

West Virginia University at Parkersburg Board of Governors

**POLICY D-46**  
**CODE OF STUDENT CONDUCT**

**Section 1. General:**

- 1.1 Scope: The Policy sets forth the West Virginia University at Parkersburg Board of Governor's policy regarding Student Conduct for WVU at Parkersburg.
- 1.2 Authority: [W. Va. Code: §18B-1-6](#); and [18B-2A-4](#); Section 504/Title II of the Federal Rehabilitation Act of 1973, as amended; Americans with Disabilities Act (ADA).
- 1.3 Effective Date: September 19, 2023  
(Replaces version dated February 16, 2017.)
- 1.4 Rationale for the West Virginia University Parkersburg Code of Student Conduct. – West Virginia University Parkersburg expects that every member of its academic community shares its historic and traditional commitment to honesty, integrity, and the search for truth. In addition, West Virginia University Parkersburg is concerned with the living and learning environment of all its students. It is expected that each person will grow to have greater respect for self, others, and property. Students and student organizations are required to engage in responsible social conduct that reflects credit upon the college community and to model good citizenship in any community.

It is further expected that every member of the academic community will respect the democratic process, a society based on law, and the basic tenets on which our country was founded. All students at West Virginia University Parkersburg are citizens of the larger community, and as such are free to exercise their fundamental and constitutional rights. 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 his/her responsibility in this regard.

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

West Virginia University Parkersburg will provide substantive and procedural due process and the right of appeal to students charged with violations of the conduct code. Similarly, the college will protect their students' rights to be treated with respect and dignity. When a student is charged with a specific violation, the college will employ procedures for determining if the charge is fair and accurate. This document enumerates and explains specific procedures 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.

The college affords opportunities for participation in the process and equality of treatment to all students, irrespective of race, sex, gender identity, marital status, pregnancy, sexual orientation, age, disability, veteran status, religion, color, ancestry, or national origin. To ensure this, West Virginia University Parkersburg follows State and federal regulations and the guidelines and requirements of Title VI of the Civil Rights Act and Title IX of the Higher Education Act of 1972.

The mission of West Virginia University Parkersburg, as further elaborated in its mission statement, is to, among other things, educate its members and prepare them for responsible and full participation in society. In implementing this Code, the college is not seeking to be punitive or adversarial. The collegiate nature of the educational mission requires that all members of the college community unite to administer and support this Code and to suggest change and improvement as necessary.

## **Section 2. Definition of Student**

- 2.1. Any person who has been admitted to West Virginia University Parkersburg to pursue a course of study, research, or service, who is currently engaged in an institutionally sponsored activity, and who has some right or privilege to be on the campus or in the facilities of the institution, or to use the same, in connection with study, research, or service, or who yet has some right or privilege to receive some benefit or recognition or certification from the institution, under rules, regulations, or policies of the West Virginia University Parkersburg Board of Governors or the institution.

## **Section 3. Jurisdiction of the Code of Student Conduct**

- 3.1. The Code of Student Conduct applies to conduct that occurs on West Virginia University Parkersburg premises, at West Virginia University Parkersburg sponsored activities, and to off-campus conduct that adversely affects the West Virginia University Parkersburg community and/or the pursuit of its objectives. Each student is responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded). The Code of Student Conduct applies to a student's conduct while a student, as defined in this Code, even if the student withdraws from school while a disciplinary matter is pending. The Vice President of Academic Affairs or his/her designee shall decide whether the Code of Student Conduct shall be applied to conduct occurring off campus, on a case by case basis.
- 3.2. To assure continued compliance with Title IX and/or any other State or federal anti-discrimination/harassment/retaliation laws, if State or federal statutory provisions, regulatory guidance, or court interpretations or guidance provided by any authorized regulating agency change or conflict with college policy and/or procedure, including but not limited to the hearing procedures set forth in this Code of Student Conduct, the college's policy and/or procedure will be deemed amended as of the time of the decision, ruling, legislative enactment, or guidance. Further, the college may modify or change the procedures set forth in this policy to protect the due process rights of the parties and/or to comply with Title IX and/or any other State or federal anti-discrimination/harassment/retaliation laws or regulations. See *a/so*, Policy A-44, "Sexual Misconduct and Other Forms of Discrimination and Harassment."

