

**Potomac State College of West Virginia University**  
***Student Handbook***  
**(2015-2016)**

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*POTOMAC STATE COLLEGE STUDENT CONDUCT CODE*

**Appendix 2**-West Virginia University, Board of Governors, Policy 44  
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*Alma Mater*

*Catamount Fight Song*

*(Potomac State College of West Virginia University reserves the right to change the contents of this Student Handbook at its discretion. The Student Handbook does not, in any way, represent a contract.)*

## SECTION 1: INTRODUCTION AND WELCOME

Dear Potomac State College of WVU Students:

Welcome to Potomac State College of WVU.

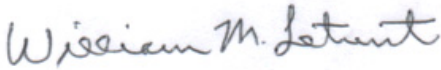
The *Student Handbook* is provided to you by Student Affairs and includes information about the services and personnel available to you to help you succeed both inside and outside of the classroom. It also provides you with policies and procedures that I encourage you to familiarize yourself with as you either embark on or continue your educational journey.

The staff of Student Affairs is here to help you succeed both academically and personally. I encourage you to take advantage of the array of services and personnel available to you through this department.

Check out the Campus Life links on the Potomac State College Web page [http://potomacstatecollege.edu/campus\\_life/](http://potomacstatecollege.edu/campus_life/) or to stop in the Student Affairs office located in room 104 of the Administration Building to learn everything you can about student life

Our goal is your success, so don't hesitate to contact me, or anyone in Student Affairs if you need assistance.

Good luck on your educational journey.



William M. Letrent  
Dean of Student Affairs

## SECTION 2: DESCRIPTIONS OF STUDENT SERVICES

### 2.1 Academic Success Center

The mission of the Academic Success Center (ASC) is to work with students to assist in achieving their academic goals.

The ASC staff provides peer and professional tutoring, skills workshops, group study areas and computer access.

For additional information, call 304-788-7282 or email PSC-ASC@mail.wvu.edu. You can also stop by our location on the Ground Floor of the Mary F. Shipper Library.

### 2.2 Accessibility Services Office

The Office of Accessibility Services, located in G-5A at the Mary F. Shipper Library, is part of West Virginia University's Division of Diversity, Equity and Inclusion, as a confidential resource for information, disability related academic accommodations, and related service referrals for students with disabilities. The Office of Accessibility Services is committed to providing reasonable and effective accommodations to all qualified students, with physical, learning, psychological or other documented disabilities. Students with temporary disabilities may also qualify for accommodations. Qualified students with disabilities may be entitled to receive accommodations, based upon documented significant functional limitations. Accommodations are tailored to the individual rather than the disability, so students with the same disability may vary greatly in the kind of assistance required. A partial list of services and accommodations includes:

- In-class accommodations, such as extra time on tests,
- Materials in accessible formats,
- Physical classroom accommodations,
- Verifying documentation for housing accommodations,
- Sign language interpreters,
- Referrals to the Academic Success Center, Division of Rehabilitation Services, information about potential sources for cognitive testing and other related services, and
- Priority pre-registration.

### **2.3 Alcohol and Other Drug (AOD) Prevention Services**

The AOD Prevention office is located in room 109A of the Student Union. Hours of operation are M-F from 8 AM until 4:30 PM. The office is closed from June 1 until July 31.

The AOD Prevention Specialist spearheads the development, administration, promotion, and evaluation of the College's substance abuse program. The Specialist coordinates AOD prevention efforts, educational programming, and community networking/referrals for the College.

In addition, the Prevention Specialist works with students who have violated the College's alcohol and other drug policies to provide Brief Alcohol Screening and Intervention for College Students (BASICS), Cannabis Screening and Intervention for College Students (CASICS).

Appointments to meet with the AOD Prevention Specialist can be made either in person, by e-mail at [KAAnderson@mail.wvu.edu](mailto:KAAnderson@mail.wvu.edu) or by telephone at 304-788-6910.

### **2.4 Behavior Intervention Team (If You See Something Say Something)**

The Potomac State College of WVU Behavior Intervention Team (BIT) is a multidisciplinary campus threat assessment and behavioral intervention team that guides the campus community in effectively assessing and addressing threatening and/or concerning behaviors. BIT strives to assist the campus in intervening before behaviors reach a critical level.

Contact BIT if you experience concern about the well-being or safety of a Potomac State College student or any other person affecting the PSC community (including faculty, staff, parents, spouses, family members, and persons not affiliated with the campus) and are unsure about how to intervene or address the situation.

