

West Liberty University Student Code of Conduct

PREAMBLE

This Code governs student conduct and helps fulfill the institution's educational mission. The campus judicial process outlined herein proscribes certain conduct and identifies sanctions intended to safeguard the University's interests. The Code aims (1) to promote a campus environment that supports the overall educational mission of the University; (2) to protect the campus community from disruption and harm; (3) to encourage appropriate standards of individual and group behavior; and (4) to foster ethical standards and civic virtues.

ARTICLE I: DEFINITIONS

1. The term University means West Liberty University.
2. The term "student" includes all persons taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, or professional studies. Persons who withdraw after allegedly violating the Student Code, who are not officially enrolled for a particular term but who have a continuing relationship with the University or who have been notified of their acceptance for admission are considered "students" as are persons who are living in University residence halls, although not enrolled in this institution. This Student Code applies at all locations of the University, including areas outside of the main campus where classes or activities are held.
3. The term "faculty member" means any person hired by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of its faculty.
4. The term "University official" includes any person employed by the University, performing assigned administrative or professional responsibilities (including student paraprofessional staff such as resident assistants).
5. The term "member of the University community" includes any person who is a student, faculty member, University official or any other person employed by the University.
6. The term "University premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University (including adjacent streets and sidewalks).
7. The term "organization" means any number of persons who have complied with the formal requirements for University recognition.
8. The term "Student Judicial Board" means any person or persons authorized by the Judicial Coordinator to determine whether a student has violated the Student Code and to recommend sanctions that may be imposed when a rules violation has been committed.
9. The term "Judicial Coordinator" means a University official authorized on a case-by-case basis by the Vice President of Student Services to impose sanctions upon any student(s) found to have violated the Student Code. The Vice President of Student Services may authorize a Judicial Coordinator to serve simultaneously as a Judicial Coordinator and the sole member or one of the members of the Student Judicial Board. The Vice President of Student Services may authorize the same Judicial Coordinator to impose sanctions in all cases.
10. The term "shall" is used in the imperative sense.
11. The term "may" is used in the permissive sense.
12. The Judicial Coordinator is that person designated by the Vice President of Student Services to be responsible for the administration of the Student Code.
13. The term "policy" means the written regulations of the University as found in, but not limited to, the Student Code, Student Life Handbook, the University web page and computer use policy, and Graduate/Undergraduate Catalogs.
14. The term "cheating" includes, but is not limited to: (1) use of any unauthorized assistance in taking quizzes, tests, or examinations; (2) use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; (3) the acquisition, without permission, of tests or other academic material belonging to a member of the University faculty or staff (4) engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.

15. The term “plagiarism” includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.
16. The term “complainant” means any person who submits a charge alleging that a student violated this Student Code. When a student believes that s/he has been a victim of another student’s misconduct, the student who believes s/he has been a victim will have the same rights under this Student Code as are provided to the complainant, even if another member of the University community submitted the charge itself.

ARTICLE II: STUDENT CODE AUTHORITY

1. The Judicial Coordinator shall determine whether a matter will be heard by a Judicial Board or by the Judicial Coordinator himself/herself and, in the former instance, shall determine the composition of the Board.
2. The Judicial Coordinator shall develop policies for the administration of the student judicial process and procedural rules for Judicial Board hearings that are not inconsistent with provisions of the Student Code or policies promulgated by the West Liberty University Board of Governors.
3. Decisions made by a Judicial Board and/or Judicial Coordinator shall be final, pending the normal appeal process as outlined in Article IV Section D.

ARTICLE III: PROSCRIBED CONDUCT

A. Jurisdiction of the University Student Code

The University Student Code shall apply to conduct that occurs on University premises, at University sponsored activities, and to off-campus conduct that adversely affects the University community, the University’s image, and/or the pursuit of its objectives. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded). The Student Code shall apply to a student’s conduct even if the student withdraws from school while a disciplinary matter is pending. All conduct that occurs off campus that violates any portion of the Student Code will be subject to the on-campus judicial process.

B. Conduct—Rules and Regulations

Any student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary sanctions outlined in Article IV:

1. Acts of dishonesty, including but not limited to the following:
 - a. Cheating, plagiarism, or other forms of academic dishonesty.
 - b. Furnishing false information to any University official, faculty member, or office.
 - c. Forgery, alteration, or misuse of any University document, record, or instrument of identification.
2. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other University activities, including its public service functions on or off campus, or of other authorized non-University activities when the conduct occurs on University premises.
3. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct which threatens or endangers the health or safety of any person. This includes acts of sexual misconduct which are defined by but not limited to:
 - a. Deliberate touching of another's sexual parts without consent;
 - b. Deliberate sexual invasion of another without consent;
 - c. Deliberate constraint or incapacitation of another, without that person's knowledge or consent, so as to put another at substantially increased risk of sexual injury; or unwelcome sexual

advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that expressly or implicitly imposes conditions upon, threatens, interferes with, or creates an intimidating, hostile, or demeaning environment for an individual's (I) academic pursuits, (II) University employment; (III) participation in activities sponsored by the University or organizations or groups related to the University, or (IV) opportunities to benefit from other aspects of University life.