## **Section 4. Standards of Conduct**

- 4.1. The following are instances of misconduct, subject to disciplinary and other appropriate action hereunder:
- 4.1.1. Unauthorized possession or duplication of keys to college-owned or college-controlled property;
  - 4.1.2. Use of any tobacco product, as defined by college policy, on campus property;
  - 4.1.3. Disruption or obstruction of, or leading or inciting others to disrupt or obstruct, teaching, research, administration, disciplinary proceedings, other college activities, including its public service functions on or off campus, or other authorized non-college activities when the act occurs on college premises;
  - 4.1.4. Unauthorized occupancy of college buildings;
  - 4.1.5. Attempted or actual theft, malicious destruction or alteration of college, faculty, staff, or student property or equipment;
  - 4.1.6. Possession, use, or distribution of alcohol or any illicit drugs or controlled substances, except as permitted by law, or public intoxication;
  - 4.1.7. Intentional false reporting of a fire or bomb or other explosive device that allegedly has been placed on school property or intentionally activating a false fire alarm or tampering with any type of safety equipment, including fire alarms, fire extinguishers, and smoke detectors;
  - 4.1.8. Dishonesty including fraud, forgery, or knowingly furnishing false statements. Charges of academic dishonesty, such as cheating and plagiarism, are addressed in, and governed by, West Virginia University Parkersburg Board of Governors Policy No. [D-47](#), "Student Academic Rights and Responsibilities at WVU at Parkersburg."
  - 4.1.9. Disorderly, lewd, indecent, or obscene conduct on college-owned or controlled property or at college-sponsored or supervised functions or breach of the peace;
  - 4.1.10. Illegal or unauthorized possession or use of dangerous or deadly weapons such as knives, blackjacks, billy clubs, brass knuckles, or other weapons, explosives, dangerous chemicals, fireworks or other items with potential to cause harm; guns or firearms other than as authorized by W. Va. Code § 18B-4-5b; or use of any such item, even if legally possessed, in a manner that harms, threatens, or causes fear to others;
  - 4.1.11. Physical or verbal abuse, intimidation, threats, or harassment of any kind to another person or group of persons, or action which threatens or endangers the health, wellbeing, or safety of any person;

- 4.1.12. Violation of the Code of Student Conduct and hearing procedures or violation of prior disciplinary rulings or sanctions.
- 4.1.13. Hazing, which means to recklessly or intentionally cause any action or situation which endangers the mental or physical health or safety of another person or causes another person to destroy or remove public or private property for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a team, a group, or a student organization. The express or implied consent of the victim will not be a defense. Knowingly witnessing or acquiescing in the presence of hazing are not neutral acts; they are violations of this rule. See, "Prohibition of Hazing," found in West Virginia University Parkersburg Answer Book [#VI-3C](#).
- 4.1.14. Sexual Offenses, including, but not limited to:
  - 4.1.14.a. Sexual intercourse with, and/or sexual intrusion against, either a person capable of giving consent without such person's consent, or a person incapable of giving consent; or
  - 4.1.14.b. Sexual assault or abuse, statutory or acquaintance rape, or sexual harassment. See, West Virginia University Parkersburg Board of Governors Policy [A-44](#), "Sexual Harassment;"
- 4.1.15. Misuse of the college computer system as defined in "Appropriate Use of Computer Resources," found in WVU at Parkersburg Answer Book [#VII-1](#), including, but not limited to, the following:
  - 4.1.15.a. Disruption or interference with the normal use of the computers, computer-related equipment, data, or programs of individuals, the network or the college;
  - 4.1.15.b. Use of the college's equipment, data, or programs in performance of any act listed as prohibited in this document;
  - 4.1.15.c. Attempts to breach security in any manner; or
  - 4.1.15.d. Use of a computer account for other than the purpose for which assigned;
- 4.1.16. Failure to comply with the lawful directions of any college official, faculty member/instructor, staff member, or student employee who is acting in the performance of his/her duties or who has responsibility in the absence of a particular official;
- 4.1.17. Violation of federal, State, or local law;
- 4.1.18. Violation of any published college policies, rules, or regulations published in hard copy or available electronically on the college website; and