**CALL 911 if violence is imminent or is occurring.**

Email BIT at [PSC-Cares@mail.wvu.edu](mailto:PSC-Cares@mail.wvu.edu).

### **2.5 Bookstore**

The Potomac State College Bookstore, a branch of the Barnes and Noble WVU Bookstore, is located in the Student Union. New and used course books, supplies, imprinted apparel, and other items are available for purchase. The Catamount Debit Plan, personal checks, VISA, MC, Discover, Barnes and Noble Gift Cards, and American Express cards are accepted with proper identification.

Select titles of textbooks may be rented for each semester. Rental prices help students save on the cost of books. Visit the website at <http://wvupotomac.bncollege.com/>.

Students may sell their textbooks back to the bookstore at the end of the semester.

Course books are not taxed. Snacks and soft drinks are available in the Bookstore for purchase. The Bookstore is open during the academic year Monday through Friday from 8 a.m. until 4 p.m.; summer hours may vary but are normally Monday through Friday from 8 a.m. until 3 p.m.

### **2.6 Catamount ID Cards**

Students are issued a photo Catamount ID card at the time of course registration. The first ID card is free. There is a \$20 replacement fee for lost, stolen, broken and/or damaged Catamount ID cards (this fee is higher if the ID card is also a key card for room access). A replacement ID can be obtained in the Student Affairs office during regular business hours.

Students must carry their Catamount ID card with them at all times as evidence of their privilege to use college facilities. The card is also a means of identification to University Police, Night Monitors, Resident Assistants, and other College employees.

The Catamount ID is used for admittance to University Place and Catamount Place, for access to elevators to student living areas, as a room key (in University Place and Catamount Place), and is accepted as ID to sign guests into the halls. The meal plan is downloaded on the card and is required for admittance to the Commons.

The card can be used as a debit card (Catamount Debit Plan), at all laundry facilities in the residence halls, the PSC Bookstore, the Commons, the Rapids, and various locations at WVU in Morgantown. Deposits can be made electronically through The Mountaineer Card link [http://wvucard.wvu.edu/mb\\_deposit](http://wvucard.wvu.edu/mb_deposit).

Students will need this ID for admittance to "Late Night" activities, open gym, intramural programs, recreational/social activities, and to purchase tickets for WVU basketball and football games (when tickets are available to PSC students.) It contains your library bar code which is necessary for borrowing books and other resources from the library.

Misuse, such as lending a Catamount ID card to another person or tampering with the appearance of the card is a serious offense that carries College disciplinary action.

### **2.7 Catamount Debit Plan**

Your Catamount ID Card not only serves as your photo identification, but also as a debit card for use in the Commons, in laundry machines in the College's residence halls, and in the PSC Bookstore. In addition, PSC students and staff can use the card to make purchases at WVU.

When the card is swiped through a reader like those used for credit cards, your account number is read, and the purchase amount is deducted from the balance in your prepaid account.

This service offers security for the cardholder, and it gives you the ability to add value to your card at any time. It also allows you to use your funds only for the purposes you choose. There are no setup or transaction fees, and no minimum balances are required. Balances are carried forward each semester. Deposits can be made electronically to your account at [http://wvucard.wvu.edu/mb\\_deposit](http://wvucard.wvu.edu/mb_deposit).

Catamount Debit Plan locations at Potomac State College of WVU are the Commons, the Rapids, laundry facilities in the residence halls, and the PSC Bookstore.

### **2.8 Check Cashing/ATM/Change Machines**

There is no check cashing service available on campus however there is an ATM in the Student Union. The ATM is owned and operated by PNC Bank.

Students are encouraged to open a checking account with PNC Bank or with one of the local banks or to bring a money access card with them to campus.

There are no change machines located on campus. All vending machines have bill changers in them. Students should sign up for the Catamount Debit Plan to pay electronically for laundry machines in the residence halls since the laundry machines do not accept cash.

### **2.9 Community Service Office**

The Community Service office coordinates service opportunities for the campus, including a spring break service project trip. The coordinators serve as liaisons to community organizations such as Mineral County Schools, Habitat for Humanity, Helping Hands, Burlington U.M. Family Services, Mineral County Parks and Recreation Commission, Heartland Nursing Home and Faith in Action Food Pantry. The goals are to increase awareness of local and global needs and provide avenues of service for the campus community. The office is located in room 109 of the Student Union. Students, faculty and staff are welcome to contact this office for information about community service projects and opportunities. Please call 304-788-6868 or visit the office in person.

### **2.10 Computer Access**

Potomac State College of WVU provides open computer access with Internet access for the use of registered students. The computers are located in the Mary F. Shipper Library, the Academic Success Center, and the Student Union and in University Place. Hours of operation are posted in each area.