4. Attempted or actual theft of and/or damage to property of the University or property of a member of the University community or other personal or public property, on or off campus.
5. Hazing, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule.
6. Failure to comply with directions of University officials (including paraprofessional student staff such as resident assistants) or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
7. Unauthorized possession, duplication or use of keys to any University premises or unauthorized entry to or use of University premises.
8. Violation of any University policy, rule, or regulation published in hard copy or available electronically on the University website.
9. Violation of any federal, state or local law.
10. Use, possession, manufacturing, or distribution of marijuana, heroin, narcotics, or other controlled substances except as expressly permitted by law.
11. Use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly permitted by University regulations), or public intoxication. Alcoholic beverages may not, in any circumstance, be used by, possessed by or distributed to any person under twenty-one (21) years of age.
12. Illegal or unauthorized possession of firearms, explosives, other weapons, ammunition or dangerous chemicals on University premises or use of any such item, even if legally possessed. This includes toy guns and replicas of firearms.
13. Participating in an on-campus or off-campus demonstration, riot or activity that disrupts the normal operations of the University and/or infringes on the privileges of other members of the University community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.
14. Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions.
15. Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on University premises or at functions sponsored by, or participated in by, the University or members of the academic community. Disorderly Conduct includes but is not limited to: Any unauthorized use of electronic or other devices to make an audio or video record of any person while on University premises without his/her prior knowledge, or without his/her effective consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom.
16. Theft or other abuse of computer facilities and resources, including but not limited to:
 - a. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
 - b. Unauthorized transfer of a file.
 - c. Use of another individual's identification and/or password.
 - d. Use of computing facilities and resources to interfere with the work of another student, faculty member or University Official.
 - e. Use of computing facilities and resources to send obscene or abusive messages.
 - f. Use of computing facilities and resources to interfere with normal operation of the University computing system.
 - g. Use of computing facilities and resources in violation of copyright laws.
 - h. Any violation of the University Computer Use Policy.

- i. Any inappropriate online conduct via online communities, including but not limited to harassment, hate speech, threats, and/or intimidation. Although it is not the University's practice to monitor online communities, including but not limited to Facebook, Twitter, Instagram, etc., the University may respond to online issues when a legitimate formal complaint is filed by a member(s) of the University community against a student.
- 17. Abuse of the judicial process, including but not limited to:
 - a. Failure to obey the notice from a Judicial Board or University official to appear for a meeting or hearing as part of the judicial process.
 - b. Falsification, distortion, or misrepresentation of information before a Student Judicial Board.
 - c. Disruption or interference with the orderly conduct of a Judicial Board proceeding.
 - d. Institution of a Student Code of Conduct proceeding in bad faith.
 - e. Attempting to discourage an individual's proper participation in, or use of, the judicial process.
 - f. Attempting to influence the impartiality of a member of a Judicial Board prior to, and/or during the course of, a Judicial Board proceeding.
 - g. Harassment (verbal or physical) and/or intimidation of a member of a Judicial Board prior to, during, and/or after a Student Code of Conduct proceeding.
 - h. Failure to comply with the sanction(s) imposed under the Student Code.
 - i. Influencing or attempting to influence another person to commit an abuse of the judicial process.

C. Violation of Law and University Discipline

- 1. University disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Student Code (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Vice President of Student Services and Judicial Coordinator. Determinations made or sanctions imposed under this Student Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.
- 2. When a student is charged by federal, state, or local authorities with a violation of law, the University will not request nor agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also being processed under the Student Code, the University may advise off-campus authorities of the existence of the Student Code and of how such matters are typically handled within the University community. The University will cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions). Individual students and other members of the University community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

ARTICLE IV: STUDENT CODE OF CONDUCT PROCEDURES

A. Charges and Judicial Board hearings

- 1. Any member of the University community may file charges against a student for violations of the Student Code. A charge shall be prepared in writing and directed to the Judicial Coordinator. Any charge should be submitted as soon as possible after the event takes place, preferably within five days.
- 2. The Judicial Coordinator may conduct an investigation to determine if the charges have merit and/or if they can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the Judicial Coordinator. Such disposition shall be final and there shall be no subsequent proceedings. If the charges are not admitted and/or cannot be disposed of by mutual consent or at the discretion of the Judicial Coordinator based on the nature of the charge and/or possible sanctions, a hearing before the Judicial Board will be convened as outlined in Section A.3-A.7 below. If the student