- 4.1.19. Inciting others to commit any of the acts listed above, involvement as an accessory to any of these acts, or assisting or encouraging others to engage in such violation;
- 4.2. As part of the mission of West Virginia University at Parkersburg to prepare its students for personal success in professional careers, all clothing and uniforms worn by students must be suitable for specific laboratory, clinical, or industry-related activities of the student's chosen course or occupation as defined by course syllabus, program codes of conduct, or activity participation guidelines and must meet safety and health requirements for the occupation. The supervising instructor or administrator shall determine if the particular mode of dress conforms to this rule.
  - 4.2.1. Each student's personal hygiene must be reflective of the career they are striving to create and be appropriate for activities in the classrooms, laboratories, shop areas, and observational or clinical sites.
  - 4.2.2. Shoes are part of professional dress, hygiene, and safety requirements and must meet classroom/laboratory safety and health requirements and be appropriate for the occupation for which students are being credentialed.

## Section 5. Disciplinary Action

- 5.1. Violation 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 (hereinafter, "Complainant") and subsequent disciplinary action by the college.
  - 5.1.1. The Complainant must submit his or her complaint(s) to the Vice President of Academic Affairs in writing as soon as possible after the event takes place or the discovery of the same, but in no event later than 90 days after the event takes place or the discovery of the same.
  - 5.1.2. The Vice President of Academic Affairs shall conduct a preliminary investigation for the purpose of ascertaining whether the charges may be disposed of informally. If charges cannot be resolved informally, or if the likely sanction is suspension or expulsion, the Vice President of Academic Affairs shall set a time for a hearing not fewer than five or more than 30 working days after the college has notified student of the charge(s). The Vice President of Academic Affairs may extend the maximum time limits for scheduling of hearings where adherence to such limits would be impracticable.
- 5.2. The possible disciplinary actions of the college are listed and defined as follows:
  - 5.2.1. 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.
  - 5.2.2. **Activity restriction/loss of privileges** means that the college may restrict or deny the student's privileges and/or participation in extra-curricular activities.

- 5.2.3. **Probation** indicates that additional misconduct may result in suspension or expulsion as determined in a second disciplinary action. While a student is on probation, the college may restrict or deny the student's privileges and/or participation in extra-curricular activities.
- 5.2.4. **Fines.** A penalty of money that the appropriate college official imposes on a student as punishment for a violation of this Code of Conduct. Such fines are established and published by the Vice President of Academic Affairs.
- 5.2.5. **Restitution.** Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- 5.2.6. **Discretionary Sanctions.** Work assignments, service to the college or other related assignments, determined at the discretion of the Vice President of Academic Affairs.
- 5.2.7. **Interim Suspension.** In certain circumstances, the Vice President of Academic Affairs or his/her designee may impose a college suspension prior to the hearing before the Disciplinary Hearing Board. Interim suspension may be imposed only: (a) to ensure the safety and wellbeing of members of the college community or preservation of college property; (b) to ensure the student's own physical or emotional safety and wellbeing; or (c) if the student poses a substantial threat of disruption of or interference with the normal operations of the college. During the interim suspension, the student shall be denied access to the campus (including classes) and/or all other college activities or privileges for which the student might otherwise be eligible, as the Vice President of Academic Affairs or his/her designee may determine to be appropriate. The interim suspension does not replace the regular disciplinary process, which shall proceed on the normal schedule, up to and through a hearing with the Disciplinary Hearing Board, if required.
- 5.2.8. **Suspension** means separation of the student from the college for a definite period of time not to exceed one year, after which the student is eligible to return. The Vice President of Academic Affairs or his or her designee may specify conditions for readmission.
- 5.2.9. **Expulsion** means permanent separation from institution, including termination of any remaining right or privilege to receive some benefit or recognition or certification.
- 5.3. The following sanctions may be imposed upon a team, group, or student organization:
  - 5.3.1. Those sanctions listed above under 5.2.1, 5.2.2, 5.2.3, 5.2.4, 5.2.5, and 5.2.6.
  - 5.3.2. Loss of selected rights and privileges for a specified period of time.
  - 5.3.3. Deactivation of a team, group, or student organization, which includes loss of all privileges, including college recognition, for a specified period of time.
- 5.4. In cases which would not result in suspension or expulsion ~~for~~ of the accused student (hereinafter, "Respondent"), the Vice President of Academic Affairs may determine

whether to impose disciplinary action which may be in the form of activity restrictions, loss of privileges, probation, or other corrective measures.