Students are reminded that academic use of computers takes precedence in the computer labs. Also, computer access is in public areas; the use of College computers for viewing materials that are obscene or disruptive to other persons will not be tolerated. See section 7.9 Computer Usage/ITS Policies for more information.

Potomac State College of WVU also provides wireless internet access for use by registered students. While this network is not campus wide, it is available in the following areas: the Academic Success Center, the Administration Building, Academy Hall, the Mary F. Shipper Library, the Student Union, the Ag-Tech Building, and in the Library Room in University Place. (Please note that due to interference or signal degradation in the wireless network, some areas of the listed locations may not receive the wireless signal.) Also, note that wireless connections are shared, thus we recommend that for both stability and speed use a wired connection when possible.

Instructions for connecting to the wireless network can be found at <http://it.wvu.edu/services/wireless>. Questions regarding the setup of a wireless connection can also be addressed to the Information Technology Services (ITS) Helpdesk at 1-877-327-9260.

Students wishing to use either the computer labs or wireless network will need to have an active MasterID account. All students have a MasterID account created for them automatically; activating the account can be done from the web at <https://myid.wvu.edu/> or by calling the ITS Helpdesk. You will need to know your WVU ID number when you activate your account.

The computer labs and wireless network are part of the Potomac State College of WVU computer network and are subject to WVU's Information Technology Services and Potomac State College's policies and guidelines. Please refer to section 7.9 Computer Usage/OIT Policies for more information.

### **2.11 Counseling and Psychological Services**

Personal and group counseling services are provided by a licensed therapist, whose office is located on the lower level of the Health Center building. A wide range of direct and indirect services in the areas of counseling, assessment, training, consultation, and outreach are available.

On-campus counseling services in the Counseling Center are free except for certain fees for testing materials and scoring. All services are provided on a strictly confidential basis.

If long-term therapy is necessary, students will be referred to an off-campus mental health professional. Referral services are at the student's expense. Students are responsible for all costs incurred at off-campus facilities. Telephone 304-788-6976 for more information.

Self-help materials are available at [http://www.potomacstatecollege.edu/campus\\_life/health\\_and\\_counseling/psychcounseling.html](http://www.potomacstatecollege.edu/campus_life/health_and_counseling/psychcounseling.html).

## 2.12 Dining Services

Potomac State College Dining Services operates two facilities on campus for students to choose between. Both are located on the first floor of University Place by the main entrance to the building. The Commons offers all-you-care-to-eat style dining with a wide variety of foods made fresh daily and served in clean, comfortable surroundings. Presentation of a valid PSC ID with an active meal plan allows students to enter the dining area once per meal period. Choose from any of our five meal stations for your first course. After eating, feel free to return to the serving area for more, but please eat what you take. Over-eating and wasting food is discouraged because it is unhealthy, drives up costs, and creates a burden on other students and the environment. The Rapids is an ala carte option that packages food to-go with extended hours of operations. Meal swipes may be exchanged for select combo meals or items may be purchased individually with cash, Dining Dollars, Mounty Bounty, Visa or MasterCard.

### The Commons Hours of Operation

#### Monday-Friday

Breakfast	7:45 a.m. – 10:00 a.m.
Lunch	11:00 a.m. – 2:00 p.m.
Dinner	4:00 p.m. – 7:30 p.m.*

#### Saturday & Sunday

Brunch	10:30 a.m. – 2:00 p.m.
Dinner	4:00 p.m. – 6:30 p.m.

\*Note: The Commons closes at 6:30pm on Friday

### The Rapids Hours of Operation

Monday & Tuesday	8:00 a.m. – 11:00 p.m.
Wednesday & Thursday	8:00 a.m. – 9:00 p.m. (Late Night 9:30 p.m. – 11:30 p.m.)
Friday	8:00 a.m. – 2:00 p.m.
Sunday	6:30 p.m. – 11:00 p.m.

