

MARSHALL UNIVERSITY BOARD OF GOVERNORS

Policy No. SA-1

STUDENT RIGHTS AND RESPONSIBILITIES

General.

- 1.1. Scope: Policies, rules and regulations regarding student rights, responsibilities and conduct at Marshall University.
- 1.2. Statutory References:
- 1.3. Passage Date: August 8, 2023
- 1.4. Effective Date: September 15, 2023
- 1.5. Background: Replaces Board of Trustees Series No. 57 which was transferred by the Higher Education Policy Commission to the University boards of governors. This policy was previously numbered as MUBOG Policy No. 14. This policy was completely revised to combine SA-1 and SA-3 into one policy. The policy is being amended to require mandatory reporting of certain Student Conduct violations and clarifies other conduct issues.

Purpose.

- 2.1. Purpose - The purpose of these policies, rules and regulations includes, but is not limited to, the following:
 - 2.1.1 To establish a general policy on student life, including a statement on student rights and responsibilities, at Marshall University.
 - 2.1.2 To identify behavioral expectations of students and certain prohibited acts by students at Marshall University.
 - 2.1.3 To prescribe penalties and sanctions for such prohibited conduct
 - 2.1.4 To define generally the powers, authority and duties to be exercised under the control of the Board of Governors, by the president and officials of Marshall University in applying these policies, rules and regulations.
 - 2.1.5 To prescribe disciplinary actions and proceedings to be taken in cases of the violations of these policies, rules and regulations.

Definitions.

- 3.1. Activity - All or any operations conducted, sponsored, promoted, operated or otherwise engaged in by the University, including, by way of illustration and not as limitation of the foregoing, classroom and course activities, recreational and cultural programs, maintenance or building programs, committee or other business activity, registration, advising, teaching, admissions, placement, disciplinary or routine office activity, research or service.
- 3.2. Advisor. Any person intended to assist the Respondent during the disciplinary process, including but not limited to, a Student Advisor, faculty member, attorney or other person. Unless otherwise indicated by the Respondent, in writing, the Advisor shall be provided a copy of all materials provided to the Respondent.

- 3.3. Board of Governors. The Marshall University Board of Governors.
- 3.4. Campus. All the property and facilities of any institution serving as the locus in quo of any activity of the University.
- 3.5. Faculty. Those employees of Marshall University who are assigned to teaching or research or service functions at the University, and who hold academic rank.
- 3.6. President. The chief executive officer of the University, whatever the title, whether responsible directly to the Board of Governors or through some other officer to the Board of Governors and shall include all those acting for or on behalf of such chief executive officer, at or by his discretion, or at or by the direction of the Board of Governors.
- 3.7. Staff. Those employees of Marshall University who are assigned to teaching or research or service functions at the University, and who are not members of the faculty.
- 3.8. Student. Any persons taking courses at or from Marshall University, both full-time and part-time, pursuing undergraduate, graduate, or professional studies and those who attend educational institutions other than Marshall University and who reside in Marshall University residence halls or utilize Marshall University facilities or services for the purpose of pursuing studies at those institutions. For the purposes of this policy, persons who have been admitted to Marshall University, but are not officially registered for a particular term, and/or who have a right to, or expectation of, a continuing or future student relationship with Marshall University are considered "students." A person shall be considered a student during any break or holiday period that occurs during a term in which that person is registered or between terms for which that person registers. A person shall be considered a student while suspended from the institution, or while the person is attending or participating in any activity preparatory to the beginning of a term, including, but not limited to, athletic training, orientation, placement testing, and residence hall check-in. A person is considered a student after the awarding of a degree or certificate for the purposes of addressing any conduct alleged to have occurred during any of the times set forth in this definition.
- 3.9. Student Organizations. Any group of persons who have complied with formal requirements for provisional or full recognition as a student organization at Marshall University, including social fraternities and sororities, and organizations whose recognition has been suspended.
- 3.10. University. Any or all of the branches or divisions thereof, over which the Board of Governors shall have authority, responsibility or control.
- 3.11. University Property. All the land, buildings, facilities, and other property including intellectual and virtual property, owned, used, leased or controlled by Marshall University, including adjacent streets and sidewalks. This includes all University campuses and facilities. University property also includes computers and network systems owned, maintained or controlled by the University or funded by University budgets or designated by the campus as subject to these policies.

Policies Regarding Student Rights and Responsibilities.

