

**WEST LIBERTY STATE COLLEGE
BOARD OF GOVERNORS**

**December 10, 2008
5:00 p.m.
R. Emmett Boyle Conference Center
WLSC**

AGENDA

1. Call to Order Ms. Exley
2. Chairperson Comments..... Ms. Exley
3. Swearing In of New Board Members*5 Min..... Ms. Exley
4. Approval of Minutes*
Full Board 10/22/085 Min..... Ms. Exley
Executive Committee 10/15/08
5. Approval of Reports*5 Min..... Ms. Exley
6. Official Date of University Name Designation*5 Min..... Ms. Exley
7. Approval of Institutional Master Plan*10 Min..... Mr. Capehart
8. Proposed Policy – Campus Bookstore*10 Min..... Mr. Davis
30-Day Comment Period
9. Proposed Policy – Students Rights and Responsibilities*10 Min..... Dr. Carpenter
30-Day Comment Period
10. President’s Report15 Min..... Mr. Capehart
11. Executive Session – Personnel Matter.....15 Min..... Ms. Exley
12. Adjournment

*Action Items

NOTE: Dinner for the Board of Governors members will be at 6:30 p.m. at the president’s home following the meeting.

**West Liberty State College
Board of Governors**

**Executive Summary
October 22, 2008**

Attendance:

Beverly Burke, Lynne Exley, John Larch, John Moore, Mike Turrentine, Shane Stack

Unable to Attend:

Brian Joseph, Roseanna Keller, Larry Miller, Mike Stolarczyk, Bernie Twigg

Administration/Faculty/Staff:

Robin Capehart, J. D. Carpenter, Jim Clark, Scott Cook, John Davis, Mary Ann Edwards, Pat Henry, Jeff Knierim, Donna Lukich, John McCullough, Tammi Secrist, Phil Stahl, Brian Warmuth, Jack Wright

1. **Call to Order:**

Chair Exley called the meeting to order at 5:00 p.m.

2. **Chairperson Comments:**

Chair Exley gave an update on events coming up on campus and other information as presented in full text on the BOG web site and in the WLSC Elbin Library.

3. **Approval of Minutes*:**

Full Board
08/27/08

B. Burke, J. Moore, PASSED, that the listed minutes be approved by the Board of Governors as presented in full text on the BOG web site and in the WLSC Elbin Library.

4. **Approval of Reports:**

M. Turrentine, S. Stack, PASSED, that the reports submitted be approved by the Board of Governors as presented in full text on the BOG web site and in the WLSC Elbin Library.

B. Burke, M. Turrentine, PASSED, that the Development Office report be moved to the regular agenda as presented in full text on the BOG web site and in the WLSC Elbin Library.

5. **Enrollment Update:**

Mr. Cook gave an update on enrollment, numbers in the Masters of Arts in Education Degree, and Metro Rate counties as presented in full text on the BOG web site and in the WLSC Elbin Library.

6. **Policy on Policies Approval*:**

J. Moore, S. Stack, PASSED, that the new policy titled "Policy on Policies" be approved as presented in full text on the BOG web site and in the WLSC Elbin Library.

7. **Easement and Right-of-Way Approval*:**

B. Burke, J. Moore, PASSED, that the granting of an easement and right-of-way to Comcast be approved as presented in full text on the BOG web site and in the WLSC Elbin Library.

8. **John Marshall High School Proclamation:**

President Capehart gave the background information on the 2008 No Child Left Behind National Blue Ribbon School of Excellence award received by John Marshall High School and the Proclamation as presented in full text on the BOG web site and in the WLSC Elbin Library.

9. **President's Report:**

President Capehart gave a campus update PowerPoint presentation as presented in full text on the BOG web site and in the WLSC Elbin Library.

10. **Adjournment:**

The meeting adjourned at 6:11 p.m.

Lynne Exley _____
Chair

Mike Stolarczyk _____
Secretary

**West Liberty State College
Board of Governors**

**Minutes
October 22, 2008**

Attendance:

Beverly Burke, Lynne Exley, John Larch, John Moore, Mike Turrentine, Shane Stack

Unable to Attend:

Brian Joseph, Roseanna Keller, Larry Miller, Mike Stolarczyk, Bernie Twigg

Administration/Faculty/Staff:

Robin Capehart, J. D. Carpenter, Jim Clark, Scott Cook, John Davis, Mary Ann Edwards, Pat Henry, Jeff Knierim, Donna Lukich, John McCullough, Tammi Secrist, Phil Stahl, Brian Warmuth, Jack Wright

1. **Call to Order:**

Chair Exley called the meeting to order at 5:00 p.m.

2. **Chairperson Comments:**

Chair Exley stated that there are some exciting people on this campus; people that make the world go round. She recognized Mary Ann Edwards and her recent 60-mile walk for breast cancer with her sister. She also stated that J. D. Carpenter will be recognized by the National Association of Student Personnel Administration. They are coming to West Virginia for the first time and will be here at West Liberty. Dr. Carpenter is serving as Chairperson of the Association. Chair Exley thanked Dr. Carpenter for his service with this Association.

Chair Exley reminded Board members that fall commencement will be held December 13 and encouraged all members to attend. Commencement is an important event to the entire College community. This will probably be the last class that will be graduating at West Liberty State College, instead of University.

Chair Exley stated that in the April minutes she talked about Board member contributions. The April minutes read, "As we near the end of the fiscal year, Chair Exley stated that another goal would be for the Board to have 100% participation in contributing to the WLSC Foundation. To date, we have four members contributing. Please consider your responsibility as a Board member not only to attend meetings and functions, but also to support the College financially. Please think about contributing. Chair Exley thanked those who do contribute and stated that it does not make a difference what amount you decide to contribute, but would like to have 100% participation." As it turned out, there were a few late contributions after the fiscal year ended.

A retreat will be held for the Board on November 7, 2008 at the Wheeling Country Club. Chair Exley and President Capehart have been working on a modified retreat so that only one day will be needed to cover all of the agenda items. It will be a full day, beginning at 8:00 a.m. for breakfast and will last until 5:00 p.m. The focus of the retreat is the future of the College. It is important for the Board to understand the Master Plan and where we are going if we are going to approve the Plan. If you can't come to the retreat for the whole day, please try as best you can to attend part of the day. The agenda will be e-mailed to members in the near future.

