- h) **Revocation:** Admission to the University may be revoked for a violation of the Code if the violation was committed before the student arrives on campus. Likewise, a degree awarded from the University may be revoked for a violation of the Code if the violation was committed before the student graduates.
- i) **Other Sanctions:** Other sanctions may be imposed instead of or in addition to those specified. For example, students may be subject to dismissal from Tech housing for disciplinary violations which occur in the residence halls. Likewise, community service, educational classes, and other work or research projects may also be assigned.
- j) **No Contact Order:** Students may be issued a permanent no contact order, which is a directive to refrain from any intentional contact, whether direct or indirect, with one or more designated persons or group(s) through any means, including, but not limited to, personal contact, e-mail, telephone, social media or third parties.

7.2 Attempts to commit acts prohibited by a Student Code may be punished to the same extent as completed violations.

7.3 Repeated or aggravated violations of any section of this Student Code may also result in expulsion or suspension or in the imposition of such lesser penalties as may be appropriate.

7.4 Sanctions for prohibited conduct occurring off campus shall not be more severe than for similar on-campus conduct.

7.5 Misconduct, other than constitutionally protected expression, motivated by bias based on race, color, national origin, ancestry, age, physical or mental disability, marital or family status, pregnancy, veteran status, service in the uniformed services (as defined in state and federal law), religion, creed, sex, sexual orientation, genetic information, gender identity, or gender expression should be considered an aggravating factor for sanctioning.

Section 8: Interim Suspension.

8.1 Imposition of Interim Suspension. The Student Code Administrator may impose an interim suspension prior to a formal hearing or other disposition of allegations against a student when the Student Code Administrator has reasonable cause to believe that a student's presence on Tech premises presents: (a) a significant risk of substantial harm to the student, other individuals, or property; or (b) an ongoing threat of disrupting the normal operations of Tech.

8.2 Conditions of Interim Suspension. Such immediate interim disciplinary action may be taken as is appropriate under the circumstances for a time period and under those conditions as may be determined by the Student Code Administrator in order to ensure the safety and well-being of members of the University community or to preserve University property; to ensure the student's own physical or emotional safety and well-being; or to deter a threat of disruption or interference with the normal operations of the University. During an interim suspension, the suspended student may be denied access to all or some of the property owned or controlled by the University and to some or all other University activities or privileges for which the student might otherwise be eligible, provided that such restrictions are stipulated in the interim suspension notice.

8.3 Procedure for Interim Suspension.

a) Notice. If the Student Code Administrator imposes an interim suspension, then the student will receive written confirmation of the interim suspension. The notice will state the facts and circumstances warranting the interim suspension, the conditions of the interim suspension, and the student's rights.

b) Review. Within three (3) business days of the imposition of the interim suspension, the student may petition the Dean of Students or designee to review the reliability of the information concerning the alleged harm or ongoing threat. The petition for review must be in writing and may include evidence supporting the student's position that the student does not pose or no longer poses a significant risk of substantial harm to the individual,

others, or property or an ongoing threat of disrupting the normal operations of Tech.

- c) Final Determination. If, after considering the petition for review and evidence, the Dean of Students or designee affirms the decision to interim suspend, the matter will proceed promptly to a hearing without undue delay, unless additional time is requested by the student. However, if, after considering the petition for review and evidence, the Dean of Students or designee determines that the student has established by a preponderance of the evidence that the student does not pose or no longer poses a significant risk of substantial harm to the individual, others, or property or an ongoing threat of disrupting the normal operations of Tech, the interim suspension will be lifted and the matter will proceed according to the normal process, up to and through a hearing, if required.

Section 9: Conduct Process.¹

9.1 Complaints or Allegations of Misconduct.

- 9.1.1 Any member of the Tech community who believes that a violation of the Student Code has occurred may file a complaint with the Office of the Dean of Students. Complaints of student misconduct should be submitted to the Office of the Dean of Students as soon as possible following the alleged misconduct or the date on which the individual knew or should have known of the misconduct.
- 9.1.2 Regardless of whether a formal complaint is ever filed, allegations of student misconduct, from any credible source, will be reviewed by the Student Code Administrator, or other appropriate personnel.
- 9.1.3 No complaint or allegation of student misconduct will be investigated more than one (1) year after the alleged misconduct took place or after the alleged misconduct should have been discovered, unless good cause is shown for the delay.

¹ Note: Certain modifications apply in cases where the complaint of allegation involves discrimination, harassment, sexual or domestic misconduct, stalking, or retaliation, as defined in Policy 44. Please see Section 10 for more details.

9.2 Investigation.

- 9.2.1 The University or, in certain circumstances, an investigator appointed by the University, shall investigate each formal complaint or allegation of student misconduct from a credible source. The investigator may summon by written or electronic request any member of the Tech community for a meeting for the purposes of investigating and/or discussing allegations of prohibited conduct, whether such allegations have been formally submitted or have otherwise been made known to the investigator.
- 9.2.2 If, after investigating the complaint or allegation of student misconduct, the Student Code Administrator finds that there are reasonable grounds to conclude that the student violated the Student Code, then charges will be brought against the student.
- 9.2.3 If, after investigating the complaint or allegation of student misconduct, the Student Code Administrator does not find that there are reasonable grounds to conclude that the student violated the Student Code, then the complaint or allegation will be dismissed. In the event the complaint or allegation is dismissed, the Student Code Administrator shall indicate the reason for the dismissal and notify the accused student in writing.

9.3 Notice of the Charge.

- 9.3.1 If there are reasonable grounds to conclude that a violation of the Student Code has occurred, then the Student Code Administrator shall prepare a formal written charge of alleged prohibited conduct (the "Charge").
- 9.3.2 The Charge shall be provided to any student suspected of prohibited conduct as soon as possible after the investigation is concluded.
- 9.3.3 The Charge shall be addressed to the student who allegedly violated the Student Code (the "Accused Student") and shall include a brief outline of the facts upon which the Charge is based and potential sanctions which may result if the Accused Student is found responsible.
- 9.3.4 In deciding which sanctions to seek, the Student Code Administrator may consult with the appropriate Tech officials and ensure that the sanctions sought are commensurate with the alleged violations and the Accused Student's prior student code of conduct violations, if any.
- 9.3.5 The Charge shall be delivered electronically to the Accused Student through Tech's designated student e-mail system regardless of where the student resides. Additionally, a copy of the Charge shall be sent via campus mail to any student who resides on campus or via regular mail to any student who resides off campus.