- 4.1. The submission of an application for admission to the University represents an optional and voluntary decision on the part of the prospective student to partake of the program and privileges offered by the University pursuant to the policies, rules and regulations of the Board of Governors and the University. Institutional approval of that application, in turn, represents the extension of a right or privilege to join the University community and to remain a part of it so long as the student fulfills the academic and the behavioral expectations that are set forth in the policies, rules and regulations of the Board of Governors and the University.
- 4.2. Freedom of expression and assembly - The student enjoys the essential freedoms of scholarship and inquiry central to all institutions of higher education. In exercising these freedoms, the student has certain rights and responsibilities, including, but not limited to, the following:
 - 4.2.1 To have access to campus resources and facilities;
 - 4.2.2 To espouse causes;
 - 4.2.3 To inquire, discuss, listen to and evaluate;
 - 4.2.4 To listen to any person through the invitation of organizations recognized by the University;
 - 4.2.5 To have a free and independent student press which adheres to the canons of responsible journalism;
 - 4.2.6 To not violate the rights of others in matters of expressions and assembly; and
 - 4.2.7 To abide by policies, rules and regulations of the Board of Governors and the University and federal, state, and local statutes and ordinances pertaining to freedom of expression and assembly.
- 4.3. Freedom of association - Students may organize whatever associations they deem desirable and are entitled to affiliate with any group or organization for which they meet membership qualifications. However, institutional recognition of student organizations shall be limited to those whose purposes comport with the educational mission of the University.
- 4.4. Right to privacy – Students are generally entitled to the same safe-guards of the rights and freedoms of citizenship as are afforded those outside the academic community, including, but not limited to, the following:
 - 4.4.1 Respect for privacy, including freedom from unreasonable and unauthorized searches of student living quarters;
 - 4.4.2 Confidentiality of academic and disciplinary records; and
 - 4.4.3 Legitimate evaluations made from student records.
- 4.5. Responsibilities of citizenship - A student is expected, as are all citizens, to respect, and abide by, local ordinances and state and federal statutes, both on and off the campus. As a member of the University community, a student is expected to abide by the University's code of student conduct which clarifies those behavioral standards considered essential to its educational mission.
- 4.6. Disciplinary proceedings - Disciplinary proceedings for students accused of committing offenses must be consistent with such constitutional provisions guaranteeing due process of law as are applicable to them. In all disciplinary

proceedings, the student shall be considered not responsible until proven responsible.

- 4.7. The President or his designee shall have authority to promulgate rules and regulations, consistent with the policies of the Board of Governors.
- 4.8. The Code of Student Rights and Responsibilities and the Student Conduct System are subject to change and amendment. Marshall University's student-based system gives students maximum opportunities to participate in the formulation of policies concerning student conduct and in the adjudication of cases arising under conduct policies. Maintenance of discipline and preservation of community standards are the concerns of all students, faculty, staff, and administration. All members of the University community will be provided with appropriate opportunities for representation and involvement in the development, revision, and maintenance of the Code of Student Rights and Responsibilities. All changes made shall take effect immediately following approval by the Student Conduct and Welfare Committee, the Faculty Senate, and the President of the University.

Student Code of Conduct

- 5.1. Conduct required in general - All students at the University are subject to, and are required to comply with, observe, and obey the following:
 - 5.1.1 The laws of the United States;
 - 5.1.2 The laws of the State of West Virginia;
 - 5.1.3 Local city, county and municipal ordinances;
 - 5.1.4 The policies, rules and regulations of the Higher Education Policy Commission, the Board of Governors and the University; and
 - 5.1.5 The directions and orders of the officers, faculty and staff of the University who are charged with the administration of University affairs on campus.
- 5.2. Expectations for Student Conduct -- The following standards and sanctions express the University's expectations for student conduct and are essential to the University's educational mission. Participation by students in activities that violate the standards, including the prescribed behaviors listed under each standard, may result in referral to the Office of Student Conduct or to another University office responsible for examining and upholding standards of conduct, in accordance with the due process guarantees and procedures defined in this Policy and in the Administrative Procedures associated with this Policy. Additionally, all employees of Marshall University must report alleged violations involving direct threats of physical harm, any type of physical injury, hazing, drugs and/or alcohol, weapons, or acts of discrimination or harassment to the Office of Student Conduct or to another University office responsible for examining and upholding standards of conduct.
 - 5.2.1 **Standard 1:** Marshall University students and student groups observe the highest principles of honesty and integrity and support a campus environment conducive to trust and scholarship disciplinary action for academic misconduct will, in most cases, be the responsibility of the

academic unit in which the misconduct occurred. Should a student be unsure whether their action(s) constitute academic misconduct, it is that student's responsibility to consult with the instructor or other University official to clarify any ambiguities. Violations of this standard include but are not limited to:

- 5.2.1.1 Unauthorized taking or possession of academic records, University documents, academic documents, or the academic work of others.
- 5.2.1.2 Unauthorized alteration of academic records, University documents, academic documents, or the academic work of others.
- 5.2.1.3 Furnishing false information to the University by forgery, alteration, or misuse of documents with the intent to deceive.
- 5.2.1.4 Furnishing to a University office or official a written or oral statement known to be false.
- 5.2.1.5 Falsification, distortion, or misrepresentation of information before a University judicial officer, hearing panel, or grievance board.
- 5.2.1.6 Plagiarism: use or close imitation of the ideas, data, language, or thoughts of another without appropriate acknowledgment done with the intent to deceive or with disregard for proper scholarly practice.
- 5.2.1.7 Cheating: seeking to gain unfair advantage by using or attempting to use unauthorized assistance, material, or time in examinations or other academic work or preventing, or attempting to prevent, another from using authorized assistance, material, or time.
- 5.2.1.8 Complicity with others in violation of any of these standards.