3. **Approval of Minutes*:**

Chair Exley asked for a motion to approve the minutes of the full Board of August 27, 2008.

Full Board
08/27/08

A motion to approve the minutes of the full Board of August 27, 2008, was then made by Bev Burke and seconded by John Moore; motion passed unanimously.

4. **Approval of Reports:**

Chair Exley asked for a motion to approve the reports as submitted.

A motion to approve the reports submitted from the Provost, Executive Director of Enrollment Services, Chief Development Officer, Executive Vice President and CFO, and the Vice President of Student Affairs was then made by Mike Turrentine and seconded by Shane Stack; motion passed unanimously.

Chair Exley then asked if anyone would like to move any of the reports from Consent Agenda to the regular agenda, to which Chair Exley noted she would like to move the Development Office report down to the regular agenda.

A motion to move the Development Office report to the regular agenda was then made by Beverly Burke and seconded by Mike Turrentine; motion passed unanimously.

Mr. Knierim stated that the Development Office is appreciative of the Board's support for the last fiscal year, but there's always room for improvement. Total Board giving was \$8,300. We are looking at a goal of \$12,000 from the Board for the 2008-09 fiscal year. The Development Office is working on a very aggressive plan to meet their goal this year. Mr. Knierim invited the Board to take the opportunity to leaf through the plan. The key word for the plan is participation. This participation includes all campus constituents, along with the Board members. Working with employees, faculty, and alumni, the office has developed some great programs in order to achieve their goals for this fiscal year. One of the items is a Challenge Grant. In order to increase alumni support we are in the process of getting \$50,000 in matching money that we can match with \$50,000 in new donation. Donors and alumni who have lapsed over the years will be used as the tool to match this amount dollar for dollar.

Last year the 2007-08 total giving to the Foundation was \$1,105,925. This was a good year considering for six months the Development Office was not fully in business. With the change in status, and by the time some personnel came on board, six months had lapsed. The Development Office was very pleased to be able to raise that kind of money. In fiscal year 2006-07 a total of \$3.2 million was raised, which was an extraordinary year. A large part of this was a \$1.3 million bequest and Gary and Flip West's generous donation, which you can see if you look outside to the left; the new football stadium turf. There is a lot of energy in the Office of Development, they are looking forward to a good year, and appreciate everyone's support.

President Capehart asked Mr. Knierim to mention briefly the new software that the Development Office is using for the phoneathon. Mr. Knierim stated that "Dialvision" will give us the ability to process 900 calls a night, which would bring the phoneathon into 21st century technology. This software is very much like a telemarketing operation. Jason Koepler painted a wall white to use as a screen, and you can project the amount of calls being made, amount of dollars, etc. There's even a map of where the donations are coming from. In previous years students used sheets with a list of names and dialed each individual number. The process is now completely automated. It is felt that this will be a big plus in helping us reach our goals this year for the phoneathon.

On this note Mrs. Burke reported on the Washington Center Gala mentioned in the Development Office report. Since West Liberty sponsored a table at this event, we will receive an \$8,000 scholarship. We currently have three Washington Center students participating in the London internship program, due to this scholarship and the generosity of a grant from the Foundation. With the money from the Foundation, we also have four students interning in Washington, DC.

5. **Enrollment Update:**

Mr. Cook distributed a copy of the Fall 2008 enrollment summary to the members. As copies were distributed, Mr. Cook stated that the Fall 2008 headcount is 2,507. This is an increase of 4.2% from the Fall 2007. The first-time freshman headcount is 552; an increase of 9.7% from the Fall 2007. The continuing student headcount also increased by 4.2%. Our graduate numbers have increased due to the Masters of Arts in Education Degree. We are still accepting applications but currently have 17 enrolled. The original Metro Rate Enrollment is up 14% in Belmont, Jefferson, Allegheny and Washington Counties. The new Metro rate Enrollment is up 75% in Columbiana, Monroe, Guernsey, Beaver, and Greene Counties, with the overall Metro Rate Enrollment up 24%.

The Board was then directed to the Ten Year Enrollment chart. We have expanded our reporting for the various student groups. Mr. Cook reviewed these areas and how their numbers are currently tracking. Following his update, Mr. Cook asked if there were any questions. Chair Exley asked if we were tracking those students participating in on-line learning, to which he stated that they are put into the system by the Provost's Office and are included in this count.

Mike Turrentine asked if Mr. Cook had any thoughts as to why Allegheny County numbers are low. Mr. Cook stated that there are several problems. One is the perception they have of us in West Virginia. Another issue is although we're very affordable we are very close to what state institutions charge in Pennsylvania. A student can also receive their undergraduate degree and continue on in most public institutions in Pennsylvania for their master's degree. These are a few of the things we've heard. We are still working on this area and sending out a good message.

The question was asked as to why WLSC's student numbers are up. Mr. Cook stated that it's really a combination of things. When we meet with students and parents and mention the affordable cost and having the second highest graduation rate in West Virginia State institutions, this gets the parents up in their seats. We believe we send out a good message, along with the Metro Rate, increased scholarships, the laptops, and it all comes together. Not one item makes the deal; we do a lot of things well and attract students.

Chair Exley thanked Mr. Cook for his excellent report and loved to hear that our numbers up.

6. **Policy on Policies Approval*:
Review of Comments Received**

Mr. Davis stated that a few years ago there was a misunderstanding in policies which lead to the concerns submitted by Faculty Senate. We believe we have addressed these concerns in the final draft of the policy. These issues have been cleared up, and language has been inserted in the policy. The concern was that we need to have preserved in this policy the ability to propose policies, amendments on their own and do so through their representatives on the Board. The language has been changed to that effect. This is contained in the third paragraph of Section 2.

Mike Turrentine stated that at the Faculty Senate meeting yesterday the Administration was commended for putting together language which cleared up the matter. Once Faculty Senate Chair Gall saw this information there was absolutely no more confusion about the separation. With the two different mechanisms it was simply a misunderstanding.

Chair Exley thanked Mr. Turrentine for his input and asked if there were any other questions for Mr. Davis. Chair Exley then read the resolution for the approval of the Policy on Policies.

A motion to approve the new policy titled "Policy on Policies" was then made by John Moore and seconded by Shane Stack; motion passed unanimously.