- 9.3.6 The Charge shall include written notice to the Accused Student that prior student code violations may be considered in the determination of sanctions and that the Accused Student will be provided an opportunity to address any such information.
- 9.3.7 The Charge shall identify a date and time for the Accused Student to meet with the Student Code Administrator, or other appropriate personnel, to discuss the Student Code, its procedures, and the remedial options available to the Accused Student, including whether the Student Code Administrator and the Accused Student can agree on the facts and, if warranted, identify a mutually-agreeable sanction to be imposed.

9.4 Agreed Resolution.

- 9.4.1 In all situations, including where suspension or expulsion is an available sanction, the Student Code Administrator and the Accused Student may agree on the facts and, if warranted, identify a mutually-agreeable sanction(s) to be imposed. In such a case, the agreed upon facts and sanction(s) shall be reduced to writing, dated, and signed by the Accused Student (“Agreed Resolution”).
- 9.4.2 An Agreed Resolution shall be final and not subject to any subsequent proceedings, unless the Accused Student submits a written objection to cancel the Agreed Resolution to the Student Code Administrator within one (1) calendar day of the date it was signed. If the Accused Student objects to the Agreed Resolution and no further agreement can be reached, the matter shall proceed in accordance with 9.4.3 or 9.4.4 below.
- 9.4.3 In situations where the Student Code Administrator and the Accused Student cannot agree on the facts and the sanction(s) to be imposed and neither expulsion nor suspension is sought as a sanction, the case shall continue to a Conduct Conference.
- 9.4.4 In situations where the Student Code Administrator and the Accused Student cannot agree on the facts and the sanction(s) to be imposed and expulsion or suspension is sought as a sanction, the case shall be referred to a Hearing Panel for formal review.

9.5 Conduct Conference.

- 9.5.1 The administrative disposition of complaints not seeking suspension or expulsion shall be handled by an informal conference between the Accused Student and the Student Code Administrator (“Conduct Conference”). The Conduct Conference will be used for determining responsibility and a sanction for matters or situations in which the alleged actions, if true, would not justify a suspension or an expulsion.
- 9.5.2 **Opportunity to Present Evidence.** During a Conduct Conference, an Accused Student will be given an opportunity to present evidence to the Student Code Administrator to determine whether the Accused Student is responsible for violating the Student Code as accused.

9.5.3 **Notice of Outcome.** After consideration of the evidence, the student is entitled to written notification of the outcome of the Conduct Conference (“Outcome Letter”). The Student Code Administrator’s determination of responsibility shall be based on a preponderance of the evidence. Each Outcome Letter shall plainly state the decision and shall plainly state the rationale for the decision; in the event that the student is found responsible for any part of the Charge, the Outcome Letter will include a brief statement of the facts relied upon by the Student Code Administrator, the assigned sanction, and an explanation of appeal rights.

9.5.4 **Appeal.** The Outcome Letter that is issued following a Conduct Conference may be appealed in accordance with Section 10 below.

9.6 **Pre-Hearing Procedures for Charges Seeking Expulsion or Suspension.**

9.6.1 **Scheduling.** When necessary, a hearing shall be scheduled by the Student Code Administrator not fewer than ten (10) nor more than fifteen (15) calendar days following the attempt to reach an Agreed Resolution. Maximum time limits for scheduling of hearings may be extended at the discretion of the Student Code Administrator.

9.6.2 **Hearing Notice.**

a) The Student Code Administrator shall prepare a written notice of hearing (a “Hearing Notice”) that sets forth the date, time, location of the scheduled hearing, and anticipated witnesses that will be relied upon by the University to prove the alleged conduct.

b) The Hearing Notice shall be sent to the Accused Student, any member of the Tech community who was directly impacted by the alleged misconduct (the “Victim(s)”) (if any), and all witnesses identified by the Student Code Administrator’s investigation. Identification of witnesses by the Student Code Administrator is not a guarantee or assurance that such witnesses will appear or be called at the hearing.

c) The Hearing Notice shall be delivered electronically using Tech’s designated student e-mail system to the Accused Student and any other student-witnesses regardless of where the student resides. A copy of the Hearing Notice shall also be sent via campus mail if the Accused Student and/or witness(es) reside on campus or via regular mail if the Accused Student and/or witness(es) reside off campus.

9.6.3 **Request for Separate Hearings.** For matters involving more than one Accused Student, the students may request separate hearings; such requests shall be granted by the Student Code Administrator unless such arrangements cannot be accommodated for good cause.

9.6.4 Evidence & Witnesses.

- a) At least two (2) days prior to the scheduled hearing, the Accused Student shall submit to the Student Code Administrator and the Student Code Administrator shall send to the Accused Student the names and purpose of any witnesses that they intend to rely on at the hearing.
- b) At least two (2) academic days prior to the scheduled hearing, the Accused Student shall submit to the Student Code Administrator and the Student Code Administrator shall submit to the Accused Student all documentary evidence (pertinent records, information, and written statements) that is to be considered by the Hearing Panel.
- c) Prospective witnesses, other than the Victim(s) or other Accused Students, may be sequestered from the hearing during other witnesses' testimony. Cell phones and other electronic devices may be secured by reasonable means determined by the Chair prior to hearing in order to eliminate texting or e-mailing information about the hearing to other witnesses. The devices will be returned to each witness after they have been excused from the hearing.

9.7 Selection of the Hearing Panel for Charges Seeking Expulsion or Suspension.

- 9.7.1 The Faculty Assembly shall constitute the pool of potential members of the University community who will ultimately evaluate the facts and circumstances related to each specific matter of student misconduct ("Hearing Panel"). This pool consists of: one faculty chairperson; no less than eleven additional faculty members; and no less than eleven students, who are nominated by the President of the Student Government Association in the fall of each year to serve a one-year term, from October 1 to September 30. For so long as the membership of these Faculty Assembly appointments is consistent with this section, that members shall serve as the pool for each Hearing Panel.
- 9.7.2 Each Hearing Panel shall be composed of three or five members chosen from University Committee of Student Rights and Responsibilities.
- 9.7.3 Individuals selected to serve on a Hearing Panel shall maintain high ethical standards and in so doing, agree to be bound by a Code of Ethical Standards prepared by the Student Code Administrator, and attached here as Appendix 1.
- 9.7.4 At a minimum, each Hearing Panel shall be comprised of at least one student and a faculty majority.