- 5.2.7.2 **Standard 2:** Marshall University students and student groups respect and promote the health safety, welfare of all persons, including themselves. Students are expected to exhibit responsible behavior regardless of time or place. Violations of these standards include but are not limited to:
 - 5.2.2.1 Physical or emotional/psychological abuse, including any attempt to cause injury or inflict pain; or causing injury or inflicting pain. Also causing physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative. It is not a defense that the person, group, or organization against whom the physical abuse was directed consented to, or acquiesced to, the physical abuse.
 - 5.2.2.2 Threats of physical violence against self or another person, including restraint.
 - 5.2.2.3 Sexual assault, abuse, stalking or misconduct, including any sexual acts committed without the affirmative consent of the victim and any other violations of University policies regarding sexual harassment as defined in and governed by the Discrimination, Harassment, Sexual Harassment, Sexual & Domestic Misconduct, Stalking, And Retaliation, Board of Governors Policy, GA-1. Please refer to section 8.1.1. for more information regarding amnesty related to sexual misconduct.

- 5.2.2.4 Relationship Violence which causes physical harm or abuse, and threats of physical harm, restraint or abuse, arising out of a relationship as defined in and governed by the University Discrimination, Harassment, Sexual Harassment, Sexual & Domestic Misconduct, Stalking And Retaliation Board of Governors Policy, GA-1.
- 5.2.2.5 Brandishing of weapons.
- 5.2.2.6 Possession or storage, while on University Property or at a University sponsored or supervised activity(ies), of any weapons, dangerous devices such as, but not limited to, any firearm, pellet gun, sling shot, fireworks, firecrackers or explosive devices, rifles, shotguns, ammunition, handguns, air guns, air rifles or air pistols, paint guns and BB guns, brass knuckles, , realistic looking toy firearms, knives, or swords, and knives with a blade longer than four inches, other than ones used as kitchen tools. Provided that, nothing herein shall be construed as a violation of W.Va. Code § 61-7-14 which permits firearms to be locked or locked in a motor vehicle if the firearm is out of view.
- 5.2.2.7 Possession or storage, while on University Property or at a University sponsored or supervised activity(ies), of any dangerous substances/chemicals such as gasoline or other combustible materials in an unauthorized container and/or area.
- 5.2.2.8 Fighting.
- 5.2.2.9 Intentional disruption or obstruction of teaching, research, administration, disciplinary proceedings or other University activities.
- 5.2.2.10 Intentionally initiating or causing to be initiated any false report, warning, or threat of impending fire, explosion, or any emergency.
- 5.2.2.11 Intentionally causing the evacuation of a University building for reasons known to be false.
- 5.2.2.12 Tampering with, misusing, abusing, or altering any safety equipment or devices, including but not limited to, fire extinguishers, elevators, emergency telephones, elevators, etc.
- 5.2.2.13 Hazing: means to cause any action or situation which recklessly or intentionally endangers the mental or physical health or safety of another person or persons or causes another person or persons to destroy or remove public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any organization operating under the sanction of or recognized as an organization by an institution of higher education. The term includes, but is not limited to, any brutality of a physical nature, such as whipping, beating, branding, forced consumption of any food, liquor, drug or other substance, or any other forced physical activity which could adversely affect the physical health and safety of the individual or individuals, and includes any activity which would subject the individual or individuals to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental

health or dignity of the individual or individuals, or any willful destruction or removal of public or private property: Further, the implied or expressed consent or willingness of a person or persons to hazing shall not be a defense..

- 5.2.2.14 Intimidation: committing, conspiring to commit, or causing to be committed any act which would compel or deter another's actions through the threatened or actual use of force, coercion, or blackmail or engaging in an intentional course of behavior directed at a specific person, which frightens, or harasses.
- 5.2.2.15 Retaliation: means any adverse action taken against a person for making a good faith report of a violation of university policies, university rules, student rules, and/or the law, or for participating in any proceeding related to the investigation or resolution of such report. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy. Retaliation may be present even where there is a decision of “unsubstantiated,” “insufficient information to substantiate,” “not responsible,” and/or “not guilty” on the allegations. Retaliation does not include good faith actions lawfully pursued in response to a report. Violation of an interim, remedial, or protective measure will be considered retaliation.
- 5.2.2.16 Operating a motor vehicle while under the influence of alcohol or any drugs.
- 5.2.2.17 Negligent Bodily Harm: Failure to exercise reasonable care, thereby causing bodily harm.
- 5.2.2.18 Throwing objects from or causing objects to fall from University buildings.
- 5.2.2.19 Interference with Emergency Services and procedures. This includes obstructing or hindering the maintenance, provision, or function of such emergency services as fire department, police department, security, first aid, or rescue; and obstructing or hindering emergency or practice evacuation or similar procedures announced for any building or facility.
- 5.2.2.20 Violation of University policies regarding smoking and tobacco use on University Property. *See* Policy No. GA-8 Tobacco Policy.
- 5.2.2.21 Violation of or failure to comply with any required safety measures or public health guidelines, directives, or laws, as promulgated or mandated by the University, city, state or federal officials, including but not limited to, the following requirements.
 - 5.2.2.21.1. Failure to use Personal Protective Equipment (PPE), such as face masks and/or gloves as directed or required.
 - 5.2.2.21.2. Failure to comply with social distancing directives and practices.
 - 5.2.2.21.3. Failure to adhere to guidelines related to groups.
 - 5.2.2.21.4. Failure to comply with residence and dining hall directives and practices.
 - 5.2.2.21.5. Failure to comply with any safety directives or mandates.
- 5.2.2.22 Complicity with others in violation of this standard.