7. **Easement and Right-of-Way Approval*:**

Mr. Davis stated that this action item is asking the Board for authorization of an easement and right-of-way to allow cable to be run by Comcast to our campus and to the residence halls to provide digital television and high speed internet in all halls. Those who have served on the Board for a few years recall that about three years ago the Board was asked to authorize an easement and right-of-way to the town so they could run sewer lines across WLSC's property. In essence, this is the same thing. Comcast is making a significant investment. The lines that Comcast runs to Shaw Hall and Krise Hall will remain their property, but they need access to these lines. They need to be able to come on College property to repair cables without any problems. Therefore, in the contract with Comcast we need to provide an easement and right-of-way. This easement and right-of-way will be recorded, once duly authorized, at the County Courthouse. Chair Exley then read the resolution for the easement and right-of-way.

A motion to approve the granting of an easement and right-of-way to Comcast in order to affect installation of cables, etc. needed for digital television service and high-speed internet service in the residence halls was then made by Beverly Burke and seconded by John Moore; motion passed unanimously.

8. **John Marshall High School Proclamation:**

President Capehart stated that John Marshall High School was named a 2008 No Child Left Behind National Blue Ribbon School of Excellence. They are one of only three schools in West Virginia and 400 nationwide. We need to start a tradition for the various schools in the area that receive these type of achievements for us to recognize them. President Capehart then read the Proclamation. The Proclamation will be presented at an upcoming school board meeting.

9. **President's Report:**

President Capehart stated that he has been attempting to meet with Classified Staff, Faculty Senate, and Student Government on a monthly basis. Sometimes this plan falls short, but for the most part he has been able to meet with these groups. A campus report has been given to various groups on campus by way of a luncheon the second Wednesday of each month. Some in attendance this evening may have seen parts of today's presentation. President Capehart then presented a campus update to the Board.

John Moore asked what the impact of the laptop computers has been at this point. Scott Cook and Dr. Carpenter have received input that the computers are making a difference. Dr. Carpenter stated he was talking with a student who received a computer and both of her parents work at Shepherd University. Shepherd is in the process of putting together this type of program, which puts WLSC a few steps ahead. President Capehart stated that the interest from faculty who are taking advantage of the laptops is very satisfying. There are approximately 30 faculty members in a class put together to teach them how to use the laptops in the classroom. Approximately a third of faculty members came through their studies using laptops in the classroom, so they are somewhat prepared.

The question was asked of Jeff Knierim as to how far ahead from last year the Foundation is in the annual fund, to which he stated over 17% in the first three months.

Mike Turrentine stated that he has been hearing many comments on how good the campus looks. His wife is an alumnae and sorority member participating in events and the perception is there. The landscaping is important and gives people a good feeling when they come onto the campus.

Jack Wright was asked to give an update on The Highlands project. When Mr. Wright first came on board he was hopeful we would get into The Highlands by January 1, 2009. On September 23, 2008 the Ohio County Development Authority pulled all construction at The Highlands. As of Monday they expect Town Center V, the Lifestyle Center which WLSC's in, the shell to be built by April 2009. At that point we will still need to build the interior. Best guess at this time is an August 2009 start. This is disappointing, but The Highlands had three problems: they got ahead of themselves on construction, didn't have leases for the spaces, and had large payables to contractors, and the economic downturn probably scared creditors. The latest information we have is that our best bet is we will be in by August 1st. All we can do is make the best of it at this time. On the up side, we still think it will be a great advantage to be at this location, and they want us there. When it was previously mentioned that all construction had stopped at The Highlands, it wasn't just our project, it was a number of projects. Currently the focus is on the AT&T building. Again, although the progress is disappointing, we all agree it is in our best interest to be located at The Highlands for greater access from Ohio and Pennsylvania.

Dr. McCullough was asked to address the ranking honoraries. We would identify initially what we believe are some outstanding faculty, in terms of scholarly activity, classroom performance, and community engagement. We would start the process with the primary involvement and input from the Deans for the selection of what is meant to be a very exclusive, signature club at WLSC. Students must earn your way through a variety of leadership roles and academic performance here at the College. The Chairs will provide significant input in identifying eligible students. By March or April we will look at the senior class and name next year's invitees. This is a selective process naming up to eight or ten individuals. It was suggested to look back to see if we can locate any Alumnae who might have been a part of this group. This would be open to both faculty and students. Once it's up and running, we could track down emeritus faculty. The group would meet a couple times a year.

Chair Exley reminded the group of the upcoming Board of Governors Retreat. The Chair and Co-Chair of the various Master Plan Committees have been invited and are encouraged to join the group.

Mike Turrentine asked Scott Cook if student financing has been or may be effected by the current economy and are we anticipating any difficulties. Mr. Cook stated we are under a federal government program and do not rely on private lenders for student loans. Some students with alternative loans may be an issue, especially if they have a parent loan component to the federal program. If the parent is not credit-worthy, we can increase the student loan through the federal government.

Chair Exley asked if anyone had anything else they would like to discuss. She then thanked the group for being at the meeting and that it's important that their presence is known.

10. **Adjournment:**

The meeting adjourned at 6:11 p.m.

Lynne Exley _____
Chair

Mike Stolarczyk _____
Secretary

**West Liberty State College
Board of Governors**

**Executive Committee
Minutes
October 15, 2008**

Executive Committee Members: Lynne Exley, John Moore, Michael Stolarczyk
WLSC Administrators: Robin Capehart, John Davis, John McCullough

1. Chair Exley called the meeting to order at 8:00 a.m.
2. President's Report – President Capehart provided an update on a number of recent campus activities including a number of homecoming events/activities, the Dick Morris presentation, the Hughes Lecture Series, and several other events.
3. BOG Retreat – Chair Exley discussed the purpose and details of the upcoming retreat for the Board of Governors. The Board will be reviewing in detail the proposed Institutional Master Plan for the College. President's Council members who participated in the process will also be in attendance.
4. Institutional Master Plan – President Capehart detailed the process utilized in developing the Master Plan, along with discussing the purposes of and need for the Plan.
5. Board Policy on Policies – John Davis discussed the rationale behind the need for the proposed Board Policy on Policies.
6. University Status – An update was provided on our University Status application process. The formal action by the HEPC is expected to be taken at their November 21 meeting. Some perfunctory changes in state code will need to be made during the legislative session in February-March 2009.
7. Executive Session – The Executive Committee entered into executive session to discuss a personnel matter.
8. Meeting adjourned at 9:20 a.m.