*\*Hours of operation may change due to inclement weather and holidays*

All students who choose to live in residence halls are required to purchase a meal plan. There are three plans to choose from. The 19 meal plan allows access once to every meal period served and costs \$2006. This is the best value and averages \$6.43 per meal (if every meal is eaten.) The next plan is 15 meals per week and allows access once to every meal served Monday through Friday. This plan cost \$1889 and averages \$7.66 per meal. The least expensive plan is 10 meals per week and is designed for individuals who may choose to skip breakfast on a regular basis and who plan to be home on the weekends. This plan costs \$1638 or \$9.93 per meal. All plans include \$50 Dining Dollars that can be used outside normal meal periods and on weekends at either dining location. Commuter students who choose to participate in our dining program have nine meal plans to choose from. These plans offer flexibility, value, and convenience to individuals who are on campus and need to get a bite to eat between classes. These plans are described below:

<u>Plan</u>	<u>Cost</u>	<u>Average Cost/Meal</u>
25 Block	\$252	\$10.08
50 Block	\$392	\$7.84
80 Block	\$538	\$6.73
25 Block with \$100 Dining Dollars	\$352	
50 Block with \$100 Dining Dollars	\$492	
80 Block with \$100 Dining Dollars	\$638	
19 per week with \$50 Dining Dollars	\$2006	\$6.43
15 per week with \$50 Dining Dollars	\$1889	\$7.66
10 per week with \$50 Dining Dollars	\$1638	\$9.93

Students must present a valid PSC ID to access their meal plan. If a card is lost or stolen, students must obtain a new card to be able to use their meal plan. IDs are not transferable and the attempted use of someone else's card is a violation of Housing and Residence Life policy that is subject to Student Conduct disciplinary and possible legal action. A replacement ID can be obtained in the Student Affairs office. A \$20 replacement card fee will be assessed to your student account. Only one ID card can be active at any given time and once a card is deactivated, it cannot be reactivated.

Our dining areas are public spaces where all guests are encouraged and expected to exercise behaviors respectful of others in order to ensure a quality experience for all. Everyone is asked to be conscious of tone and level of their voices to not disturb other diners. Loitering and solicitation are not permitted. Proper clothing must be worn at all times, including clean shirts, shoes, no pajamas, and no skates or cleats on shoes. We believe public etiquette is an essential skill for a well-rounded educational experience and offer opportunities for individuals to live and learn together.

### **2.13 Enrollment Services**

The Office of Enrollment Services is located at 75 Arnold Street, Keyser, WV 26726 (at the entrance to the athletic fields between University Place and the Church-McKee Arts Center). Enrollment Services covers recruitment, admissions, student records, and financial aid.

#### **Financial Aid-Office of Enrollment Services**

Contact Information

Telephone: 304-788-6820 Email: [pscFinAid@mail.wvu.edu](mailto:pscFinAid@mail.wvu.edu)

Web: [http://potomacstatecollege.edu/admissions/financing\\_your\\_education](http://potomacstatecollege.edu/admissions/financing_your_education)

Financial aid is assistance made available to students to help pay the cost of attending a college or university. Most programs are funded through federal and state sources. Students may also receive assistance through outside sources such as social clubs and civic organizations. The four basic types of financial aid are:

Grants-Money that does not need to be repaid.

Loans-Money that must be repaid, usually after graduation or leaving college.

Federal work study-Money earned by working a part-time job.

Scholarships-Money that is awarded based upon a special skill, talent, or academic merit.

Distribution of the first three forms of aid mentioned above is usually based on financial need, determined by a variety of criteria including student/parent income and assets, family size, and number of family members in college. The information used to determine need is submitted on the Free Application for Federal Student Aid (FAFSA), available online at <http://www.fafsa.gov> or by calling the Federal Information Center at 1-800-433-3243. The FAFSA must be submitted annually with a filing deadline of March 1 for on-time consideration at WVU.

Any approved financial aid (other than work study) processed by WVU will appear on your student bill. If your total financial aid is less than the amount of your tuition and on-campus housing charges, you are responsible for paying the difference to WVU. If your total financial aid is greater than your tuition and on-campus housing charges, excess funds will be released to you to assist with other educational expenses.

If you have been approved for a Direct Student Loan, you MUST complete both Entrance Counseling and a Master Promissory Note (MPN) in order for loan funds to be disbursed. The entrance counseling session explains your rights and responsibilities as a student borrower and the MPN is the legal document necessary when borrowing. Both can be done online [StudentLoans.gov](http://StudentLoans.gov).

Federal work study job assignments can be picked up during Student Service Days immediately before the start of the semester.

If you have not yet applied for financial aid but wish to do so, you can still complete the 2015-2016 Free Application for Federal Student Aid (FAFSA). You will be considered for Federal Pell Grants and Federal Direct Loans. Evaluation of the FAFSA by the federal processor may take several weeks and funds may not be available in time to help pay your tuition. If you pay your tuition with personal funds and are awarded financial aid at a later date, funds not needed to pay charges will be released to you.

If the family income changes due to unexpected circumstances, such as unemployment or divorce, please contact the Office of Enrollment Services to determine if financial aid eligibility can be re-evaluated.