- 5.2.7.3 **Standard 3:** Marshall University students and student groups respect and honor the human rights, and dignity of other persons, groups, and organizations. Violations of this standard include but are not limited to:
- 5.2.3.1. Harassment/Bullying: Any action or behavior directed towards another person, including but not limited to, physical force or conduct, intimidation, stalking, hazing, or degradation that results in the intent or actuality to physically or mentally harm another person, which threatens or violates an individual's personal safety and/or well-being.
- 5.2.3.2. Cyber Bullying/Harassment: includes any language that can serve as a hindrance, interfere with another student's educational activity, or potentially result in another student feeling tormented, threatened, harassed, or humiliated, that is generated from the internet, interactive and digital technology, mobile phones or personal electronic devices regardless of origin network.
- 5.2.3.3. Nonconsensual disclosure of private intimate images, includes publishing, publicly displaying, distributing, delivering, circulating, or disseminating by any means, including, but not limited to, electronic transmission of private photograph, videotape, motion picture film, digital recording or any product of any mechanical or electronic recording process or device that can preserve, for later viewing, a visual image to one or more persons other than those persons whom the person depicted understood would view the image at the time it was captured of private intimate images of a person's genitalia, pubic area, anus or female post-pubescent breasts. *See* W.Va. Code §61-8-28A.
- 5.2.3.4. Discrimination on the basis of race, sex, gender, color, national origin, religion, political affiliation, disability, age, or sexual orientation.
- 5.2.3.5. Commitment of any other violation in this code for the purposes of harassing and/or discriminating on the basis of race, sex, gender, color, national origin, religion, political affiliation, disability, age, or sexual orientation.
- 5.2.3.6. Complicity with others in violation of this standard.
- 5.2.7.4 **Standard 4:** Marshall University students and student groups uphold the mission of the University by protecting and preserving a campus environment consistent with the University's educational and academic goals. Violations of this standard include, but are not limited to:
- 5.2.4.1 Unauthorized possession or use of drugs or narcotics. This includes any drug for which the required prescription has not been validly obtained.
- 5.2.4.2 Unauthorized possession or use of alcoholic beverages or beer, as defined by policies established by the University and its governing body.
- 5.2.4.3 Behavior that evinces underage consumption of alcohol.

- 5.2.4.4 Actual, attempted, or intended manufacture, cultivation, distribution and/or sale of drugs, narcotics or marijuana or other controlled substances.
- 5.2.4.5 Misbehavior at Sports Events, Concerts, or Social/Cultural Events. This includes, but is not limited to:
 - 5.2.4.5.1. Throwing of any article into a crowd or onto a playing field, court or stage.
 - 5.2.4.5.2. Bringing prohibited items onto University property or to any University sponsored events unless permitted by the appropriate University officials.
 - 5.2.4.5.3. Displaying at any sports or cultural event any unauthorized or obscene, offensive, or obstructive banner or sign.
 - 5.2.4.5.4. Inappropriate yelling at or harassment of performers, athletes, spectators or event staff.
 - 5.2.4.5.5. Violations of the Conference USA rules and regulations governing spectator conduct.
- 5.2.4.6 Unauthorized animals on campus or other violation of the University's Animal Policy.
- 5.2.4.7 Disruptive or disorderly conduct; public intoxication or under the influence of controlled substances; disturbing the peace through noise, rowdiness, or pranks.
- 5.2.4.8 Obstructing or interfering with the orderly conduct of University affairs including teaching, research, administrative and disciplinary procedures, University sponsored elections, or any University-sponsored activity.
- 5.2.4.9 Obstructing the free flow of vehicular or pedestrian traffic on University Property.
- 5.2.4.10 Failure to comply with the lawful direction of University or other law enforcement officers, or University officials in the proper performance of their duties.
- 5.2.4.11 Intentionally fleeing from a University official or law enforcement officer when the person knows or reasonably should have known the University official or law enforcement officer is attempting to confront, arrest, or detain.
- 5.2.4.12 Failure to provide identification upon the request of a University official in the proper performance of their duties. A person identifies themselves by giving their name and complete address, substantiated by a current driver's license, voter registration card, or other official documentation, and by stating truthfully whether or not they are a student or employee of the University.
- 5.2.4.13 Complicity with others in violation of this standard.
- 5.2.7.5 **Standard 5:** Marshall University students and student groups respect the property of others, and the property, facilities, equipment, and resources of the University. Violations of this standard include, but are not limited to:
 - 5.2.5.1. Defacement, damage, destruction, or interference with any property, property right, or service belonging to other persons, groups, or organizations.