Lynne Exley

Chair

Michael Stolarczyk

Secretary

ENROLLMENT SERVICES REPORT

BOARD OF GOVERNORS MEETING

12/10/2008

1) Spring 2009 Registration

As of December 2, 2008, 1836 students have pre-registered for the spring 2009 semester. This represents a 3.6% increase over the same point in time last year.

2) Spring 2009 Applications

As of December 1, 2008, new applications (242) for the spring 2009 semester are up 35%. First-time freshman applications are up 88% (from 32 to 60). Transfer applications are up 51% (from 94 to 142).

3) Early Scholarship Notification

An initiative to send earlier scholarship offers to students meeting our Scholar Program requirements was implemented this fall. In October, 46 high school seniors who met West Liberty Scholar Program requirements were identified and sent scholarship offers. As of December 2, 23 had accepted the scholarship offers.

4) Financial Aid Seminars

The Financial Aid Office has scheduled Financial Aid Seminars at local high schools to assist high school students and parents with applying for financial aid for the 2009-10 academic year. Thus far, seminars have been scheduled at Shadyside HS, St. Clairsville HS, Tyler Consolidated HS, Valley HS, Magnolia HS, John Marshall HS, Bishop Donahue HS, and Wheeling Park HS.

5) On-line Degree Audits

The Registrar's Office has started testing the on-line Banner CAAP module with the School of Business Administration. We are scheduled to go live with all schools in the fall of 2009. The Banner CAAP module will allow students and advisors to receive on-line degree audits to verify remaining requirements needed for graduation.

6) Enrollment Management Planning Retreat

The annual Enrollment Management Planning Retreat will take place in the Boyle Conference Room on Tuesday, December 16. Faculty, staff, administration and student government leaders will meet to discuss current enrollment procedures and initiatives. We will also solicit suggestions and initiatives for 2009 to enhance enrollment.

Submitted by Scott Cook
Executive Director of Enrollment Services
12/03/08

Provost Report for BOG
12/10/08

1. The HLC Progress Report due January 31 is being completed. We are confident that it will demonstrate great strides in assessment planning in general studies and academic programs, the two areas requested by the Commission.
2. At this time, we are planning our off campus classes at the Highlands for fall 2009 for the first time.
3. Faculty Positions-
 - a. Open for spring: chemistry, DH
 - b. Open for fall: biology, foreign languages, management, nursing (program director)
4. The Music Division of the Dept of Arts and Communications has completed **Intent to Plan** a Bachelors in Music Degree. It was filed with HEPC. We will look for the full program proposal next semester to be considered first by College Curriculum Committee.
5. Our document written in response to the NASM report was submitted. We await their accreditation decision and anticipate that it will be favorable.
6. Faculty continues to prepare the SPA reports due in January as we prepare for NCATE in 2009-10.
7. Both Deans Screening Committees have met and the ads have been placed. Several vitas have been received.
8. First master's cohort starting classes October 30. We have 17 students enrolled. There is still time for additional students to enter this cohort.
9. The COMPACT was revised, as directed by HEPC, and resubmitted. More detail was requested of all institutions in regard to strategies to be used throughout the plan.

Submitted by Dr. Donna Lukich
Provost/Vice President of Academic Affairs
12/03/08

OFFICE OF DEVELOPMENT REPORT

Year-To-Date Giving: As of November 25, 2008, the West Liberty State College Foundation had received a total of \$288,911 in contributions (excluding those made through planned gifts). This represents a 25.4 percent increase over the \$230,428 that had been raised during the same period last year.

Phonathon: The Fall Phonathon was completed on November 18th. Pledges received totaled \$33,893. Last fall we had a “No Call” Phonathon mailing since the Office of Development had no staff available to manage a Phonathon. For comparison purposes the “No Call” Phonathon generated \$25,681. The new Phonathon software tremendously improved the efficiency of our student callers. Our 30 students will begin the Spring Phonathon in mid January.

Submitted by:

Jeff Knierim
Chief Development Officer
12/02/08

West Liberty State College Board of Governors
December 10, 2008

OFFICIAL DATE OF UNIVERSITY NAME DESIGNATION

Action Item

Based on the approval of "University Status" for West Liberty State College by the West Virginia Higher Education Policy Commission (HEPC) at their meeting held November 21, 2008, this Resolution establishes May 3, 2009 as the official date of the change in name to West Liberty University.

Proposed Resolution: *Resolved*, that the West Liberty State College Board of Governors approve May 3, 2009 as the official date of the change in name to West Liberty University.

West Liberty State College Board of Governors
December 10, 2008

INSTITUTIONAL MASTER PLAN

Action Item

Based on the guidelines set forth by the West Virginia Higher Education Policy Commission (HEPC) for review of the Institutional Master Plan, and the input and review of such from all campus and local community constituents, the Board is asked to approve the Institutional Master Plan. The Plan will then be submitted to the HEPC for approval at their January 23, 2009 meeting.

Proposed Resolution: *Resolved*, that the West Liberty State College Board of Governors approve the Institutional Master Plan as submitted for approval by the HEPC.

West Liberty State College Board of Governors
December 10, 2008

**CAMPUS BOOKSTORE RESOLUTION
WEST LIBERTY STATE COLLEGE**

Action Item

The Board of Governors is asked to authorize a 30-day period during which campus constituencies (faculty, staff, and students) may review and comment on a new Board policy entitled "Campus Bookstore". WV Code 18B-10-14 requires each public institution of higher education to have a policy regarding campus bookstores. HEPC and CCTCE have formed a Statewide Textbook Affordability Task Force and charged it with studying all such institutional policies.

Proposed Resolution: *Resolved*, that the West Liberty State College Board of Governors approves the dissemination of the new Campus Bookstore policy to constituent groups for review and comment.

WEST LIBERTY BOARD OF GOVERNORS

POLICY ##: CAMPUS BOOKSTORE

Section 1. General.

Scope: This policy documents the Board's commitment to ensuring that the institution's contract for bookstore services makes textbooks available to students at affordable prices. Toward that end, representatives of students and faculty shall serve on any committee responsible for reviewing bids for bookstore services and recommending a vendor to the president.