To receive funds administered by the WVU Financial Aid Office, students must be making measurable academic progress toward completion of an eligible degree or certificate program. Federal regulations require evaluation of both quantitative and qualitative academic progress. The policy will be used to evaluate student progress at the conclusion of each fall and spring semester. For more information, please go to: [www.finaid.wvu.edu](http://www.finaid.wvu.edu).

#### **Records – Office of Enrollment Services**

Contact Information

Telephone: 304-788-6820 Email: [go2psc@mail.wvu.edu](mailto:go2psc@mail.wvu.edu)

The Office of Enrollment Services handles matters related to course registration and grading. The Office of Enrollment Services also provides official transcripts and enrollment verifications for students.

#### **Withdrawal Procedures**

Contact information

Telephone: 304-788-6820 Email: [go2psc@mail.wvu.edu](mailto:go2psc@mail.wvu.edu)

There are two types of withdrawals: withdrawal from individual courses for which a student has registered, and a complete withdrawal from the College. Deadlines for withdrawals for each semester are available at [http://potomacstatecollege.edu/academics/academic\\_calendar.html](http://potomacstatecollege.edu/academics/academic_calendar.html). If students follow all established College procedures and withdraw before the published deadline, they will receive a W on their transcript. The grade point average is not affected in any way by this mark. If formal withdrawal procedures are not executed by the student, a failing grade/s will be recorded. It is the student's responsibility to see that all forms are properly executed and delivered to the appropriate authorities for recording.

### **Withdrawal/Drop from Individual Classes**

Students may drop individual classes within a term based on established deadlines. These deadlines are posted at [http://potomacstatecollege.edu/academics/academic\\_calendar.html](http://potomacstatecollege.edu/academics/academic_calendar.html).

Students, with the help of their academic advisors, are responsible for determining:

- If their course load would be reduced below the minimum hours required to qualify for athletic eligibility, financial aid, or international full-time student status;
- If the course to be dropped is a co-requisite for another course the student is taking or a prerequisite for a course required the following semester, the student may be required to drop the co-requisite course or asked to take a substitute course the following semester.

### **Withdrawal from All Classes for the Term**

#### Deadlines

Students may withdraw from the College for the term in which they are enrolled at any time before the last day of classes of the term on which regular classes are scheduled to meet. Students will receive grades of W in all classes for that term.

#### Procedures

To withdraw from all classes through the last day to drop a class with a W, a student would log on to their MIX account and drop their classes through STAR.

To withdraw from the term after the last day to drop a class with a W, a student must complete a Withdrawal from College Form which is available in the Office of Enrollment Services or online at [http://potomacstatecollege.edu/communities/current\\_students/](http://potomacstatecollege.edu/communities/current_students/).

Students who are unable to access the form may mail a request to the Office of Enrollment Services, Potomac State College of WVU, 75 Arnold Street, Keyser, WV 26726. Include: full name, WVU ID number, reason for withdrawal, address, telephone number, and signature. The request may also be faxed to 304-788-6939.

*Note: Financial aid recipients who withdraw from all classes before 60 percent of the term is completed may be required to return a portion of any financial aid that was received for the term. Students who do not receive at least one passing grade for classes in a term must provide documentation which verifies continued participation in educational activities. If documentation cannot be provided, those students are considered to have informally withdrawn from the College prior to 60 percent of the term and may be required to return a portion of any financial aid which was received. This review and return of financial aid is done in accordance with federal regulations.*

### **2.14 Student Health Insurance and Property Insurance Coverage**

**Student Health Insurance:** Potomac State College of WVU students are not required to have health insurance however we strongly recommend it.

Protection against medical expenses that may be incurred as a result of illness or accident while in college is the student's responsibility. Students are responsible for paying all medical costs incurred at off-campus medical facilities.

All students, including *international students*, are encouraged to establish a health insurance carrier before arriving on campus.

*Student-athletes* are responsible for their own medical insurance coverage for injuries incurred during athletic participation. The state's insurance policy is a secondary plan. Any remaining balances after the primary and secondary plans have been applied are the sole responsibility of the student athlete.

*What are my health insurance options if I don't have health insurance?* Check with your parents to see if you are covered under their insurance plan-most students are eligible to be covered under their parent's plan until the age of 26.

Potomac State College does not have a student health insurance plan for the 2015-16 academic year. Students who do not have health insurance should visit [Healthcare.gov](http://Healthcare.gov) or their State Health Insurance Exchanges to see what options they have for affordable health insurance.

Information about State Health Insurance Exchanges is available at [Healthcare.gov](http://Healthcare.gov).