- 9.7.5 One faculty member on a Hearing Panel shall serve as the Chair of the Hearing Panel (the “Chair”).
- 9.7.6 Prior to the hearing, the Accused Student will have an opportunity to review a list of the University Committee on Student Rights and Responsibilities members and will be given an opportunity to strike a maximum of two members from consideration for the Hearing Panel that will hear the Accused Student’s case. Each remaining member of the University Committee on Students Rights and Responsibilities shall recuse themselves if, for any reason, their ability to render an unbiased decision is compromised.
- 9.7.7 Notwithstanding anything else in this Code, Tech reserves the right to select appropriate individuals to serve on a Hearing Panel in order to ensure that both the due process rights of the Accused Student and the fairness of the process are preserved.

9.8 Hearing Procedures for Charges Seeking Expulsion or Suspension.

Hearings shall be conducted according to the following:

- a) Hearings shall be conducted in private.
- b) The Student Code Administrator will present the facts and information obtained from the investigation to the Hearing Panel on behalf of Tech.
- c) The Accused Student and Student Code Administrator may make statements and ask questions of witnesses.
- d) All procedural questions are subject to the final decision of the Chair of the Hearing Panel.
- e) Formal rules of evidence shall not apply, nor shall deviations from prescribed procedures necessarily invalidate a decision or proceeding, unless significant prejudice to a student or Tech results. Rather, the Chair shall have the authority to decide any issues regarding relevancy or admissibility that may arise during the hearing.
- f) The Chair shall have the authority to discharge or to remove any person whose presence is deemed unnecessary or obstructive to the proceedings.
- g) The Hearing Panel may ask questions of a witness. Questioning of witnesses will be conducted in a format identified by the Chair.
- h) Consideration of all evidence by the Hearing Panel shall be at the discretion of the Chair.

9.9 Attendance.

If an Accused Student, after receiving a Hearing Notice, does not appear for a hearing, the hearing will proceed without the Accused Student. However, no inference may be drawn against an Accused Student for failing to attend a hearing and no decision shall be based solely on the failure of the Accused Student to attend the hearing.

9.10 Legal Counsel or Advisors.

The Accused Student and the Victim, if any, may have an advisor accompany him or her to a hearing for charges seeking suspension or expulsion. The advisor may be an individual that is either a member of the faculty, staff, or a student at Tech. Advisors may not participate in the proceedings and are only present to advise the Accused Student and the Victim.

In lieu of an advisor, the Accused Student may be represented by legal counsel at a hearing for charges seeking suspension or expulsion. Any lawyer appearing at a hearing on a student's behalf shall be licensed to practice law in the State of West Virginia and can actively participate in the hearing.

A student should select an advisor or legal counsel whose schedule allows attendance at the scheduled date and time for the hearing. Delays will not normally be allowed due to the scheduling conflicts of an advisor or legal counsel. Further, failure to secure an advisor or legal counsel will not cause a hearing to be postponed or canceled.

9.11 Deliberations.

After the portion of the hearing concludes in which all pertinent information has been received, the Hearing Panel shall privately deliberate whether the Accused Student is responsible as charged. After determining whether the student is responsible, by a majority vote, for the alleged conduct by the Hearing Panel, the Accused Student shall be notified of the finding by the Hearing Panel.

9.12 Standard of Proof.

The Hearing Panel's determination of responsibility shall be based on a preponderance of the evidence. "Preponderance of the evidence" means evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not.

9.13 Imposition of Sanctions.

In the event that an Accused Student has been found "Responsible" on any charge, the Hearing Panel shall receive additional information regarding the student's academic transcript and student conduct history, request proposed sanctions from both the Accused

Student, and hear impact statements by both the Accused Student and the Victim(s) (if any). After receiving the aforementioned information, the Hearing Panel shall deliberate and agree, by majority vote, on the sanction(s) in private. After a sanction has been determined by the Hearing Panel, the Accused Student shall be notified of the sanction(s) by the Hearing Panel.

9.14 Outcome Letter.

At the conclusion of the hearing, the student is entitled to written notification of the outcome of the hearing (“Outcome Letter”). Each Outcome Letter shall plainly state the decision and shall plainly state the rationale for the decision; in the event that the student is found responsible for any part of the Charge, the Outcome Letter will include a brief statement of the facts relied upon by the Hearing Panel, the assigned sanction(s), and an explanation of any appeal rights.

9.15 Transcript of the Proceedings.

9.15.1 All hearings will be recorded. The University will maintain the audio recordings of all hearings (not including deliberations) which remain the property of the University. Participants are prohibited from making their own recordings. Upon written request, an Accused Student shall be provided access only in compliance with the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g (2012)) and pursuant to any other conditions for access as may be deemed necessary by the Dean of Students or his/her designee.

9.15.2 All hearings are recorded using technology chosen by the Student Code Administrator; however, alternative recording methods, i.e., a court reporter, may be requested by an Accused Student, provided, however, that the Accused Student shall bear the full expense of the alternative recording method. To accommodate such a request, all involved students must provide written consent in advance of the scheduled hearing.

Section 10: Appeals Process.

10.1 Students who have violated the Student Code, as determined by a Hearing Panel or a Student Code Administrator, may appeal the decision and/or the imposed sanction within five (5) days from the date that the Outcome Letter is sent. If the student does not submit an appeal within the prescribed time, the sanction(s) will be applied, no appeal will be considered and the matter will be concluded.

10.2 A written appeal and supporting documents, if any, shall be submitted to the Dean of Students with a copy to the Student Code Administrator.

10.3 Subject to Section 11/3(g), sanctions are stayed pending the appeal outcome. However, if there is a perceived danger to Tech property or to the Tech community,

interim sanctions such as residence hall removal or suspension from Tech may remain in place until the appeal process is complete.

10.4 The Dean of Students or designee, shall review the record and supporting documents to consider only the following:

- a) To determine whether jurisdiction was properly asserted under this Student Code;
- b) To determine whether the underlying proceeding was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures, such that no significant prejudice to a student or Tech resulted;
- c) To determine whether the decision reached was clearly unreasonable based on the information presented; and
- d) To determine whether the sanction(s) imposed were appropriate.