- 5.2.5.2. Theft or unauthorized possession of, or misuse of property belonging to other persons, groups, or organizations. This includes possessing, receiving, storing, using, moving, giving away, or selling of property known to have been wrongfully taken from the University or from any person or group.
- 5.2.5.3. Theft or unauthorized use of, misuse of, or interference with services provided by or for other persons, groups, or organizations. This includes, but is not limited to, telephone services, credit services, mail services, tutoring services, photocopying services, and internet services.
- 5.2.5.4. Attempted theft or unauthorized possession or use of, or misuse of, or interference with property or services provided by or for other persons, groups, or organizations.
- 5.2.5.5. Negligent Destruction or Impairment of Property or Services: Failure to exercise reasonable care, thereby causing damage, defacement, destruction, interference, theft, or loss of property belonging to the University or any person, group, or organization.
- 5.2.5.6. Negligent Risk of Destruction or Impairment of Property or Services: Failure to exercise reasonable care, thereby creating a risk of damage, defacement, destruction, interference, theft, or loss of property belonging to the University or any person, group or organization.
- 5.2.5.7. Misuse of University Keys: The unauthorized duplication, attempted duplication, use, loan, possession, giving away, or selling of any key to any building, room, property, or facility owned or controlled by the University.
- 5.2.5.8. Forcibly breaking into and/or entering, or attempting to break into, any building, room, property, locker, vehicle, or other facility.
- 5.2.5.9. Misuse of computing networks, services, systems, or equipment, unauthorized accessing of accounts, all other provisions of the University's abuse policies for its information technology environment. This includes using a computer service to violate or aid in violation of any other provision of this code.
- 5.2.5.10. Misuse of the internet, including viewing pornographic materials in a public location or on a university computer.
- 5.2.5.11. Unauthorized presence or improper use of the University buildings or facilities or trespassing at the University.
- 5.2.5.12. Using the Marshall University telephone system in an improper manner.

- 5.2.7.6 **Standard 6:** Marshall University students and student groups uphold the mission of the University by being responsible citizens. Marshall University students and student groups comply with the policies, procedures, and programs of the University, and obey all Federal, State, and local laws. Violations of this standard include but are not limited to:
 - 5.2.6.1 Gambling: including but not limited to participation in chain letters, games of chance, betting pools, and unauthorized raffles or lotteries.

- 5.2.6.2 Scalping: selling tickets to University functions for any price higher than the price shown on the ticket or higher than the original price of the ticket.
- 5.2.6.3 Violation of or failure to follow the policies or procedures for University fundraising, sales and/or solicitation.
- 5.2.6.4 Violation of or failure to follow the policies or procedures for demonstrations and mass gatherings.
- 5.2.6.5 Violations of Student Center, Facilities Scheduling, and Food Services policies and procedures as approved by the Student Conduct and Welfare Committee and/or the Student Center Governing Board.
- 5.2.6.6 Passing worthless checks or failing to promptly redeem a worthless check submitted to any unit within the University.
- 5.2.6.7 Violation of Federal, State, local, city, county, or municipal laws or ordinances.
- 5.2.6.8 Violation of Board of Governors Policies not covered in this Code.
- 5.2.6.9 Repeated or Multiple Violations, Violations of Probation, Medical Amnesty or Mediation Agreements.
- 5.2.6.10 Failure to comply with a directive, order, or request issued by a duly constituted campus student conduct official, Title IX official, or hearing body.
- 5.2.6.11 Failure to report to University officials a known or suspected violation of University policies.
- 5.2.6.12 Complicity with others in violation of this standard.
- 5.2.6.13 Failure to report a change of address to the Registrar.

- 5.2.7 **Standard 7:** Marshall University students and student groups uphold the mission of the University by protecting and preserving the educational environment of virtual classrooms consistent with the University's educational and academic goals. Violations of this standard include, but are not limited to:
 - 5.2.7.1 Antagonistic, harassing, or discriminatory language of any kind with regard to race, color, religion, sex, gender, intelligence, age, orientation, disability, socioeconomic status, or any other legally protected characteristic or activity;
 - 5.2.7.2 Bullying and/or cyberbullying;
 - 5.2.7.3 Use of obscene, degrading, or profane language (written, verbal, pictures, drawings, audio, video);
 - 5.2.7.4 Displaying pornography, nudity, or images of nudity
 - 5.2.7.5 Committing lewd or sexual acts
 - 5.2.7.6 Handling or displaying weapons, including toy or facsimile weapons
 - 5.2.7.7 Any criminal or other illegal activity encouraging the unlawful use, possession, manufacture or distribution of tobacco, drugs or alcohol;
 - 5.2.7.8 Illegal posting, distribution, upload or download of copyrights work of any kind;
 - 5.2.7.9 Sharing assignments, questions/answers, or any other action that would violation any expectations or rules relative to academic honesty;

- 5.2.7.10 Posting personally identifiable information in any format other than via private message;
- 5.2.7.11 Indecent dress or disrobing;
- 5.2.7.12 Interference with the instructional audio or video; or
- 5.2.7.13 Use or display of illegal drugs, tobacco or tobacco products, or vaping devices.
- 5.2.7.14 Conduct in the virtual classroom related to the display or handling of weapons or drugs, or other conduct that raises legitimate concerns about the safety and welfare of a student, must be reported immediately to Student Conduct in order to assess whether the matter must be reported to local law enforcement.

