

## 05 Sanctions

Sanctions in disciplinary action - The following sanctions may be imposed upon students as a result of disciplinary actions by the University:

A. Non-Reportable. The following formal sanctions are not recorded on the academic transcript or released to others without a legitimate educational interest.

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.
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:

- i. **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.
- ii. **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.
- iii. **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.
- iv. **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.

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

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 Student Affairs or his/her 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.

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, he/she 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.
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, he/she may petition the Vice President of 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 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 Student Affairs to terminate the expulsion.
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 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.

C. Other Conditions or Restrictions

1. Deferral of the degree. The Student Conduct Hearing Board, or the Vice President of Student Affairs may withhold the conferral of the degree until the disciplinary process has been resolved.
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 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.
3. A degree awarded by the institution may be revoked for fraud, misrepresentation, or other violation of the university standards in obtaining a degree.
4. The Vice President of Student Affairs may authorize any other sanctions he/she deems to be just and appropriate.

D. Minimum sanctions for first offenses, without aggravating circumstances

1. Suspension
  - i. Fighting
  - ii. Operating a motor vehicle under the influence of alcohol or drugs
  - iii. Negligent Bodily Harm
  - iv. Throwing objects from or causing objects to fall from University buildings, where no bodily harm or death is caused
  - v. Unauthorized possession or use of narcotics
  - vi. Unauthorized possession or use of alcoholic beverages or beer
  - vii. Disruptive or disorderly behavior attributable to the use of alcohol and other controlled substance(s), including public intoxication
  - viii. Misbehavior at Sports Events, Concerts, Social/Cultural Events or other University

Events ix. Failure to comply with the lawful direction of University or other law enforcement officers, or University officials in the proper performance of their duties

- x. Negligent Destruction or Impairment of Property or Services
- xi. Misuse of University Keys
- xii. Gambling, including but not limited to, unauthorized raffles or lotteries.
- xiii. Scalping Tickets
- xiv. Passing worthless checks or failing to promptly redeem a worthless check submitted to the University

2. Probationary Suspension

- i. Obstructing the free flow of vehicular or pedestrian traffic on University premises
- ii. 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
- iii. Negligent Risk of Destruction or Impairment of Property or Services
- iv. Unauthorized presence or improper use of University building or facilities or trespassing at the University
- v. Using the Marshall University telephone system in an improper manner.
- vi. Failure to follow the policies or procedures for demonstrations and mass gatherings
- vii. Misuse of the internet
- viii. Violation of or failure to follow the policies or procedures for University fundraising, sales and/or solicitation

3. Conduct Probation

- i. Violation of University policies regarding smoking and tobacco use on University property
- ii. Behavior that evidences underage consumption of alcohol
- iii. Unauthorized animals on campus or other violation of the University Animals on Campus policy
- iv. Disruptive or disorderly conduct, disturbing the peace through noise, rowdiness, or pranks
- v. Violation of the Housing and Residence Life policies
- vi. Failure to report of change of address to the Registrar

C. Transcript Notations. A notation of non-academic disciplinary action will be made on an academic transcript whenever Reportable Sanctions are imposed. Notations will not include the substance of the charges but will only note the disciplinary action taken. Students may submit a written petition for the removal of non-academic disciplinary transcript notations to the Vice President of Student Affairs.