10.4.1 The Dean of Students or designee shall consider the appeal and deliver a decision within thirty (30) days of receipt of such appeal, except where adherence to such time period would be impracticable, in which case such time period shall be extended as warranted by the particular circumstances.

10.4.2 The Dean of Students or his/her designee may decide to:

- a) Deny the appeal;
- b) Modify, reduce or otherwise limit the sanction(s) imposed (more severe sanctions may not be imposed on appeal by the Dean of Students or his/her designee);
- c) Direct the Office of Campus Life to provide a new proceeding, or allow the student to have his or her case handled beginning at any specific stage of the Student Conduct process; or
- d) Remand the matter to the original decision maker with specific instructions that shall be carried out.

10.4.3 If an appeal is not upheld by the Dean of Students or his/her designee, as applicable, the matter shall be considered final and binding upon all involved.

Section 11: Complaints or Reports of Discrimination, Harassment, Sexual & Domestic Misconduct, Stalking, and Retaliation.

11.1 This Student Code is intended to complement West Virginia University Board of Governors Policy 44, Policy Regarding Discrimination, Harassment, Sexual &

Domestic Misconduct, Stalking, and Retaliation, and any procedure implemented in support of Policy 44.

- 11.2 In matters involving discrimination, harassment, sexual or domestic misconduct, stalking, or retaliation, as defined in Policy 44, the Complainant is granted the same rights afforded to the Accused Student under this Student Code in order to achieve a prompt and equitable resolution.
- 11.3 Discrimination, harassment, sexual or domestic misconduct, staking, or retaliation charges will be handled in accordance with the provisions set forth above, except to the following extent:

a) Advisors.

Both the Complainant and the Accused Student shall have the right to have an advisor of their choice present at any meeting during the conduct process.

b) Investigation.

Allegations of a student's alleged discrimination, harassment, sexual or domestic misconduct, stalking, or retaliation, from any credible source, will be thoroughly investigated by the University or an appointed investigator. Such an investigation will take place in the same manner set forth in Section 9.2, except that the decision of whether it is reasonable to believe that the Accused Student committed discrimination, harassment, or sexual or domestic misconduct, or stalking will be made jointly by the Title IX Coordinator and the Student Code Administrator.

If it is not reasonable to believe that the Accused Student committed discrimination, harassment, sexual or domestic misconduct, stalking, or retaliation, the University will notify, in writing, both the Accused Student and the Complainant and the matter will be closed.

c) Charge.

1. If, after investigating the complaint or allegation of discrimination, harassment, sexual or domestic misconduct, staking, or retaliation it is reasonable to believe that the Accused Student violated the Student Code, the Student Code Administrator, under the direction of WVU's Title IX Coordinator, will apprise the Accused Student and the appropriate University departments, offices, units, or employees of the allegation by providing a written notice of the Charge.
2. In the Charge, the Student Code Administrator, under the direction of WVU's Title IX Coordinator, shall notify the Accused Student and all other

applicable University departments, offices, units, or employees that retaliation is prohibited and that it should be reported if it occurs.

3. The Charge will also be provided to the Complainant.

d) Interim Support for Complaints of Discrimination, Harassment, Sexual or Domestic Misconduct, Stalking, or Retaliation Against Students.

If a complaint against a student is received and it is apparent that immediate action must be taken to stop the sexual misconduct or alleviate any issues that arise as a result of the complaint, then, following the issuance of the Charge or as soon as necessary, the appropriate WVU Tech departments, offices, units, or employees shall implement interim remedial measures immediately. Such measures shall continue until the sexual misconduct investigation is complete or until the measures taken are deemed no longer necessary. Such measures may include, but are not limited to, interim suspension from the institution for the Accused Student; temporary removal from residence halls or other University sponsored events and activities for either the Accused Student or the Complainant, as appropriate; altering academic, housing, or other employment arrangements for either the Accused Student or the Complainant; issuance of a temporary trespass warning to the Accused Student; and “no contact” orders whereby the parties may be directed to refrain from contact with one another.

e) Agreed Resolution.

In non-violent sexual misconduct allegations, there will be an opportunity for an Agreed Resolution in situations where an Accused Student elects not to dispute facts upon which the charge of sexual misconduct is based and both the Accused Student and Complainant agree to the sanctions which are assessed, subject to the approval of WVU’s Title IX Coordinator.

f) Hearing Procedures.

At any hearing, both the Accused Student and the Complainant must have an equal access to information and opportunity to present relevant witnesses and other evidence. However, the Accused Student is not permitted to question the Complainant directly. Rather, the Accused Student must submit all questions that the Accused Student wishes to ask of the Complainant to the Chair of the Hearing Panel, who will then ask the questions. Or, in the alternative, the Accused Student’s legal counsel may question the Complainant directly.

In addition to notification that is provided to the Accused Student, the Complainant shall receive an Outcome Letter that specifies the outcome of the hearing, and any sanctions relevant to the Complainant.

g) Legal Counsel.

At any hearing where the Accused Student is provided the opportunity to have legal counsel present, the Complainant may also be represented by legal counsel. Any lawyer appearing at a hearing on a student's behalf shall be licensed to practice law in the State of West Virginia and can actively participate in the hearing.

h) Sanctions

The available sanctions for a student found responsible for discrimination, harassment, sexual or domestic misconduct, stalking, or retaliation are set forth in Section 7.

i) Appeal.

Both the Accused Student and the Complainant may file an appeal as set forth in this Student Code.

If the Accused Student is found responsible for discrimination, harassment, sexual or domestic misconduct, stalking, or retaliation, sanctions will not be stayed pending the outcome of the appeal, unless good cause is shown.

Section 12: Withholding Transcripts, Grades, and Degrees.

The Student Code Administrator may direct the Registrar to withhold the issuance of an official transcript, grade, diploma, certificate, or degree to an Accused Student, pending a hearing or conference, agreed resolution, and/or exhaustion of appellate rights if in the opinion of the Student Code Administrator, the best interests of the University would be served by this action. In the event that such action is taken pending the conclusion of the proceedings, the Student Code Administrator shall inform the Registrar of the action within five (5) consecutive days of the conclusion of the proceedings and shall withdraw or continue such withholding, as is determined by the Hearing Panel or in any other agreed-upon disposition.

Section 13: No Reprisal or Retaliation.