Authority: W.Va. Code Section 18B-10-14

Filing Date: December 10, 2008

Effective Date:

Section 2. Selection of Textbooks

- 2.1 The selection of textbooks is the responsibility and obligation of faculty members in their respective academic disciplines. Criteria for selecting textbooks shall include: compatibility with course objectives, writing style/readability level, assumptions regarding prior knowledge, layout and design, cost, and availability.
- 2.2 To minimize cost to students, a textbook should be used for at least two academic years. Also, faculty teaching different sections of the same course are encouraged to use the same textbook. Upon receipt of the upcoming semester's course list from the office of the provost, the bookstore manager shall distribute to individual faculty members the Course Book Information Request (CoBIR) form. The form shall identify the current/previous textbook along with detailed information (including the student retail price) essential to the textbook adoption process. The form also shall be available online at the College's website. The College, through its faculty, is obligated contractually to identify textbooks to the bookstore. Completed CoBIR forms should be returned to the bookstore manager by mid-term (for summer term, forms should be returned no later than six weeks prior to the start of summer term).
- 2.3 Timely return of the CoBIR form enables the bookstore to review book orders, check inventory, compile a list of books to purchase at buyback, and compete on the open market for all available used textbooks. Delaying return of forms past mid-term negatively impacts students' ability to save money by purchasing used textbooks.
- 2.4 A *required* textbook (CoBIR code "RQ") should not be ordered unless the book will be used as class material. If faculty designate a specific textbook as being required, then older editions of the textbook should not be used.
- 2.5 Books that are only *recommended* (CoBIR code "RC") for supplemental reading should be designated as such.

- 2.6 All classes which designate “Staff” as the instructor shall have orders placed by the appropriate department chair or his/her designee.

Section 3. Intent to Change Textbook

- 3.1 To minimize cost to the student, faculty are expected to notify the bookstore manager of the intent to change a required textbook at least one semester prior to the adoption and use of a new textbook. This notification facilitates activation of textbook return policies and returns of surplus textbooks to the publishers and book wholesalers.

Section 4. End of Semester Buyback Policy

- 4.1 Students may sell textbooks back to the bookstore at any time. However, the formal buyback period is generally Final Exams Week. At that time, the bookstore will buy back textbooks which already have been identified by faculty for use in the following semester. The process of repurchasing and reselling textbooks serves the interests of students, the institution, and the bookstore by lowering costs.

Section 5. Textbook Refund Policy

- 5.1 Refunds will be granted in full provided the following conditions are met:
- 5.1.1 New books must be in new condition. If the textbook contains any marks, names, or worn parts, then the refund allowance will be 75% of the retail price.
 - 5.1.2 Cash register receipts must accompany any return.
 - 5.1.3 The last day for a full refund is thirty (30) business days following the start of classes.
 - 5.1.4 Proper course “drop/withdraw” documentation must accompany the return, i.e. a downloaded registrar’s record, except when the refund is sought during the first week of the semester.
 - 5.1.5 The bookstore manager or his/her designee must execute any exceptions to the textbook refund policy.

West Liberty State College Board of Governors
December 10, 2008

**STUDENT PRIVILEGES AND RESPONSIBILITIES RESOLUTION
WEST LIBERTY STATE COLLEGE**

Action Item

The Board of Governors is asked to authorize a 30-day period during which campus constituencies (faculty, staff, and students) may review and comment on a new Board policy entitled "Student Privileges and Responsibilities." The policy is based on Series 57 of Title 133 of the State College System Board of Directors which was transferred to the institutional governing boards by the Higher Education Policy Commission in 2002. This policy outlines the privileges and responsibilities granted by the institution to students and governs the system through which students will be held accountable for policies.

Proposed Resolution: *Resolved*, that the West Liberty State College Board of Governors approves the dissemination of the Student Privileges and Responsibilities policy to constituent groups for review and comment.

WEST LIBERTY STATE COLLEGE POLICIES
Policy ____: STUDENT PRIVILEGES AND RESPONSIBILITIES

Section 1. General

- 1.1. Scope - Policy regarding student privileges, responsibilities and conduct at West Liberty State College.
- 1.2. Authority - *West Virginia Code* §18B-1-6
- 1.3. Effective Date:
- 1.4. Repeal of former rule - Repeals and replaces Series 57 of Title 131 Interpretive Rule of the Board of Directors of the State College System of West Virginia effective July 1, 1985.

Section 2. Purpose

- 2.1. Purpose - The purpose of this policy includes, but is not limited to, the following:
 - 2.1.1. To establish a general policy on student life, including a statement on student privileges and responsibilities, at West Liberty State College.
 - 2.1.2. To identify behavioral expectations of students and certain prohibited acts by students at West Liberty State College.
 - 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 by the president and other officials of West Liberty State College in applying this policy.
 - 2.1.5. To prescribe disciplinary actions and proceedings to be taken in cases of the violations of this policy.

Section 3. Definitions

- 3.1. Board of Governors - The West Liberty State College Board of Governors.
- 3.2. Institution or institutions – West Liberty State College and any other component of West Liberty State College over which the Board of Governors shall have authority, responsibility or control.
- 3.3. President - The chief executive officer of the institution, 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/her discretion or at or by the direction of the Board of Governors.
- 3.4. Property - Any property whether owned, leased, rented or otherwise held or used by the Board of Governors, by the institution or by the institutional community.
- 3.5. Activity - All or any operations conducted, sponsored, promoted, operated or otherwise engaged in by the institution, 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.

3.6. Facility - Any and all property of an institution used or usable in any activity of the institution.

3.7. Campus - All the property and facilities of the institution serving as the locus in quo of any activity of the institution.

3.8. Faculty - Those employees of the Board of Governors who are assigned to teaching or research or service functions at the institution and who hold academic rank.

3.9. Staff - Those employees of the Board of Governors who are assigned to teaching or research or service functions at the institution and who are not members of the faculty.

3.10. Student - Any person who has been admitted to the institution to pursue a course of study, research or service who is currently engaged in an institutionally sponsored activity and who has some 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 privilege to receive some benefit or recognition or certification from the institution under the rules, regulations or policies of the Board of Governors or the institution.

3.11. Member of the institutional community - Any officer, administrator, faculty member, staff member, employee, student of or at the institution, member of the Board of Governors as well as any person authorized to participate in an institutional activity at the time applicable.

Section 4. Policies Regarding Student Privileges and Responsibilities

4.1. The submission of an application for admission to the institution represents an optional and voluntary decision on the part of the prospective student to partake of the program and privileges offered by the institution pursuant to the policies, rules and regulations of the Board of Governors and the institution. Institutional approval of that application, in turn, represents the extension of a privilege to join the institutional 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 institution.