6.1 Violations of Housing and Residence Life policies as follows:

- 6.1.1. The Department of Housing and Residence Life, in conjunction with the Office of Student Conduct regulates the policies and procedures necessary to maintain the orderly function of campus residence halls.
- 6.1.2. By signing the “Residence Hall Contract,” the student agrees to respect and adhere to all policies and procedures pertaining to University housing and dining services as outlined in the “Residence Hall Contract” and “The Residence Hall Guide.”
- 6.1.3. Any university students that visit residence halls on campus are required to abide by the Department of Housing and Residence Life’s policies and procedures. Any university student or guest who violates policies and procedures may be subject to loss or restriction of residence hall visitation privileges as well as related financial restitution.
- 6.1.4. The Department of Housing and Residence Life’s policies are specific to the operation of residence halls and will be adjudicated within the Department with violations resulting in residence hall based sanctions. Provided that, residence hall incidents that involve suspected use or possession of drugs or alcohol, or any actions that could, under the Student Code of Conduct, result in suspension or expulsion, will be referred to the Office of Student Conduct for adjudication with violations resulting in University based sanctions. In addition, residence hall incidents whose violations are defined in and governed by the University Discrimination, Harassment, Sexual Harassment, Sexual & Domestic Misconduct, Stalking And Retaliation Board of Governors Policy, GA-1 will be adjudicated in accordance with that policy.
- 6.1.5. If a report of a violation also implicates any other violation(s) of the University’s Code of Student Conduct, the Director of Student Conduct (Director) will evaluate all reported allegations to determine whether the allegation(s) and the alleged Code of Student Conduct violation(s) may be appropriately investigated together without unduly delaying the resolution of the violations. Where the Director determines that a single investigation is appropriate, the determination of responsibility for the violation of University policy will be evaluated under the applicable policy (i.e., the Housing and Residence Life Policy or the Student Code of Conduct), but the investigation and resolution will be conducted in

accordance with the Student Disciplinary Procedures for violation of the Student Code of Conduct.

- 6.1.6. If a report of Prohibited Conduct, as defined in and governed by the University Discrimination, Harassment, Sexual Harassment, Sexual & Domestic Misconduct, Stalking And Retaliation Board of Governors Policy, GA-1 also implicates any other violation(s) of the University's Code of Student Conduct and/or Housing and Residence Life's policies, the Title IX Coordinator will evaluate all reported allegations to determine whether the alleged Prohibited Conduct and the alleged Code of Student Conduct violation(s) and/or Housing and Residence Life's policies may be appropriately investigated together without unduly delaying the resolution of the report of Prohibited Conduct. Where the Title IX Coordinator determines that a single investigation is appropriate, the determination of responsibility for the violation of University policy will be evaluated under the applicable policy (i.e., the Policy or the Student Code of Conduct and/or Housing and Residence Life's policies), but the investigation and resolution will be conducted in accordance with Appendix B of the Student Disciplinary Procedures.
- 6.1.7. In circumstances where other departments adjudicate violations involving the residence halls, the Department of Housing and Residence Life will be notified of the final outcome of those disciplinary actions.
- 6.1.8. Policies and procedures specific to the operation of campus residence halls are more particularly defined in "The Residence Hall Guide."

7.1 Sanctions

The purpose of a sanction, in addition to protecting others, is primarily to educate an individual by increasing their awareness of the importance of responsibility to the University community for one's actions.

- 7.1.1. The imposition of sanctions and the associated disciplinary procedures are set forth in the Administrative Procedures associated with this Policy.
- 7.1.2. A student may be temporarily suspended pending final action on the charges when the student's continued presence on campus would constitute a potential for serious harm to themselves or to the safety of other members of the University community.
- 7.1.3. Sanctions in disciplinary action - The following sanctions may be imposed upon students as a result of disciplinary actions by the University:
- 7.1.4. Non-Reportable. The following formal sanctions are not recorded on the academic transcript or released to others without a legitimate educational interest.
 - 7.1.4.1. Formal Warning. A Formal Warning is an official communication that a student's behavior is inappropriate for a member of the academic community. A Formal Warning is

maintained in the student's disciplinary file until the student graduates and would serve as a basis for further sanctioning should subsequent violations occur. A Formal Warning will not appear on the academic transcript.

7.1.4.2. Conduct Probation. Conduct Probation is a strong communication that a student is no longer in good disciplinary standing with the academic community. Any subsequent violations of the Student Code of Conduct will be evaluated in the context of the student's probationary status. The Office of Student Conduct will notify the dean of the student's college and a Social Obligation Hold will be placed on the student's record. The Social Obligation Hold will remain on the student's record until the obligation is fulfilled. The record of Conduct Probation is maintained in the Student Conduct office for seven years. Conduct Probation may include one or more of the following:

7.1.4.2.1 Loss of Participation: The student may not represent the University in any extracurricular activities such as, but not limited to, intercollegiate athletics, debate teams, University Theater, band, or other similar activities however, the student may participate in informal activities of a recreational nature sponsored by the University.