No reprisal or retaliation of any kind shall be taken by any member of the Tech community against any student who asserts his/her rights under this Student Code.

Section 14: Disclosure of Final Results.

If a student is found to have violated a specific act set forth in this Student Code and that act constitutes a crime of violence or non-forcible sex offense, as defined by 34 C.F.R. § 99.39 (2012), then, pursuant to 34 C.F.R. § 99.31(a)(14)(i) (2012) and the University's Family Educational Rights and Privacy Act notification, the University may disclose the

final results of the proceedings. For purposes of this disclosure, “final results” means the name of the student, the basic nature of the violation the student was found to have committed, and a description and duration of any sanction imposed against the student.

Section 15: Student Organizations.

15.1 For purposes of this Student Code, the term “student organization” means any group of students who have complied with the formal requirements for Tech recognition.

15.2 Authority of the Office of Student Conduct. If a student organization is alleged to have engaged in specific acts of prohibited conduct or violations of other University policies or organizational policies, including but not limited to rules promulgated by the respective student governance organization, the matter may be referred to the Office of Student Conduct.

a) Investigation of the Alleged Conduct. The Office of Student Conduct, or its designees, will investigate alleged violations of University policies by student organizations pursuant to Section 9.1 and as set forth below.

i. During the investigation, the ranking or other designated representative(s) of the student organization will be notified of the allegations in writing and given an opportunity to meet with the investigator to explain the organization’s side of the incident prior to the issuance of the final investigative decision.

ii. The student organization representative(s) also has the opportunity to submit documents and other relevant evidence to the investigator and identify witnesses who may have relevant information.

iii. Nothing prohibits the Office of Student Conduct from simultaneously investigating an individual student(s) and a student organization. The Office of Student Conduct will determine whether an alleged policy violation was committed by a student organization or by an individual student(s); such determination will be made on a case-by-case basis by considering the following:

- How many of the members of the student organization were involved in the incident?

- Did the incident occur at a sponsored event of the organization?

- Did a member(s) of the organization violate University rules at an event sponsored by the organization or in the course of the organization’s affairs, and the organization failed to exercise reasonable preventive measures?

- Did the organization’s leadership have knowledge/notice that the event was going to occur?

- What was the nature of the incident? iv. Investigations of student organizations should be completed as promptly as possible under the circumstances

- b) Interim Sanctions. Based on information available at that time, interim sanctions may be placed on the student organization by the Office of Student Conduct.
 - i. The student organization will be notified within five (5) academic days if interim sanctions are being placed on the student organization.
 - ii. The student organization will have five (5) academic days after receipt of the notice of an interim sanction to request a review and reconsideration of the interim sanctions to the issuer of the interim sanctions.

15.3 Resolution of Allegations

- a) If the investigator determines that it is not reasonable to believe that the student organization violated the Student Code, the student organization and any complainant will be notified and the matter will be closed.
- b) If the investigator determines that it is reasonable to believe that the student organization has violated the Student Code, then the case will be resolved as set forth below:
 - a. The Office of Student Conduct will schedule a time to meet and discuss the case with the student organization representative(s) following the investigation.
 - b. The student organization representative(s) will be given five (5) academic days to schedule this meeting. If a meeting is not scheduled within five (5) academic days, then the Office of Student Conduct may issue a decision in the case and impose sanctions
 - c. The Office of Student Conduct's decision shall be based on a preponderance of the evidence.

15.4 Sanctions Applicable to Student Organizations

- a) Sanctions will vary based upon the facts and circumstances of any specific offense. Sanctions are usually progressive in nature and include the probability of more severe disciplinary sanctions if the student organization or student organization representative(s) are found to violate the same or any other University policies.
- b) To the extent applicable, Section 7.1 will apply to student organizations; additionally, student organizations may also face the following non-exclusive list of sanctions that may be utilized individually or in combination:
 - a. Disciplinary Reprimand: A written notice to the student organization or explaining that the violation of institutional policy warrants an official record be kept in the Office of the Dean of Students
 - b. Educational Sanction: A student organization may be required to provide an identified service or participate in a particular program, receive specific instruction,

or complete a designated assignment. The student organization is responsible for any related expenses, including expenses for education, counseling, and/or services.

- c. **Attainment of Standards:** A student organization or student organization representative(s) may be required to attain a specific standard(s) over the course of a designated period of time. Examples of these standards include, but are not limited to, the following: organizational grade point average, organizational arrest and citation rate, organizational member retention, organizational member certifications/trainings.
- d. **Disciplinary Probation:** A written admonishment for a violation of specified regulations. With respect to the non-academic disciplinary system, a student organization on disciplinary probation is not considered to be in good standing for a designated period of time. If the student organization or its representative(s) are found to violate any institutional regulation(s) during the probationary period, more severe disciplinary sanctions may be imposed. Once the designated period of time has elapsed, the student organization will be considered in good standing; however, a record of the sanction will be kept in the Office of the Dean of Students.
- e. **Restitution:** A student organization may be assessed reasonable expenses related to the misconduct. This may include, but is not limited to, the following: the repair/replacement cost for any damage to property or any related expenses incurred by the complainant.
- f. **Recommendation for Charter Revocation:** An official request to a national office that the local chapter's charter be revoked.
- g. **Full or Limited Suspension of University Recognition:** Temporary severance of the organization's recognition by the University for a specific period of time, not to exceed five (5) years. This may include loss of University funding, loss of use of allocated University space, and restricted access to campus and/or other specified activities. Some of the restrictions that may be placed on the student organization during a limited suspension for the suspension period include, but are not limited to barring or limiting some or all of the organization's activities and/or privileges (including, but not limited to: social activities; intramural competition; organizational competition; Homecoming; eligibility to receive any University award or honorary recognition; privilege to occupy a position of leadership or responsibility in any University student organization governing body, publication, or activity; or ability to represent the University in an official capacity or position), entrance into University residence halls or other areas of campus, or contact with another specified person(s). While on full suspension the student organization loses its University recognition and/or registration for the suspension period; in such instances, it may not use University resources or participate as an organization in any University activities or events. Rerecognition is possible but not guaranteed and will only be considered after the end of the suspension period and based on meeting all re-recognition criteria and obtaining clearance from the University. If a sanction issued by the National or other governing bodies exceeds that of the University, the University may concur with that sanction.
- h. **Deferred Suspension of University Recognition:** The sanction does not go into effect as long as the student organization complies with all requirements during the

interim period. In those cases where the student organization completes all expectations during the interim period, the student organization's record will show that the sanction was never imposed. In the event that a student organization or student organization representative(s) fail to comply with a sanction and the Office of Student Conduct has decided to impose a suspension, the student organization will be notified of the apparent failure to comply and of the intent to suspend, and provided an opportunity to meet and explain the circumstances prior to a final decision

