

# **Title: Disciplinary Hearing Board (Answer Book VI-3B**

**April 28, 1998)**

Each student at West Virginia University at Parkersburg is expected to abide by the “Code of Student Conduct” and by the “Policies, Rules and Regulations Regarding Student Rights, Responsibilities, and Conduct in West Virginia State Colleges and Universities” (Policy Bulletin No. 57 of the University of West Virginia Board of Trustees).

Violations of these standards may result in the initiation of a disciplinary complaint against the student by another student, by a faculty or staff member, or by any academic or administrative officer of the college and subsequent disciplinary action by the college. Complaints are submitted to the Dean of Students in writing. The Dean of Students must inform the student and the person filing the complaint of their rights to a hearing by the Disciplinary Hearing Board.

The possible disciplinary actions of the college are: (1) an official warning, (2) activity restrictions, (3) loss of privileges, (4) probation, (5) suspension and/or, (6) expulsion.

An official warning indicates that the behavior of the student does not meet the expectations of the college, and notifies the student that his/her conduct should be more appropriate in the future.

Probation implies that additional misconduct may result in suspension as determined in a second disciplinary action. While on probation, college privileges may be restricted, and participation in extra-curricular activities may be limited or denied.

Suspension means separation from the institution for a specified period of time. Special conditions for readmission to the institution may be imposed at the time of suspension.

Expulsion means permanent separation from the institution.

The Dean of Students shall cause a preliminary investigation to be made for the purpose of ascertaining whether the charges may be disposed of informally.

In cases which would not result in probation, suspension or expulsion for the offending individual, the Dean of Students may determine disciplinary action which may be in the form of activity restrictions, loss of privileges, or other corrective measures. In the event that an action is taken by the Dean of Students, the student has the option of accepting the Dean’s decision. If the student believes that he or she has been unjustly or improperly accused or punished, he or she may appeal the decision to the Disciplinary Hearing Board. If the student desires to appeal the decision, the Dean of Students must be notified in writing within seven calendar days following the action by the Dean.

If the student does not appeal the decision of the Dean of Students, then the proceeding is closed. Any decision imposed becomes part of the record of the student, and may be distributed to other WVU-P personnel directly involved in the case, to transfer colleges, and to the parents or guardians if the student is a minor.

All cases that could result in probation, suspension, or expulsion must be submitted to the Disciplinary Hearing Board for a formal hearing. The recommendation by the Disciplinary Hearing Board must be referred to the President for disposition.

In all procedures involving the Disciplinary Hearing Board and the President when probation, suspension, or expulsion are the final action, such is noted on the permanent record of the student. If the student is a minor, the parents or guardian of the student will be notified.

Any student involved in a hearing or the appeal process is assured of due process rights. This includes the right to a written statement of the charges, the right to a fair and speedy hearing, the right to proper notice, the right to hear all

evidence on his/her behalf, and the right to have legal counsel present at the hearing. Legal counsel may serve only in an advisory role and may not speak for the student. Students retain attorneys in such cases at their own expense and must notify the Hearing Panel at least forty-eight hours prior to the hearing if attorney will be present at the proceedings.

All proceedings shall be heard by a Hearing Panel selected by the student and the petitioner from a membership of the Disciplinary Hearing Board.

The Disciplinary Hearing Board is constituted of eleven members including faculty, administrative staff, support staff and student representatives. Each member is appointed at the beginning of the academic year for a one-year term by the President from nominations from various segments of the college community. The membership includes the following:

Two Administrative Representatives chosen by the President.

Three Student Representatives nominated by Student Government.

Three Faculty Representatives nominated by Faculty Senate.

Three Staff Representatives nominated by Staff Council.

If no nominations are made within two weeks of the request, the President shall appoint members as needed. Vacancies on the Board are filled by the President in the same manner as the original appointment.

Each proceeding before the Board shall be heard by a Hearing Panel consisting of five members. Each representative group shall have at least one member on the Panel. The Hearing Panel shall be chosen by the parties to the proceeding, each striking names in turn with the appellant striking first. If either party to the proceeding is a member of the Hearing Board, he or she shall strike his or her name on the first round.

Hearings and appeals in regard to disciplinary actions are dealt with by the Disciplinary Hearing Panel in accordance with Article 7.04 of Board of Trustees Series 57, "Policies, Rules, and Regulations Regarding Student Rights, Responsibilities, and Conduct in West Virginia State Universities and Colleges." The following procedures are followed:

1. The Dean of Students shall meet with the student and the petitioner for selection of the Hearing Panel within seven working days following receipt of the notice of intent to appeal or the formal determination that probation, or suspension, or expulsion is to be considered. If the Dean of Students is a party to the proceeding, the President shall effect this step and step 2.
2. The Dean of Students shall notify the selected members of the Disciplinary Hearing Board of their selection for the Hearing Panel. The Dean of Students shall schedule the first meeting within fifteen working days following selection of the Panel. All members of the Disciplinary Hearing Panel and the parties to the proceeding shall be sent a written notice of the meeting time at least five working days prior to the meeting.
3. At least five working days prior to the hearing, each member of the Panel is furnished a written summary statement from all parties involved.
4. At the hearing, the student(s) and staff/faculty/administrative member(s) may be represented by advisors, witnesses, or counsel, who may act as advisor but may not speak for the client. (All expenses incurred by the parties involved shall be borne by the parties themselves.) Witnesses may be called by the Panel or by the parties to the proceeding.
5. All hearings are private.

6. There is a complete and accurate record of the hearing prepared by a qualified stenographer or court reporter.
7. Within three working days after the hearing, the hearing board shall make findings of fact and recommendations for disposition of the case and sanctions to be imposed, if any, to the President.
8. A final decision is to be rendered by the President within ten working days following receipt of the recommendation.
9. The decision of the President is final except in cases of expulsion. Appeals of expulsion may be made in writing (accompanied by supporting documentation) to the University of West Virginia Board of Trustees.
10. Specified time intervals may be extended if faculty members selected for the Hearing Panel are not available on campus during the specified period. The Dean of Students shall notify all parties concerned in writing if such extensions are necessary.