7.1.4.2.2 Self-Improvement: A program of self-development will be planned in conjunction with a faculty or staff person assigned to assist in a counseling/guidance capacity. Numerous resources may be used to assist the student in identifying and clarifying experiences, goals, educational and career choices, and other personal objectives.

7.1.4.2.3 Surrender of Student Activity Privileges: A student required under this section to relinquish Student Activity privileges may not participate in, or attend, events that provide a discount or privilege for students through payment of their tuition and fees. Exceptions may be granted by the Student Conduct Office in those instances where attendance at such events is required by academic courses or programs.

7.1.4.2.4 Loss of Privilege of Participation in Advanced Registration: The student will relinquish their advanced registration privileges during their sanction obligation. During this time, the student will register by filling out a scheduled adjustment form instead of the online process. Exceptions may be granted by the Office of Student Conduct.

7.1.5 Reportable. The following formal sanctions are recorded on the academic transcript.

- 7.1.5.1 Probationary Suspension. Suspension is withheld pending careful evaluation of a student's behavior during a probationary period, not to exceed one year. If the student is involved in any further offense, or if otherwise warranted, this suspension of disciplinary action may be revoked by the Vice President of Intercultural and Student Affairs or their designee and the full sanction of suspension enforced subject to appeal to the Hearing Board. While a student is on Probationary Suspension, any of the conditions under probation may be imposed.
- 7.1.5.2 Suspension. Suspension shall be imposed upon a student when it is determined by the Director that the student's relationship with the university must be suspended from the university for a definite period of time. A suspended student may apply for re-admission to the University through the Office of Student Conduct and the Office of Admissions at the end of the suspension period specified by the conduct action. Suspension records are maintained indefinitely. Any suspension imposed shall be recorded on the student's transcript during the suspension period and until the student matriculates for the following academic term. Should a student remain out of the university during an academic term following a suspension, they must apply for readmission as would a student who had withdrawn from the university. The Office of Student Conduct may deny readmission in those instances where the suspended student fails to demonstrate a positive change in behavior which indicates that the suspended student is prepared to again become a responsible member of the University community. Numerous resources may be used to assist the student in identifying and clarifying experiences, goals, educational and career choices, and other personal objectives. At the end of a suspension period, the student is placed on Conduct Probation until graduation, unless mitigating circumstances warrant a different sanction.
- 7.1.5.3 Expulsion. Expulsion shall be imposed upon a student when the Director determines that the student's relationship with the University must be terminated. This sanction includes termination of all student status, including any remaining right and/or privilege to receive any benefits, recognition or certification. When Expulsion is imposed upon a student, they may petition the Vice President of Intercultural and Student Affairs for readmission to the University after the specified time. A copy of the notice will be forwarded to the Dean of the Student's College and to the Registrar for a notation on the transcript. Expulsion records are maintained indefinitely. Expulsion shall be noted on the student's transcript until such time as the student is readmitted to the University or successfully petitions for the removal of the

notation. Permission for readmission by the Vice President of Intercultural and Student Affairs does not abrogate the right of any dean or director to deny readmission on the basis of scholarship. At such time as a student is readmitted to the University, the student is placed on Conduct Probation until graduation, unless mitigating circumstances warrant a different sanction. During the expulsion, the person is barred from coming onto or using University property and facilities. The action will appear on the student's official transcript until such time as an appeal is made to and granted by the Vice President of Intercultural and Student Affairs to terminate the expulsion.

7.1.5.4 **Deferred Suspension.** In rare cases, the Student Conduct Hearing Board may determine that a certain sanction is the appropriate formal sanction, but strong mitigating circumstances warrant holding the formal sanction in abeyance. The student may continue enrollment under restrictions and conditions. Formal sanctions may only be held in abeyance by the Student Conduct Hearing Board or the Vice President of Intercultural and Student Affairs. A student found to have violated the conditions or restrictions of a formal sanction held in abeyance will minimally have the formal sanction imposed. A copy of the notice will be forwarded to the Dean of the Student's College and to the Registrar for a notation on the transcript. The notation remains until either the end of the formal sanction held in abeyance period or graduation unless a petition for early removal is approved. Formal sanctions held in abeyance shall be terminated automatically upon graduation. This is a suspension which becomes effective at a specified future date. It is normally used near the end of a semester to avoid the financial penalty of immediate suspension. During this period of deferred suspension, probationary status as described in Probationary Suspension above will exist.

7.1.6 **Other Conditions or Restrictions**

7.1.6.1 **Deferral of the degree.** The Student Conduct Hearing Board, or the Vice President of Intercultural and Student Affairs may withhold the conferral of the degree until the disciplinary process has been resolved.

7.1.6.2 **Withholding of the degree.** In cases in which a student has not been awarded the degree but has completed all requirements for the degree, the Student Conduct Hearing Board or the Vice President of Intercultural and Student Affairs may direct that the degree be withheld for a period not to exceed one year from the date the condition or restriction is imposed.