- i. Revocation of University Recognition: Permanent severance of the organization's recognition by the University

15.5 Appeals Regarding Student Organizations

- a) The accused student organization may appeal the decision by filing a written notice of appeal within ten (10) academic days following the receipt of the decision. The notice of appeal shall be filed with the Office of the Dean of Students. Grounds for appeal:
 - a. To determine whether jurisdiction was improperly asserted under this Student Code;
 - b. To determine whether the underlying proceeding was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures, such that no significant prejudice to the student organization, a student, or the University resulted;
 - c. To determine whether the decision reached was clearly unreasonable based on the information presented;
 - d. . To determine whether the sanction(s) imposed were appropriate.
- b) On appeal, the decision may be affirmed, reversed, remanded back with instructions for further investigation, or modified as deemed appropriate by the Dean of Students.
- c) The Dean of Students, or designee, shall consider the appeal and deliver a decision within thirty (30) days of receipt of such appeal, except where adherence to such time period would not be feasible, in which case such time period shall be extended as warranted by the particular circumstances
- d) The Dean of Students may forward the decision on appeal to appropriate University offices. In cases involving allegations of sexual misconduct, dating violence, or stalking, the Dean of Students will forward the appeal decision to the Title IX Coordinator.

Section 16: Drug or Alcohol Amnesty

Any student or student organization who, in good faith and in a timely manner, seeks emergency medical assistance for a person who reasonably appears to be experiencing an overdose from alcohol or drugs may not be held responsible for a violation of prohibited alcohol or drug related conduct only, as defined in this Code, if the student or student organization does all of the following:

- (1) Remains with the person who reasonably appears to be in need of emergency medical assistance due to an overdose until such assistance is provided;
- (2) Identifies himself or herself, if requested by emergency medical assistance personnel, law-enforcement officers, or University officials;

- (3) Cooperates with and provides any relevant information requested by emergency medical assistance personnel, law-enforcement officers, or University officials needed to treat the person reasonably believed to be experiencing an overdose; and
- (4) Completes any additional conditions imposed on the student or student organization by the Student Code Administrator.

If the person who reasonably appears to be experiencing an overdose from alcohol or drugs is also a student, he or she will not be held responsible for a violation of prohibited alcohol or drug related conduct, as defined in this Code, but may be required to complete additional conditions imposed by the Student Code Administrator in order to receive amnesty.

Additional resources for alcohol and drug education, can be found here:

<http://well.wvu.edu/resources/drug-alcohol>

This provision only applies to violations of this Code. As it relates to any criminal prosecution, students should see the West Virginia Alcohol and Drug Overdose Prevention and Clemency Act, W. Va. Code §§ 16-47-1 to -6, which can be found here:

<http://www.legis.state.wv.us/wvcode/Code.cfm?chap=16&art=47#47>

Section 17: Campus Discretion.

Subject to Board of Governors Policy 31 and the prior approval of the President or the President's Designee, the Dean of Students shall have sufficient latitude and authority to implement any reasonable measures necessary for the fair and efficient administration of this Student Code.

An Accused Student and the Student Code Administrator may agree in advance to minor deviations from this Policy. Such deviations are not then subject to appeal. Other minor deviations are acceptable as long as such deviations are not found upon appeal to be materially harmful to the Accused Student.

Campus Programs and Services

Athletics

The Athletic Department sponsors both intercollegiate and intramural athletics for its students. Men and women may compete in such sports as basketball, volleyball, softball, baseball, cross country, swimming, and wrestling. West Virginia University Institute of Technology is a proud member of the National Association of Intercollegiate Athletics Division 1 (NAIA), River States Conference, and the Appalachian Swim Conference (Swimming only).

Contact:

503 S. Kanawha St.

304-929-1500

<http://www.goldenbearathletics.com/>

University Police

Public safety at Tech is maintained by our University Police. Officers are assigned to patrol the campus 24 hours a day, 7 days a week. Their duties include the preservation of peace and public safety to the students, faculty, and staff, and visitors. University Police is also responsible for maintaining all parking and traffic regulations on the campus.

Parking is available by permit only. Permits may be purchased online at transportation.wvu.edu

Contact:

Non-emergency calls: 304-929-2667 (COPS) or 304-382-7165

Emergency calls: 304-929-2667 (COPS), 304-382-7165 or 911

<http://students.wvutec.edu/campus-safety>

Career Services and Cooperative Education

The Office of Career Services and Cooperative Education offers career development programs and services and experiential learning opportunities (internships and cooperative education) to all students. Daily contact with employers and faculty enables the office to provide students with an up-to-date reference between college and the world of work.

Contact:

505 S. Kanawha Street

304-929-1232

<http://careerservices.wvutec.edu/home>

Dean of Students

The Dean of Students is responsible for the administration of programs and services dedicated to student out-of-classroom learning and growth including Campus Life (Housing and Student Activities), Student Government Association, Dining Services, Campus Police, Student Success Programs, Student Health, Counseling Services, Career Services and Cooperative Education, Student Support Services, Upward Bound, and Accessibility Services. Dean of Students staff are committed to assisting students resolve any issues that may interfere with their ability to be successful at WVU Tech.

Contact:
505 S. Kanawha St.
304-929-1232

<http://students.wvutech.edu/dean-of-students>

Dining Services

The Bear's Den, located on the ground floor of the Robert C. Byrd Learning Resource Center, is a buffet style dining facility. Hours of operations include: Monday thru Friday 7:00 AM – 7:00 PM; Saturday & Sunday, Brunch 11:30 AM – 1:00 PM. Dinner, 4:00 PM – 6:00 PM.

Contact:
304-929-1226 (Beckley)
<http://dining.wvutech.edu/>

Student Health Services

The Student Health Services Clinic is located in the Life Sciences Building Suite 119-121. Appointments are encouraged, but walk-ins will be seen as the schedule allows. Hours of operation are Monday/Tuesday: 9:00 am to Noon; Wednesday: 9:00 am to Noon and 1:00 pm to 4:00 pm; Thursday: Closed; Friday: 9:00 am to Noon.