- admits violating institutional rules, but sanctions are not agreed to, the hearing shall be limited to determining the appropriate sanction(s).
3. All charges shall be presented to the accused student in written form. A time shall be set for a Judicial Board hearing, not less than five nor more than twenty-five calendar days after the student has been notified. Maximum time limits for scheduling of Judicial Board hearings may be extended at the discretion of the Judicial Coordinator.
 4. Judicial Board hearings shall be conducted according to the following guidelines except as provided by Article IV(A)(7) below:
 - a. Judicial Board hearings normally shall be conducted in private.
 - b. The complainant, accused student and their advisors, if any, shall be allowed to attend the entire portion of the Judicial Board hearing at which information is received (excluding deliberations). Admission of any other person to the Judicial Board hearing shall be at the discretion of the Judicial Board and/or its Judicial Coordinator.
 - c. In Judicial Board hearings involving more than one accused student, the Judicial Coordinator, in his or her discretion, may permit the Judicial Board hearings concerning each student to be conducted either separately or jointly.
 - d. The complainant and the accused student have the privilege to be assisted by an advisor they choose, at their own expense. The advisor may be an attorney. The complainant and/or the accused student is responsible for presenting his or her own information and, therefore, advisors are not permitted to speak or to participate directly in any hearings before a Judicial Board. If an accused student or complainant plans to bring an attorney to the hearing, notice indicating such must be provided to the Judicial Coordinator at least 48 hours prior to the hearing. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the Judicial Board hearing because delays normally will not be allowed due to the scheduling conflicts of an advisor.
 - e. The complainant, the accused student and the Judicial Board may arrange for witnesses to present pertinent information to the Student Judicial Board. The University will try to arrange the attendance of possible witnesses who are members of the University community, if reasonably possible, and who are identified by the complainant and/or accused student at least two weekdays prior to the Judicial Board hearing. Witnesses will provide information to and answer questions from the Student Judicial Board. Questions may be suggested by the accused student and/or complainant to be answered by each other or by other witnesses. This will be conducted by the Judicial Board with such questions directed to the Judicial Coordinator, rather than to the witness directly. This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment. Questions of whether potential information will be received shall be resolved in the discretion of the chairperson of the Student Judicial Board.
 - f. Pertinent records, exhibits, and written statements (including statements prepared by the accused student) may be accepted as information for consideration by a Judicial Board at the discretion of the Judicial Coordinator.
 - g. All procedural questions are subject to the final decision of the Judicial Coordinator.
 - h. After the Judicial Board finishes receiving all information determined to be pertinent, the Board members shall deliberate privately and determine by majority vote whether the accused student violated the Student Code as charged.
 - i. The Student Judicial Board's determination shall be made on the basis of whether it is more likely than not that the accused student violated the Student Code (the preponderance of the evidence standard).
 - j. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Code proceedings.
 5. There shall be a single verbatim record, such as a tape recording, of all Judicial Board hearings before a Judicial Board (not including deliberations). Deliberations shall not be recorded. The record shall be the property of the University.
 6. If an accused student, with notice, does not appear before a Judicial Board hearing, the information in support of the charges shall be presented and considered even if the accused student is not present.
 7. The Judicial Board may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or other witness during the hearing by

providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the Judicial Coordinator to be appropriate.

B. Sanctions

1. The following sanctions may be imposed upon any student found to have violated the Student Code:
 - a. Warning—A notice in writing to the student that the student is violating or has violated institutional regulations.
 - b. Probation—A written reprimand for violation of specified regulations. Probation is for a designated period of time and any violation of probation can result in more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during the probationary period.
 - c. Loss of Privileges—Denial of specified privileges for a designated period of time. Loss of privileges may include participation in campus events and organizations, including but not limited to campus life organizations, Greek fraternities and sororities, athletic teams, academic and extracurricular clubs and organizations. Loss of privileges may also include other restrictions including but not limited to visitation restrictions and restrictions from entering specific buildings on campus.
 - d. Full Restrictions – Denial of any privileges beyond participation in classes. Students on Full Restrictions are not permitted to attend or participate in any campus functions, are not permitted any visitation privileges in the residence halls. Students on Full Restrictions are permitted to attend class and eat meals on campus; at all other times, however, they are to remain in their residence hall (if not also barred from those premises) or leave the campus.
 - e. Fines—Previously established and published fines may be imposed.
 - f. Restitution—Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
 - g. Discretionary Sanctions—Work assignments, essays, service to the University, or other related discretionary assignments.
 - h. Residence Hall Suspension—Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
 - i. Residence Hall Expulsion—Permanent separation of the student from the residence halls.
 - j. University Suspension—Separation of the student from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. The University does include a letter with transcripts stating that the student is not eligible to return to West Liberty University.
 - k. University Expulsion—Permanent separation of the student from the University. The University does include a letter with transcripts stating that the student is not eligible to return to West Liberty University.
 - l. Revocation of Admission and/or Degree—Admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
 - m. Withholding Degree—The University may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Conduct Code, including the completion of all sanctions imposed, if any.
2. More than one of the sanctions listed above may be imposed for any single violation.
3. Other than University expulsion or revocation or withholding of a degree, disciplinary sanctions shall not be made part of the student's permanent academic record but shall become part of the student's disciplinary record.
4. A sanction of suspension or expulsion imposed by any college or university shall apply to the person sanctioned not only at the institution where the sanction was imposed but also at West Liberty University. A student who has been expelled from West Liberty University or from any college or university shall not be considered for admission to West Liberty University. A student who has been