Medicaid is only accepted at health care facilities in the issuing state.

*International students* who want to purchase insurance could use <http://www.travelinsurety.com> as a starting point to research, compare and purchase insurance. Another site that may be worth checking out is <http://www.ehealthinsurance.com/>. Some International students have used personal credit card insurance coverage. (Please note, PSC does NOT endorse these sites).



*Can a student use their health insurance at the Student Health Center?* No. Currently students pay a medical fee therefore services in Health Center are covered. Exceptions include the costs associated certain immunizations. If a student is referred to an off-campus provider or has to go to the emergency room the student is responsible for all costs associated with off-campus providers.

*Can Potomac State students purchase health insurance through WVU?* No. Potomac Students do not need to complete the insurance waiver listed on the WVU Student Insurance site and they are not able to purchase the Aetna health insurance.

### **Affordable Care Act Information**

There is a lot to the health care law (Affordable Care Act), but it is based on a few simple principles that are described below:

- If you don't have adequate health insurance coverage, you can use the new Health Insurance Marketplace to buy a private insurance plan.
- Pre-existing conditions are covered. Many preventive services are also covered at no extra cost.
- All health plans must include essential core benefits as doctor visits, hospitalizations, emergency care, maternity care and treatment, pediatric care, prescriptions, medical tests, mental health care and substance abuse.
- Depending on your family size and income, you may get lower costs on monthly premiums and out-of-pocket costs.
- You may qualify for free or low-cost coverage from Medicaid. Many states have expanded Medicaid to cover more people in 2014.
- If you have health insurance coverage and you want to explore Marketplace plans, you can. However if you have an offer of insurance from an employer, you may not be able to get lower costs on Marketplace insurance based on your income. It depends on whether the insurance you're offered is considered affordable and meets the minimum standards.
- Medicare is not part of the Marketplace. If you have Medicare, keep it.
- Marketplace Open Enrollment is no longer open. You can still get 2015 coverage in special cases, including: Marriage, birth, or adoption; A move outside your service area; Loss of health coverage; Applying for Medicaid or CHIP

Students should visit [Healthcare.gov](http://Healthcare.gov) to be directed to health insurance exchanges from their own states.

### **Property Insurance – Loss or Damage to Personal Belongings**

Potomac State College does not provide property insurance coverage for your personal belongings that are contained within a dormitory room or anywhere else on campus. It is the student's responsibility to maintain insurance coverage on personal belongings that are lost, stolen, or damaged, regardless of the cause. Insurance policies designed to provide student protection for these types of losses are available from a number of sources. Students might also wish to check with their parents to determine if they might have coverage under an existing homeowner's or renter's insurance policy maintained by their parents.

### **2.15 Health and Wellness Services**

The Student Health Center staff provides basic medical care to students for acute illnesses and minor injuries Monday through Friday from 8:30 AM until 5 PM. No appointment is necessary for the initial visit however an appointment is recommended for follow-up visits.

Most services rendered at the Student Health Center are free, unless there are costs associated with vaccines. The Student Health Center is available to students from August until May; it is closed during the summer.

The telephone number for the Student Health Center is 304-788-6913.

### **Students should call 911 for medical emergencies.**

Students seeking medical treatment when the Health Center is closed or when a medical treatment is not available through the Center should seek treatment from their family physician, the local hospital, or call 911.

**Notes:** *Students are financially responsible for all medical costs incurred at other health care facilities.*

Due to liability reasons College personnel are not permitted to transport students to off campus appointments or to the hospital. The staff will work with you to make arrangements to get you where you need to be, whether it is by ambulance, friend, family or taxi.

Students are encouraged to discuss any absences from class with instructors; Health Center staff are not permitted to provide medical excuses for absences from class.

### **2.16 Intercollegiate Athletics**

Potomac State College of WVU is a member of the National Junior College Athletic Association (NJCAA) for all sports. A limited number of athletic scholarships are available for various sports. Inquiries pertaining to intercollegiate athletic participation should be directed to the Athletic Department by telephone at 304-788-6879. Information about Financial Aid can be obtained by calling the College's Enrollment

Services Office at 304-788-6820. All coaches are committed to upholding the winning tradition of athletics at Potomac State College of WVU with emphasis on academic excellence. *All students expecting to participate in intercollegiate sports must have completed an Intercollegiate Athletics Accident Insurance Protocol Form and a Medical Examination Form prior to their participation in an intercollegiate sport at PSC.*