Students must present a valid student ID in order to receive services.

Contact:
304-929-1241

<http://students.wvutech.edu/health-wellness/student-health-clinic>

Counseling Services

WVU Tech Counseling Services provide individual and group counseling on a range of mental health related issues and is located in the Student Life House

Contact:
505 S. Kanawha St.
304-929-1237

<http://students.wvutech.edu/health-wellness/counseling>

Identification Cards

IDs may be purchased at the One Stop Shop in the Benedum Center.

Student Identification Cards (IDs) are distributed to all new students during the registration period of each semester. Any student who loses their ID Card should report the loss immediately to the One Stop Shop. A replacement fee of \$20.00 will be charged for any lost or \$10.00 for a mutilated cards.

Contact:
304-929-0333

Student Success Center

The Student Success Center provides academic advising services for first-year and transfer students. The center coordinates new student registration, tutoring and other student success services for all students on campus. Located on the 2nd floor of the Robert C. Byrd Learning Resource Center, this location is a prime for location for students to meet, study, and relax.

Contact:

Robert C. Byrd Learning Resource Center, Library
304-929-0346

<http://studentsuccesscenter.wvutech.edu/>

Student Support Services

The Student Support Services is a federally funded TRiO program that provides uniquely designed educational programs and services for participants in the areas of professional/peer tutoring, career exploration, personal or academic counseling and many student workshops geared toward college success.

Contact:
Benedum Center
304-929-1293

<http://trio.wvutech.edu/>

Library

The library is located on the 2nd floor of the Robert C. Byrd Learning Resource Center

Contact:
304-929-0340

<https://lib.wvu.edu/beckley>

Student Organizations

WVU Tech extends recognition to a wide variety of student organizations, this recognition is an institutional privilege, not a right. Organizations on the Tech campus include fraternities, sororities, various departmental, professional and special interest groups.

Contact:
Michael Sheldon
Benedum Center G10B
304-929-1310

<http://students.wvutech.edu/student-organizations>

Residence Life

Residence Life strives to provide living-learning facilities that support students in their educational goals while providing a safe and secure living environment.

Who Lives On Campus?

All single first and second year students with fewer than 59 credit hours (including transfer credits) are required to live in University housing. The following exceptions apply with verification:

- students who will be residing with parent(s) within commuting distance (50-miles of Montgomery) (see Commuter Students below);
- married students;
- students with children;
- students with 59 or more earned credit hours;
- students 21 years of age or older;
- students who are classified as veterans

The above students are required to live on campus but we also have a large number of junior and senior students that choose to live on campus. Nationwide, students that live on campus connect better to their college and make higher GPAs than those students that commute from home or live off campus. Give yourself the best opportunity to succeed and move on campus.

Commuter Students

If you qualify and wish to commute, please fill out the housing application at: myhousing.wvu.edu and make sure that you are selecting “Yes, you wish to commute.” Even as a commuting student, you are welcome to stop by the residence life office and we will help you, if we can.

Contact:

505 S. Kanawha Street
Beckley, WV 25801
304-929-1232

<http://housing.wvutec.edu/>

Residence Hall Councils

There is one residence hall council for both residence halls. Members of both University and Maclin are encouraged to participate with hall council. Hall Council reviews Residence Life and individual hall policies and makes suggestions for change; they also assist the residence hall staff with programs and activities.

Residence Hall Staff

Each hall will be assigned a Resident Director (RD), and a paraprofessional student staff of 5 to 8 Resident Assistants (RA) to help facilitate students' personal growth and aid in their adjustment to college.

Room Inspections

The University reserves the right to enter and inspect rooms without notice for purposes of (1) repairs, maintenance, facility improvements; (2) recovery of University/state/local government owned property not authorized for use in the assigned space; (3) fire, health, and safety inspections made periodically, as well as at hall closing/vacation periods; (4) when there is a reasonable basis for believing that an emergency exists (including but not limited to fire, accidents, sickness, or danger to the health and welfare of residents); and (5) when there is a reasonable basis for believing that a University policy is being violated.

Rules and Regulations

The residence hall policies of WVU Tech are designed to protect the individual within an environment that promotes personal and academic achievement. The following policies, procedures, and guidelines are designed to enhance your living environment. Violation of these policies, procedures, and guidelines may result in disciplinary action against the resident.

a) *Alcohol and Other Controlled Substances*: Possession and consumption of beer, wine, and other alcoholic beverages is prohibited. Dangerous drugs, narcotics, and other harmful materials, as defined and prohibited by state and federal statutes are also prohibited. This includes any paraphernalia (bottles, bong, etc) used to consume alcohol and other controlled substances paraphernalia

b) *Appliances*: Personal electrical equipment authorized for use in the residence halls includes UL-approved lamps (no halogen lamps), hairdryers, computers, radios, stereo equipment, fans, and coffeemakers with a lighted on/off indicator. Use or possession of open flame and open element appliances including but not limited to toasters, hot plates, crock pots, and hot pots in residence hall rooms or unauthorized areas is prohibited. Microwave ovens and refrigerators are not permitted in student rooms. Each residence hall room is equipped with a Microfridge.

c) *Computers/Data Connectivity*: Residents who wish to use the WVU Tech computer network must first follow certain policies and procedures as outlined in the Bear Facts.

d) *Fire Safety*: Arson or the setting of fire, tampering with or misuse of fire safety equipment (including automatic door closures, smoke detectors, sprinkler heads), fire-alarm systems, fire-fighting equipment, or building security systems is prohibited, extremely dangerous, and illegal. Immediate evacuation when an alarm sounds is mandatory, and reentry into a building before an alarm is silenced or staff authorization is given is prohibited. The burning of candles and incense is prohibited. Tapestries and other room decorations affixed or suspended from the ceiling and the use of extension cords or multi-receptacle outlet, with the exception of UL listed power strips with surge protectors, are prohibited.

e) *Firearms/Weapons*: The possession of firearms, ammunition, and any weapons including but not limited to knives, hunting bows, guns, BB guns, slingshots, paintball guns, nunchakus, or launching devices is prohibited in the residence halls. This also extends to any projectile objects, firecrackers, gunpowder, and other explosive or similar and potentially dangerous objects.