- 5.5. In the event that the Vice President of Academic Affairs makes such a determination, both the Complainant and the Respondent have the right, but not the obligation, to appeal the decision, or the sanction imposed as a result thereof, to the Disciplinary Hearing Board.
- 5.6. The party appealing such decision or sanction shall do so in writing directed to the Vice President of Academic Affairs within five working days following notice of the decision or sanction.
- 5.7. If neither party appeals by the deadline established above, then the proceeding is closed. Any decision and sanction imposed becomes part of the Respondent's record, and the college may distribute to others as, and to the extent, allowed or required by law.
- 5.8. The Vice President of Academic Affairs shall submit to the Disciplinary Hearing Board for formal hearing all cases that could result in suspension or expulsion of the Respondent.

## **Section 6. Student Rights**

- 6.1. The college shall afford proper due process to any student involved in a hearing or the appeal process. This includes, but may not be limited to, a written statement of the charges, a fair hearing, and the opportunity to present relevant evidence.
- 6.2. Both the Complainant and the Respondent have the right to bring an advisor (who, except as otherwise provided herein, shall be a member of the college community) to the hearing, only in an advisory role. In cases where expulsion is a likely sanction, the advisor may be an attorney who may directly participate in the hearing. Students retain attorneys in such cases at their own expense and must notify the Hearing Panel at least 48 hours prior to the hearing if an attorney will be present at the proceedings.

## **Section 7. Disciplinary Hearing Board Composition**

- 7.1. If applicable, the Complainant and the Respondent shall select a Hearing Panel from the membership of the Disciplinary Hearing Board.
- 7.2. The Disciplinary Hearing Board is constituted of 11 members including faculty, administrative staff, support staff, and student representatives. The President or the President's designee appoints each member at the beginning of the academic year for a one-year term from nominations from various constituents of the college community. The membership includes the following:
  - 7.2.1 Two Administrative Representatives;
  - 7.2.2 Three Student Representatives nominated by Student Government;
  - 7.2.3 Three Faculty Representatives nominated by Faculty Senate; and
  - 7.2.4 Three Staff Representatives nominated by Staff Council.

- 7.3. 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.
- 7.4. Each proceeding before the Board shall be heard by a Hearing Panel consisting of five members. There shall be one administrative, one faculty, one staff, and two student members on the Panel. The parties to the proceeding shall choose the Hearing Panel, each striking names in turn with the Respondent 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.

## **Section 8. Disciplinary Hearing and Appeal Procedure**

- 8.1. Hearings and appeals regarding disciplinary complaints brought hereunder are handled in accordance with the following procedures:
  - 8.1.1. The Vice President of Academic Affairs shall meet with the Respondent and the Complainant for selection of the Hearing Panel within five\* working days following receipt of the notice of intent to appeal, or the formal determination that suspension or expulsion is a likely sanction, or that a hearing is otherwise warranted. If the Vice President of Academic Affairs is a party to the proceeding, the Academic Dean shall effect this step and the step set out in 8.1.2 below.
  - 8.1.2. The Vice President of Academic Affairs shall notify the selected members of the Disciplinary Hearing Board of their selection for the Hearing Panel. The Vice President of Academic Affairs shall schedule the first meeting within 15\* working days following selection of the Panel. The Vice President of Academic Affairs or his or her designee shall send written notice of the meeting time and location to all members of the Disciplinary Hearing Panel and the parties to the proceeding at least 10 working days prior to the meeting.
  - 8.1.3. At least five\* working days prior to the hearing, each party shall provide a written summary statement of the case to each member of the Panel.
  - 8.1.4. At the hearing, the Panel and the parties may call witnesses to testify on their behalf.
  - 8.1.5. All hearings are private and the information shared therein shall remain confidential to the extent allowed by law.
  - 8.1.6. There shall be a complete and accurate record of the hearing. The record shall be the property of the college. Access thereto shall be provided only in compliance with the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) and in accordance with any other applicable terms set forth by the college.
  - 8.1.7. The proceedings hereunder shall not be subject to federal, State or local rules of process, procedure, or evidence, such as are applied in criminal or civil court. The college has the authority to develop guidelines related to such proceedings, to the extent not inconsistent with this Code. Similarly, the



chairperson of the Hearing Panel has the authority to determine questions of process, procedure, and evidence at a hearing in a manner not inconsistent with the rules and guidelines referenced above.