suspended from West Liberty University or from another college or university may be considered for admission to West Liberty University so long as (a) the terms and conditions of the suspension have been satisfied and (b) the individual is eligible for re-admission to the other college or university or, if suspended from West Liberty University, is eligible for re-admission to West Liberty University.

5. The following sanctions may be imposed upon groups or organizations:
 - a. Those sanctions listed above in article IV (B) (1) (a)–(e).
 - b. Loss of selected rights and privileges for a specified period of time.
 - c. Deactivation. Loss of all privileges, including University recognition, for a specified period of time.
6. In each case in which a Judicial Board determines that a student and/or group or organization has violated the Student Code, the sanction(s) shall be determined and imposed by the Judicial Coordinator. In cases in which persons other than, or in addition to, the Judicial Coordinator have been authorized to serve as the Student Judicial Board, a sanctioning recommendation of the Judicial Board shall be considered by the Judicial Coordinator in determining and imposing sanctions. The Judicial Coordinator is not limited to sanctions recommended by members of the Student Judicial Board. Following the Judicial Board hearing, the Judicial Board and the Judicial Coordinator shall advise the accused student, group and/or organization (and a complaining student who believes s/he was the victim of another student's conduct) in writing of its determination and of the sanction(s) imposed, if any. Those documents will be available in the Office of Student Services one school day after the end of the hearing.

C. Interim Suspension

In certain circumstances, the Vice President of Student Services, or a designee, may impose a University or residence hall suspension prior to the Judicial Board hearing before a Student Judicial Board.

1. Interim suspension may be imposed only: 1) to ensure the safety and well-being of members of the University community or preservation of University property; b) to ensure the student's own physical or emotional safety and well-being; or c) if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the University.
2. During the interim suspension, a student shall be denied access to the residence halls and/or to the campus (including classes) and/or all other University activities or privileges for which the student might otherwise be eligible, as the Vice President of Student Services and/or his/her designee may determine to be appropriate.
3. The interim suspension does not replace the regular process, which shall proceed on the normal schedule, up to and through a Judicial Board hearing, if required.

D. Appeals

1. A decision reached by the Judicial Board or a sanction imposed by the Judicial Coordinator may be appealed by the accused student(s) or complainant(s) to the Vice President of Student Services within five (5) school days of the decision. However, the president may appoint a different administrator to hear an appeal, e.g. when the Vice President of Student Services recuses himself or when a conflict of interest exists. Appeals shall be in writing and shall be delivered to the Judicial Coordinator or his or her designee.
2. Except as required to explain the basis of new information, an appeal shall be limited to a review of the record of the Judicial Board hearing and supporting documents for one or more of the following purposes:
 - a. To determine whether the Judicial Board hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and to present information that the Student Code was violated, and giving the accused student a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice is demonstrated.

- b. To determine whether the decision reached regarding the accused student was based on substantial information, that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of the Student Code occurred.
 - c. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code which the student was found to have committed.
 - d. To consider new information, sufficient to alter a decision or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original Judicial Board hearing.
3. If an appeal is upheld by the Vice President of Student Services or by the President's appointee, the matter shall be returned to the Judicial Board and Judicial Coordinator for re-opening of Judicial Board hearing to allow reconsideration of the original determination and/or sanction(s). If an appeal is not upheld, the matter shall be considered final and binding upon all involved.
4. In cases where the sanction imposed is university suspension or expulsion, an additional appeal may be made to the president of the institution following the same steps as outlined in D.1, D.2, and D.3 above.
5. 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 the 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.

ARTICLE V: INTERPRETATION AND REVISION

- A. Any question of interpretation or application of the Student Code shall be referred to the Vice President of Student Services or his or her designee for final determination.
- B. The Student Code shall be reviewed every year under the direction of the Judicial Coordinator.