f) *Furniture*: Misuse of University property, including possession of common area furniture in Resident rooms, is prohibited and will result in a minimal charge of \$25 to return the property.

g) *Gambling*: Gambling in the residence halls is prohibited. The conducting of any business or commercial enterprise for personal profit is prohibited in University-owned facilities unless conducted by recognized student activities and student government or under the sanction of properly designated University personnel.

h) *Harassment of Students and Staff*: Physical or mental harassment, which may be verbal or written, or conduct that intimidates, threatens, or endangers the health or safety of self or others, is prohibited.

i) *Identification/Failure to Comply*: Residents are expected to provide proper identification when requested by a staff member or other University officials and comply with their directions in the performance of their official duties, Residents are further expected to comply with the terms and sanctions imposed as a result of disciplinary action.

j) *Guest visitation*: In all residence halls, guests must be escorted throughout the hall in order to ensure the right to a reasonable degree of privacy for each resident. Residents are responsible for the conduct of and adherence to policies by any guests or visitors. Inappropriate behavior and damage caused by guests becomes the responsibility of the host Resident. Residents inviting guests/visitors should consult with their roommates concerning any possible objections. **No Resident student will be allowed more than two guests at one time.**

Overnight Guests: Residents are permitted to have overnight guests (of the same sex) in the residence halls by advance arrangement through residence hall staff. All Residents and guests must follow appropriate registration procedures, and any overnight guest requires the approval of the roommate(s). The Resident must accompany his/her guest at all times. Overnight guests may be registered for no more than two consecutive nights. No overnight guests under the age of 17 are permitted without the prior approval of the Resident Director.

Persons who have been removed from the residence halls for any reason may not return as overnight guests following their removal.

k) *Lounges and Recreation Areas*: Lounges and recreation areas are for the exclusive use of the hall Residents and their guests.

l) *Tobacco Use*: WVU Tech is a "tobacco free" campus. Accordingly, the use of tobacco products in residence halls is prohibited, this includes the use of chewing tobacco, e-cigs, or vapor pens.

m) *Pets*: Pets and animals of any kind (with the exception of fish kept in a maximum 10-gallon aquarium) are prohibited for health, safety, and sanitation reasons.

n) *Water-Filled Furniture*: Water-filled furniture is not permitted due to the potential problems of water damage.

o) *Quiet Hours*: Residents must observe reasonable quiet hours at all times, both inside and outside the residence halls. Even when quiet hours are not in effect, the noise level must not interfere with the rights of Residents who want and need to study at that time. Quiet hours are established by individual halls/floors, and minimally will be in effect from 10:00 pm until 10:00 am the following day, Sunday through Thursday. Twenty-four hour quiet hours are in effect during the last week of classes and during finals week of each semester.

p) *Roofs, Ledges*: Unauthorized presence on rooftops, ledges, or areas marked for restricted access in any residence hall facility is prohibited.

q) *Security*: Residence hall security is a shared responsibility of the University staff and students. The front (main) door of each hall will be secured 24 hours per day. Visitors to residence halls must be met outside the building. Residents who leave by locked exterior doors are responsible for leaving the doors in a locked position. (For reasons of safety and security, it is important that Residents do not engage in leaving room doors unlocked, lending keys, “propping” of doors, etc.)

r) *Solicitation*: Door-to-door solicitation and operating a business within the residence halls is prohibited. See the *Bear Facts* for further details.

s) *Theft*: Theft or possession of stolen goods, including the illegal possession of or damage to University property or property of a person in residence halls, is prohibited.

t) *Weight-Lifting Equipment*: Weight-lifting is not permitted in individual rooms because of noise and potential damage to floors.

u) *Windows, Screens, and Objects from Windows*: Window screens are not to be removed under any circumstances for safety reasons. Dropping, throwing, or projecting solid or liquid objects out a window is prohibited.

Note: The Housing Contract, along with the student’s housing Application/Contract, serves as a legally binding commitment to Residence Life and Dining Services.

Consolidation Policy

For a number of reasons, some people who may have signed up for a double room find that they are without a roommate during the course of the school year. In that instance, Residence Life expects that students will abide by a consolidation policy (also stated on the Housing and Food Service Contract.) This policy requires that a resident who signed up for a double room, but has no roommate, to select one of the following three options:

- Find another person to move into their room.
- Move into another room either through personal choice or by Residence Life placement,
- Reside in the room as a private and pay a prorated single room occupancy rate for that room.

Staff from the department of Residence Life will notify you if it becomes necessary for you to comply with this policy.

Keys

Each residence hall student is issued a room key upon check in. The key must be turned in at the end of each academic year or whenever the student vacates the room. Failure to return the key will result in a “lock change” and the resident responsible will be assessed a \$75.00 lock change and new key charge. Similarly, a \$75.00 lock change fee will be initiated for lost room keys. Lost

mailbox keys will be \$25.00. New keys may be picked up at the residence hall office. Duplicating ANY Tech key is strictly prohibited and grounds for judicial action. Student room keys are not transferable.

Breaks

When residence halls are officially closed because of semester breaks or end of the year closings, residents may not remain in the building without special permission from the department of Residence Life. Residents failing to comply with this regulation will be subject to disciplinary action. In addition, after an official close date and time, students will be given, with special permission, a grace period of 24 hours to vacate their room. After this grace period, students will be charged a \$25 per evening lodging cost. When Tech is not officially in session, it is the policy of the University to allow use of the residence halls only by special contractual arrangement and permission by the department of Residence Life.

Fire Emergency Policy

Whenever you hear the fire alarm sound you are to vacate the building immediately -IT IS THE LAW. Failure to leave not only endangers your life and the lives of others, but also could result in disciplinary and legal action. Here are the procedures to follow when a fire alarm sounds:

1. Close the windows and turn off electrical appliances.
2. Turn off lights and leave draperies open.
3. Put on substantial shoes, not just slippers.
4. Carry a towel in case you encounter smoke.
5. Close and lock your room door.
6. Quickly exit building but do not run.
7. Stay at least 50 feet from the building and do not block street so fire equipment can get through.
8. Comply with the directives of law enforcement officials, fire safety professionals and residence life and other university staff.
9. Above all else -DON'T PANIC. When there is a fire alarm, the RD may have the RA's check residents' rooms. No one may re-enter the building until given clearance by the Housing staff.