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 privileges 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 institution;

4.2.5. To have a free and independent student press which adheres to the canons of responsible journalism;

4.2.6. Not to violate the rights of others in matters of expressions and assembly;

4.2.7. To abide by policies, rules and regulations of the Board of Governors and the institution 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 institution.

4.4. Privacy - The student is entitled to the same safeguards 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. Privileged communication on a one-to-one relationship with faculty, administrators, counselors and other institutional functionaries;

4.4.2. Freedom from unreasonable and unauthorized searches of student living quarters;

4.4.3. Confidentiality of academic and disciplinary records;

4.4.4. Legitimate evaluations made from student records.

4.5. Responsibilities of citizenship - The 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 educational community, the student is expected to abide by the institution'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 provisions guaranteeing a process of fundamental fairness as are applicable to them. In all disciplinary proceedings, the student shall be considered not responsible until proven responsible of any charge. The president or designee shall have authority for promulgating policies, rules and regulations consistent with policies, rules and regulations of the Board of Governors.

Section 5. Standards of Conduct; Rules and Regulations

5.1. Conduct required in general - All students at the institution 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 Board of Governors and the institution;

5.1.5. The directions and orders of the officers, faculty and staff of the institution who are charged with the administration of institutional affairs on campus.

5.2. Disorderly conduct - Any and all students who behave in a disorderly or unlawful manner, such as the actions listed below, but not limited to those listed,

on campus or off campus, are subject to institutional disciplinary action which may result in probation, educational sanction, restitution, activity or privilege restriction, suspension or expulsion or other sanction as articulated in the student code whether or not there is prosecution for such violations in local, state or federal courts:

- 5.2.1. Fights;
- 5.2.2. Assaults or battery;
- 5.2.3. Public disturbances;
- 5.2.4. Unlawful assembly;
- 5.2.5. The violation of any municipal, state or federal law or the rules and regulations of the Board of Governors or the institution.

5.3. Theft or damage of property - No student shall individually or by joining with one or more others misuse, steal, damage or destroy any institutional property or facilities or the property of any member of the institutional community. Students involved in any such prohibited actions or conduct shall be subject to institutional disciplinary action which may result in probation, educational sanction, restitution, activity or privilege restriction, suspension or expulsion or other sanction as articulated in the student code whether or not there is prosecution for such actions or conduct in local, state or federal courts.

5.4. Disruption - No student shall individually or by joining with one or more other persons do any of the following:

- 5.4.1. Disrupt or interfere with any institutional activity, program, meeting or operation;
- 5.4.2. Interfere with the privileges of any member of the institutional community;
- 5.4.3. Injure or threaten to injure or coerce by bodily harm or restraint or threats thereof or any other means any member of the institutional community or persons lawfully on the institution's campus, property or facilities;
- 5.4.4. Seize, hold, commandeer or damage any property or facilities of the institution or threaten to do so or refuse to depart from any property or facilities of the institution upon direction, pursuant to policies, rules and regulations of the Board of Governors or the institution, by an institutional officer, faculty or staff member or other person authorized by the president. Students involved in any such action or activities shall be subject to institutional disciplinary action which may result in probation, educational sanction, restitution, activity or privilege restriction, suspension or expulsion or other sanction as articulated in the student code whether or not there is prosecution for such actions in local, state or federal courts.

5.5. Hazing - No student shall individually or by joining with one or more other persons engage in any act of hazing involving another member of the institutional community. The president shall promulgate rules and regulations prohibiting hazing in any form. Such rules and regulations shall include provisions to:

5.5.1. Prohibit any action which subjects a pledge, initiate or member of a student organization to activities which are personally demeaning or involve a substantial risk of physical injury. This includes both organized rites of initiation and informal activities;

5.5.2. Include the institutional hazing policy in the student handbook or such other publications which are readily distributed to all students as may be appropriate. The institutional policy shall provide that students involved in hazing activities are subject to institutional disciplinary action which may result in the sanctions of probation, educational sanction, restitution, activity or privilege restriction, suspension or expulsion or other sanction as articulated in the student code whether or not there is prosecution for such actions in local, state or federal courts;

5.5.3. Identify through student publications and other appropriate mechanisms the sanctions which apply to student organizations engaged in prohibited hazing activities or prohibited rites of initiation. These sanctions may include, but are not limited to: denial of the use of institutional facilities, removal of some or all social privileges, removal of institutional recognition and a recommendation to regional or national headquarters that the organizational charter be revoked. The president shall take steps to ensure that the chief officer of each student organization is informed at least annually of the institution's hazing policy and the sanctions which may be imposed upon offending organizations;

5.5.4. Ensure that students accused of hazing offenses where the sanctions of suspension or expulsion may result are afforded the opportunity for a disciplinary hearing as provided in Section 7.4 of this policy.

5.6. Discrimination - No student shall individually or by joining with one or more other persons promote or demand action on their part or any other member of the institutional community that would constitute unlawful discrimination on the basis of race, sex, color, political affiliation, handicap or age. Students involved in any such action or activities shall be subject to institutional disciplinary action which may result in probation, suspension or expulsion or other sanction as articulated in the student code whether or not there is prosecution for such actions in local, state or federal courts.

Section 6. Powers, Authority and Duties of the President

6.1. General powers, authority and duties of the president - The chief executive officer of the institution shall be the president. The president shall be responsible for the entire administration of the institution subject to the control of the Board of Governors. It shall be the president's duty to attend to and administer the laws of the State of West Virginia which may be applicable on the campus; the policies, rules and regulations of the Board of Governors and policies, rules and regulations of the institution. The president is hereby vested with authority requisite to that end subject to the control of the Board of Governors.

6.2. Delegation of authority and responsibility - Any authority, responsibility or duty granted to or imposed upon the president by this policy may be delegated by

the president, subject to the control of the Board of Governors, to another person or persons on the faculty, staff or student body of the institution. All persons dealing in the matters so delegated by the president shall be required to deal with the persons to whom the president shall have delegated such authority, responsibility or duty and such persons shall be required to deal with the institution or the president through such designees except on appeal to the president as specified by the president.

6.3. Promulgation of institutional regulations for student discipline - The president of the institution or designee shall have authority and responsibility, subject to the policies of the Board of Governors, for the discipline of all students at the institution. The president, with the advice of faculty, staff and students and subject to the policies of the Board of Governors, shall develop, promulgate and use disciplinary regulations and channels at the institution not inconsistent with the policies, rules and regulations of the Board of Governors.