- 8.1.8. Within three\* working days after the hearing, the Hearing Panel shall issue its determination on the charges and sanctions, if any. In cases where expulsion is a likely sanction, the Hearing Panel shall base its determination on whether there is clear and convincing evidence that the Respondent violated the Code of Student Conduct. For all other cases, such determination shall be made on the basis of whether it is more likely than not that the Respondent violated the Code of Student Conduct. The Hearing Panel may accept as evidence pertinent records, exhibits, written statements, and any other relevant information at the discretion of the chairperson. The Hearing Panel shall provide its decision in writing to the parties and to the Vice President of Academic Affairs. The Hearing Panel or its designee shall submit all hearing records to the Vice President of Academic Affairs.
- 8.1.9. The decision of the Hearing Panel is final in all cases where it serves as an appellate venue to a determination made by the Vice President of Academic Affairs hereunder. In all other cases, the Complainant or the Respondent may appeal the Hearing Panel's decision and/or sanctions to the President within five\* working days of the decision. Such appeal shall be in writing and shall be delivered to the Vice President of Academic Affairs, who will deliver the notice of appeal and the hearing records to the President for review.
- 8.1.10. Except as required to explain the basis of new evidence, an appeal to the President is limited to review of the record of the initial hearing and supporting documents for one or more of the following purposes:
  - 8.1.10.a. To determine whether jurisdiction as established in the Code of Student Conduct was properly asserted;
  - 8.1.10.b. To determine whether the original hearing was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures giving the Complainant a reasonable opportunity to prepare and present evidence that the Student Code was violated, and giving the Respondent a reasonable opportunity to prepare and to present a rebuttal of those allegations;
  - 8.1.10.c. To determine whether the decision reached regarding the Respondent was based on substantial evidence, that is, whether the facts in the case were sufficient to establish that a violation of the Student Code occurred;
  - 8.1.10.d. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code which the student was found to have committed; and/or
  - 8.1.10.e. To consider new evidence sufficient to alter a decision or other relevant facts not brought out in the original hearing, because such

evidence and/or facts were not known to the person appealing at the time of the original hearing.

- 8.1.11. The President shall deliver his/her decision on the appeal within 30 days of his/her receipt of such appeal, except where adherence to such time period would be impracticable, in which case the President may extend such time period as warranted by the particular circumstances. Review of the sanction by the President may not result in more severe sanction(s) for the Respondent.

\*The Vice President of Academic Affairs may extend specified time intervals where adherence to such limits would be impracticable or if any members selected for the Hearing Panel are not available on campus during the specified period. The Vice President of Academic Affairs shall notify all parties in writing if such extensions are necessary.

## **Section 9. Confidentiality**

- 9.1. Members of review boards play a sensitive role within the institutional governance structure. Thus, it is important that the members maintain high performance and ethical standards. The following is designed to safeguard the rights of students and to uphold the integrity of the disciplinary procedure as a whole:
  - 9.1.1. The Hearing Panel shall not disclose or discuss the name(s) or status(es) of students involved in disciplinary situations with anyone outside the Hearing Panel membership except as otherwise required by this Code or by law or court order.
  - 9.1.2. Even in the case of open hearings, Hearing Panelists shall refrain from public comment on the proceedings, and shall in no instance discuss or disclose the closed deliberations of the Hearing Panel or reveal confidential information except as otherwise required by this Code or by law or court order.
  - 9.1.3. The Hearing Panel shall treat as confidential all votes cast by its members except as otherwise required by this Code or by law or court order.
- 9.2. If a student is found responsible for a violation of this policy and is suspended or expelled from the college as a result thereof, the college will note such status on their student's transcripts so long as that suspension or expulsion remains in effect.