***Note: Student athletes are responsible for their own medical insurance coverage. The state's insurance policy is a secondary plan. Any remaining balances after the primary and secondary plans have been applied are the sole responsibility of the student athlete.***

The College fields the following athletic teams:

Women's Basketball  
Women's Cross Country  
Women's Lacrosse  
Women's Soccer  
Women's Softball  
Women's Volleyball  
Men's Baseball  
Men's Basketball  
Men's Cross Country  
Men's Lacrosse  
Men's Soccer

### **2.17 Intramural and Recreation Activities**

The Intramural and Recreation Program consists of both athletic and recreational activities and is open to all students and faculty/staff. Programs offered may include basketball, flag football soccer, softball, ultimate Frisbee, corn hole, volleyball, badminton, bowling, white water rafting, etc.

For more information, please contact Antonio Rascon-Gato in room G6 of the Student Union.

***Note: Students who participate are responsible for their own medical insurance coverage.***

### **2.18 Late Night Program**

Inclusive in any one of the College's meal plans is the opportunity to participate in "Late Night" on selected Wednesday and Thursday nights between 9:00 p.m. and 11:30 p.m. "PSC Late Night" is a program giving students the opportunity to gather in the Common or the Student Union where they can eat a snack (not a meal), socialize, and participate in a planned activity. The program encourages students to practice responsible behavior during times traditionally associated with negative influences.

### **2.19 Lost and Found**

The Student Affairs office located in room 104 of the Administration Building serves as "lost and found" for the campus.

### **2.20 Mail Service for Residence Hall Students**

All residence hall students are assigned an individual mailbox in the Student Union for the entire academic year and will receive their mailbox key when they move into their assigned residence hall room. Residence hall students are to return their mailbox key to the Office of Housing and Residence Life before moving out of the hall or they will be assessed a mailbox key replacement fee of \$25.

All mail to residence hall students must be sent to the following address to ensure proper delivery:

<FULL NAME OF STUDENT>  
105 Fort Avenue  
Keyser, WV 26726

Mail is delivered to the Mailroom, located in The Loft of the Student Union, Monday through Friday. There is no outgoing mail, nor is there new mail delivered on the weekends. Students may pick up their mail in the Student Union anytime during normal hours of operation.

Mailroom Attendants are not permitted to open mailboxes under any circumstances. Replacement keys cost \$25 which is billed to the student's account and may be obtained through the Office of Housing and Residence Life.

First Class mail through the US Postal Service will be forwarded to the address provided by students for two weeks at the end of spring semester. Other mail or packages received after students leave residence halls will be returned to sender.

***Note: No COD packages will be accepted. No packages will be forwarded.***

### **2.21 Mary F. Shipper Library**

The Mary F. Shipper Library has approximately 31,500 print books, 70 print journals, and 11 newspapers. Students are encouraged to suggest additions to the Library's print collections. The Library offers access to over 360 electronic databases, 570,000 e-books, and 109,000 e-journals. All e-resources may be accessed from off-campus locations via MyID/WVU-PSC credential verification. The Library offers free wireless network access, 12 computer workstations, 3 scanners, 11 laptops [including 2 MacBooks], a free network printer, a black-and-white copier (5 cents per page), and a color copier (50 cents per page). Power is available for laptop and phone recharging. The Library offers study tables, 14 individual study carrels, and casual seating. Services in the Library include Reference, Interlibrary Loan, Access Services, Media Services, and a new Teaching/Learning Lab.

Reference Services include:

- Help locating information
- Database instruction
- Help with citations
- Individual research/paper consultations

Interlibrary Loan Services include:

- Fiction and non-fiction book loans (Reference & ILL Desk)
- Journal, magazine, and newspaper articles (Reference & ILL Desk)
- CD & DVD loans (Media Services Desk)

Access Services include:

- Help locating items in the collections
- Checking out and returning books
- Checking out and returning laptops, mice, and headphones
- Reserves (print & media)
- Help setting up WiFi and network printer access
- Quick print

Media Services include:

- Microfilm (local interest: history and genealogy)
- Archives of the college
- Lamination of print items
- Potomac State College faculty members may checkout equipment and programs
- Students may check out equipment and programs required for class presentations; all other use is in-Library use only

### **2.22 MiX (Mountaineer Information Xpress)**

MIX is the WVU online portal for students. Through MIX, you can check your WVU e-mail account, find out what is happening on campus, get the latest PSC news and activities /events information, find out if there are WVU football or basketball tickets available, and access the STAR system where you can register for classes, check your course schedule and grades, check your financial aid and housing status, pay your bill, and much more. The best way to learn about MIX is to log in to MIX and explore it on your own. Students should check their MIX daily for official PSC e-mails and announcements. To learn more about MIX, go to <http://www.mix.wvu.edu>.