6.4. Activities on and use of institutional property or facilities - The use by any person of the property or facilities of the institution shall be controlled and governed by the policies, rules and regulations of the College which shall be promulgated by the president or designee with the advice of faculty, staff and students and shall conform to the policies, rules and regulations of the Board of Governors.

6.5. Public use of institutional property or facilities and restrictions imposed - Subject to the control of the Board of Governors, notwithstanding any rule, regulation, policy or express or implied permission for the use of or presence in or on the property or facilities of the institution, any person who (a) is not a student presently registered for current classes or course work at the particular institution or is not an employee of the Board of Governors currently on duty at the institution and (b) by his/her conduct or speech or expressions, causes or, in the opinion of the president of the institution or the president's designee may be reasonably expected to cause harm to persons, property or facilities or disruption of or interference with any activity of the institution, is no longer authorized to be in or on the property or facilities of the institution. In such instance, the president of the institution or designee shall cause such person to be ejected from, kept off, and kept out of the property and facilities of the institution. The president or designee may take whatever legal or institutional action is necessary to effectuate this authority.

6.6. Use of institutional property or facilities; activities which interfere with, disrupt or inhibit institutional operations - The assertion by any person or persons of rights of speech, assembly, press or other expression with the intention to interfere with access to or use of the institution's property, facilities, activities, programs or operations by those properly and regularly using the same is expressly prohibited, any rule, regulation or permission express or implied notwithstanding.

6.7. Limitations of assembly and student use of institutional property or facilities - Subject to the control of the Board of Governors, when, in the judgment of the president, an assembly is not in the best interests of the institution or the individuals concerned in that it presents a clear and present danger of harm to

persons, property or facilities or interference with or disruption of activities the president or designee shall prohibit such assembly and shall take measures to prevent harm to persons, property or facilities or to prevent interference with or disruption of activities, as may be necessary in the circumstances or may be reasonably expected to come into existence.

6.8. Limitation of activities and emergency measures - When there has been harm or damage to persons, property or facilities, or when there has been disruption of or interference with institutional activities or when there has been seizure or occupation of property or facilities by persons no longer authorized, then, subject to the control of the Board of Governors, when the president deems it necessary to end or to control such occurrences and the circumstances caused thereby, the president shall take any or all of the following actions or other appropriate actions:

6.8.1. Declare a state of emergency to exist on the campus; and

6.8.1.1. Close down any part of the institution for any length of time or limit use of certain parts of the campus, property or facilities to certain persons at certain times;

6.8.1.2. Impose curfews on the presence of persons in or on institutional facilities or property;

6.8.1.3. Place bans on gatherings of persons at places or times on or in the institution's property or facilities or

6.8.1.4. Enlist the aid of any public authority, police or otherwise, as may be necessary to restore order, protect persons, property, health, safety or welfare.

6.8.2. Immediately suspend any student who is found involved in prohibited action or conduct and who is (1) first advised, told or notified that a particular action or conduct is prohibited and who (2) continues such action or conduct in spite of the warning. Such immediate suspension shall be followed with speedy disciplinary proceedings consistent with this policy.

6.8.3. See to the enforcement of the laws of the State of West Virginia; the policies, rules and regulations of the Board of Governors or the Higher Education Policy Commission and the policies, rules and regulations of the institution, including any emergency orders imposed as a result of the state of emergency so declared.

Section 7. Disciplinary Action; Proceedings

7.1. Application to students - Any person who is a student as defined in this policy shall be subject to disciplinary action by the institution if that person is involved in any of the actions or conduct prohibited by this policy notwithstanding the fact that at the time the student is also an employee of the Board of Governors. In taking disciplinary action against a student, as defined herein, the institution may act to remove any status of such a person or to revoke or remove any privilege of such person as a student or to withhold, remove, or

cancel any benefit, recognition or certification, including the conferring of a degree, which such a person might yet not have received from the institution.

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

7.2.1. Probation - Exclusion from participation in certain institutional activities, property or facilities for a definite stated period of time, and may be conditioned upon compliance with policies, rules and regulations or specified required activity during the period of probation.

7.2.2. Suspension - Exclusion from all institutional activities for a definite stated period of time up to one (1) academic year and any condition on resumption of activities, if any, also may be imposed.

7.2.3. Expulsion - Termination of all student status, including any remaining privilege to receive some benefit or recognition or certification and conditions for readmission, if any, may be stated in the order.

7.2.4. Other sanctions as articulated in the Student Conduct Code.

Normally, students facing suspension or expulsion from the institution will be entitled to a hearing prior to the imposition of the sanction. However, 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 harm to himself/herself or to the safety of other members of the institutional community. Such temporary suspension shall be followed with speedy disciplinary proceedings consistent with these policies, rules and regulations. Sanctions of lesser severity, including but not limited to restitution, educational sanction, activity or privilege restriction may be imposed in any case at the discretion of the president of the institution or designee. A sanction of suspension or expulsion imposed by any public college or university in West Virginia may apply to the person sanctioned not only at the institution where the sanction was imposed but also at all public colleges and universities in the State. A student who is expelled from any public college or university in West Virginia may not be considered for admission to West Liberty State College until one (1) year has elapsed after the student has been expelled. 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.

7.3. General requirements for disciplinary channels - Rules and regulations establishing disciplinary channels at the institution promulgated pursuant to

Sections 4.6 and 6.3 of this rule or any of the policies, rules and regulations, shall provide, among other things, at the least for the following:

7.3.1. There shall be provisions for the following designated hearing authorities who may adjudicate judicial incidents:

7.3.1.1. There shall be a hearing board whose members shall be members of the institutional community and can include student and faculty representatives.

7.3.1.2. There shall be designated judicial officers who are staff members assigned by the president or designee to attend administratively to judicial matters.

7.3.2. The designated hearing authorities shall have jurisdiction of cases involving the alleged violations of Sections 5.2, 5.3, 5.4, 5.5 and 5.6 of this policy, of cases involving students suspended pursuant to Section 6.8.1.1 of this policy and of any alleged violations of the Student Conduct Code.