- 7.1.6.3 A degree awarded by the institution may be revoked for fraud, misrepresentation, or other violation of the university standards in obtaining a degree.
- 7.1.6.4 The Vice President of Intercultural and Student Affairs may authorize any other sanctions they deem to be just and appropriate.
- 7.1.7 Consequences of Inappropriate Online Conduct
 - Students must be aware that conduct that is unacceptable and disruptive in the regular classroom is, typically, unacceptable in the virtual classroom.
 - 7.1.7.1 Student conduct violations that occur in the virtual classroom may be subject to progressive discipline which, depending on the seriousness of the conduct at issue, will include an initial verbal warning and consultation with the student prior to any formal disciplinary action.
 - 7.1.7.2 The seriousness of the conduct at issue will dictate the actions of administrators and the nature of the penalty ultimately imposed. A student may be subject to a severe penalty, even for a first offense, depending on the seriousness of the conduct at issue.
 - 7.1.7.3 Some factors that will be taken into account in determining the penalty to be imposed, if any, for conduct that occurs in the virtual classroom will include: 1) whether the conduct disrupted learning in the virtual classroom; 2) whether the conduct was violent or threatening in any way; 3) whether the conduct was illegal; 4) whether the conduct interfered with the rights of educators and/or students to work and learn in a safe and orderly environment free from inappropriate images, messages, language or behavior; 5) whether the student has committed prohibited conduct in the past; or 6) whether the student has received prior warnings or discipline for similar conduct.
 - 7.1.7.4 If students are found in violation of virtual classroom standards, they will be assigned one or more sanctions. Sanctions may be punitive in nature, but whenever possible, they are intended to create an educational outcome.
 - 7.1.7.5 Possible sanctions are the following: 1) a fine, which is a requirement to pay a financial penalty for their violation and payable in cash or check payable to “Marshall University” and delivered to the Office of Student Conduct; 2) a warning for violation; 3) community restitution, which is a task that benefits the individual, campus, or community (such as a service-related activity) is assigned to the student; 4) educational project or paper, which is a requirement to write an essay or a paper on a given topic, or to complete a project of benefit to his or her community, such as creating educational flyers or bulletin boards, or organizing an educational program; or 5) assessment, which is a requirement to

complete a behavioral assessment, and to discuss it with an appropriate University official.

7.2 Disciplinary Action; Proceedings.

- 7.2.1 Application to students -Any person who is a student as defined in these policies, rules and regulations shall be subject to disciplinary action by the University if that person is involved in any of the actions or conduct prohibited by these policies, rules and regulations, notwithstanding the fact that at the time the student is also an employee of Marshall University. In taking disciplinary action against a student, as defined herein, the University may act to remove any status of such a person or to revoke or remove any right or privilege of such person as a student, or to withhold, remove, or cancel any benefit, recognition or certification, including the rescinding of admission or the conferring of a degree, which such a person might yet not have received from the University.
- 7.2.2 A sanction of suspension or expulsion imposed by a college or university under the jurisdiction of the West Virginia state higher education system shall also be effective at Marshall University. A student who is expelled from one (1) institution in the West Virginia state higher education system may not be considered for admission to Marshall University until one (1) year has elapsed after the student has been expelled.
- 7.2.3 When a sanction is scheduled for a particular semester and the time lapse during an appeal process makes enforcement in the designated semester impossible, then the sanction shall be applied to the semester in progress at the time of completion of the appeal. In the event that sanction cannot be implemented during that semester, then it shall be applied during the next regular semester, except that if the student has completed the course of study during the pendency of the appeal, the sanctions, where possible, shall be carried out retroactively to affect the grades and records of that student during the semester designated in the original sanction. In any event, the accused student may not be graduated during the process of appeal.
- 7.2.4 The requirements for disciplinary action are found in the Administrative Procedures associated with this Policy.

8.1 Amnesty

- 8.1.1 Amnesty relating to sexual misconduct. To encourage reporting of alleged violations of sexual misconduct and to support candid communication of information, students participating in the grievance process (Complainants, Respondents, and Witnesses) will not be charged with alcohol or drug-related violations if they engaged in unlawful or prohibited personal use of alcohol or drugs during the incident when the alleged violation occurred. Amnesty applies only to the personal use of alcohol or drugs during the incident in question and does not extend to

other potential violations. Amnesty does not apply to the Respondent if drugs or alcohol were allegedly used to facilitate a violation of this policy.

8.1.2 Amnesty relating to alcohol and other drugs. Any student 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 the Code, if the student does all the following:

- i) Remains with the person who reasonably appears to be in need of emergency medical assistance due to an overdose until such assistance is provided;
- ii) Identifies themselves, if requested by emergency medical assistance personnel, law enforcement officers, or University officials;
- iii) 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
- iv) If the person who reasonably appears to be experiencing an overdose from alcohol or drugs is also a student, they 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 Director to receive amnesty.

Medical Amnesty only applies to the Marshall University Student Code of Conduct policies. This policy does not prohibit or preclude law enforcement agencies from enforcing any applicable laws including the filing of criminal charges against the student(s) involved.