7.3.3. The jurisdiction and authority of all designated hearing authorities shall be in cases of disciplinary action against students:

7.3.3.1. To hear evidence;

7.3.3.2. To make findings of fact from the evidence presented;

7.3.3.3. To make recommendations to the president of the institution or designee based upon such findings of fact as to the disposition of the disciplinary action, including sanctions to be imposed, if any; and

7.3.3.4. To refer for hearing to a lesser disciplinary channel, as appropriate, in cases not involving potential suspension or expulsion.

7.3.4. All designated hearing authorities shall have such appellate jurisdiction as may be appropriate to the institution from the determinations and recommendations of any lesser disciplinary channel.

7.3.5. The student then may object or take exception to the recommendations of the designated hearing authority under such procedures as the president or designee may deem appropriate.

7.4. Procedural standards in disciplinary proceedings - In any disciplinary proceedings before a hearing authority established pursuant to Section 7.3 of this policy brought against a student for alleged misconduct, actions or behavior for which sanctions of suspension or expulsion may be imposed, the following procedural standards shall be observed.

7.4.1. Prior to a hearing, written charges of violation shall be presented to the accused student which shall include at least:

7.4.1.1. A statement of the policy, rule or regulation which allegedly has been violated;

7.4.1.2. A statement of the facts and evidence to be presented in support of the charges made with sufficient clarity to reasonably disclose the time and place of the occurrence and the actions or behavior complained of;

7.4.1.3. A statement that a hearing will be held before the hearing authority on the charges, together with notice of the date, time and place of the hearing; and

7.4.1.4. In cases involving potential suspension or expulsion, as specified in institutional policies, the student must be informed of his/her privilege to have legal counsel present at the hearing. Students retain attorneys in such cases at their own expense and must notify the hearing authority at least forty-eight (48) hours prior to the hearing if the attorney will be present at the proceedings. It is expressly provided, however, that such written charges shall not be fatally defective so as to prevent the set hearing or to require further amplification if such minimum requirements are met reasonably and in good conscience at the discretion of the hearing authority.

7.4.2. Said written charges shall be served upon the student charged by one (1) of the following means:

7.4.2.1. Handing a copy to the student in person, if he/she can be found, with reasonable diligence in the town where the institution is located and the hearing is to take place; or

7.4.2.2. Delivering via campus mail a copy to the student if he/she currently lives in one of the campus residence halls; or

7.4.2.3. Mailing via certified mail a copy to the student at the residence used while in attendance at the institution as last noted on his/her official records at the institution; or

7.4.2.4. If the student is not presently registered at the institution, or in any event, by mailing via certified mail a copy to his/her last known permanent or home residence as disclosed by official records at the institution. It is expressly provided, however, that such service of charges and notice of hearing shall not be defective if the student shall have hidden, refused mail, or shall have failed to notify the institution of his/her current address while attending the institution or of the current permanent home address, and the hearing may proceed without hindrance or delay.

7.4.3. A hearing shall be held at the date, time and place specified (unless postponed by the hearing authority for good cause shown) and shall provide the student at least five (5) days' notice from the serving of the charges (unless such notice is waived by the student). The hearing shall be conducted in such a manner as to do substantial justice and shall include at least the following:

7.4.3.1. The accused student has the privilege to have an advisor. Such an advisor may be a member of the West Liberty State College faculty, staff or administration. An advisor may consult with the accused student but may not speak on behalf of the student or otherwise participate directly in the proceedings unless given specific permission to do so by the hearing authority. In cases involving the potential for suspension or expulsion, legal

counsel may be present as specified in Section 7.4.1.4 of this policy. Legal counsel may serve in an advisory capacity to the accused student in such cases. However, legal counsel may not speak on behalf of the student or otherwise participate directly in the proceedings. The College may choose to have legal counsel present who may participate only in an advisory capacity and may not speak on behalf of the institution or otherwise participate directly in the proceedings;

7.4.3.2. All material evidence may be presented subject to cross examination of the witnesses;

7.4.3.3. There shall be a complete and accurate record of the hearing. In the case of an appeal, a written transcript may be required;

7.4.3.4. In any event, the accused student shall be entitled to be present throughout the presentation of evidence, testimony of witnesses and arguments of parties; to know the identity of and content of testimony of the witnesses against him and have them present at the hearing at appropriate times and to present witnesses and any evidence on his behalf as may be relevant and material to the case.

7.4.4. No recommendation for the imposition of sanctions may be based solely upon the failure of the accused student to answer charges or to appear at the hearing. In such a case, the evidence in support of the charges shall be presented and considered. All findings of fact and recommendations shall be based solely upon the evidence in the case as a whole.

7.4.5. After the hearing, the hearing authority shall make findings of fact and recommendations for the disposition of the case and sanctions to be imposed, if any, and forward the same to the president of the institution or designee. Within ten (10) working days following receipt of the hearing authority recommendations, the president or designee shall review the facts of the case and take such action as may be appropriate under all the circumstances. Except in cases which involve the sanction of expulsion, as defined in Section 7.2 of this policy, the decision of the president shall be final.

7.5. Review by the Board of Governors. The Board of Governors may, from time to time, require from the president reports on disciplinary actions or proceedings over a period of time or as to any specific case or cases. Such reports shall be in such form as the Board of Governors may require. In disciplinary cases where the institutional sanction is expulsion, the Board of Governors may, pursuant to such procedures as it may specify, grant an appeal from the disciplinary action of the president on the record of the case submitted and on leave of the Board of Governors first obtained. A student desiring to appeal the sanction of expulsion must, within three (3) working days, indicate to the president in writing an intent to appeal the decision to the Board of Governors. A written petition of appeal must be filed with the Board of Governors within fifteen (15) days of the

president's decision. If the Board of Governors determines that the petition will not be heard, the decision of the president of the institution is affirmed and sanctions imposed therein shall be effective upon the president's receipt of the statement of denial. If the appeal is granted, the sanction imposed by the president's decision shall be stayed until the Board of Governors makes a final decision after a review of the case. In the event the decision of the president is affirmed after such review, the person appealing and the president shall be notified by certified mail and the sanction shall be effective immediately upon receipt by the president of the decision rendered by the Board of Governors. In reviewing student appeals involving the sanction of expulsion, the Board of Governors will review all relevant information and records of applicable institutional disciplinary proceedings to ensure that due process has been afforded. In any case of any review of disciplinary action, the Board of Governors may take such action as it deems reasonable and proper in all the circumstances and in answer to all its responsibilities under the law.