### **2.23 Parent/Guest Portal**

Students have the ability to log on to STAR and grant student record access to parents or guests via an online Parent/Guest Portal. Granting this access will allow students to grant bill pay access to parents via a separate and unique log in established by you as the student. In addition to student account bill pay access, students can also choose to grant access to housing, grading, dining, or financial aid info to parents or guests. Log on through your STAR account today to establish this access: <http://star.wvu.edu>. For more information or guidance about how to set up access, go to: <http://parent-guest.portal.wvu.edu/>.

### **2.24 Recycling**

Potomac State College of WVU has expanded its list of recyclables through dual stream recycling. Co-Mingled recycling (plastics, metals, and glass) and Mixed Papers (office paper, newspapers, magazines, and catalogs) are picked up on a rotating schedule. Cardboard totes are also available outside the buildings. Recycling stations are located in the majority of the buildings and are emptied by the building workers to the recycling totes outside their buildings.

### **2.25 Sex Offender Registry**

The State of West Virginia requires sex offenders to register with the State Police. The State makes this information available to law enforcement agencies. This information is available to the public on campus at the University Police Office lobby.

University Police maintain a Sex Offender Notebook and a Campus Crime Log at that location for public inspection. Sexual offender information is also available at <http://www.statepolice.wv.gov/Pages/default.aspx>.

*Note: Registered sex offenders are not permitted to reside in College-owned residence halls.*

### **2.26 Student Activities/Recreation**

The Office of Student Involvement, located in The Loft of the Student Union, serves as the "hub" for student activities and involvement on campus. The Office of Student Involvement oversees Weekly Events such as Game Night, Craft Night, Friday Night Hangout, Late Nights, and Video Game Nights. In tandem with Housing and Residence Life, the Connections Committee, Health Services, the Social Justice

Committee and other departments across campus, Student Involvement personnel plan Theme Weeks throughout the year, including Welcome Week, Sex Ed. Week, Multi-Cultural Week, PRIDE Week, Halloween Week, Summer Dayz and Spring Bash (these may change each year).

Student Involvement personnel also work with students and faculty/staff advisors in maintaining the numerous Student Organizations on campus. Specifically, the Office of Student Involvement tracks Student Membership for each Student Organization, including Officers and regular Standing Members, and acts as a resource for Student Organizations planning events on campus. The Office of Student Involvement, in tandem with the Student Organization Council, also works with interested Students and Faculty/Staff Advisors in creating new Student Organizations, including help with writing the initial Petition to become a Recognized Student Organization and with writing their Constitution, as well as educating the students/advisor(s) on campus policies and available resources.

The Student Involvement Coordinator oversees the daily operations of the Student Union, including all scheduling of building/equipment use, work study students, and the upkeep of all Student Union equipment and areas located in the Student Union.

Student suggestions or ideas for campus programs or other ways for students to get involved on campus and in the surrounding community are always welcome; please contact the Student Involvement Coordinator if you have any ideas or suggestions.

*Please Note: The Office of Student Involvement is closed from June 1 - July 31.*

## **2.27 Student Accounts Office**

### **Contact Information**

Telephone: 304-788-6830 or 304-788-6831 Email: [psc-osa@mail.wvu.edu](mailto:psc-osa@mail.wvu.edu)

Web: <http://potomacstatecollege.edu/admissions/studentaccounts.html>

The Office of Student Accounts is dedicated to serving WVU students and their parents. We strive to make payment of tuition and fees as convenient as possible. In recent years, we have implemented a year-round call center to better assist students and parents with questions about their accounts. For any questions regarding payment of tuition and fees, student refunds, or billing, check out our website, E-mail us, or telephone our call center at the number above.

### **Student Billing**

WVU uses an electronic system for billing. Students preregistered for classes will be notified via MIX approximately 4-6 weeks prior to the first day of the term. The notification serves to alert the student of his/her balance and the due date for payment. A paper bill will only be issued upon request by the student through STAR, which needs to be done each new term. Please visit the WVU Office of Student Accounts website at <http://studentaccounts.wvu.edu/> for more information about billing.

### **Payment of Tuition and Fees**

The payment due date for tuition and fees, room and board, and other student account charges are listed on the PSC web calendar at <http://www.potomacstatecollege.edu/cal/>. A 1.5% per month Late Payment Fee will be assessed on unpaid balances at the beginning of each month. Thus, students are responsible for checking MIX for date-sensitive Emails about student account deadlines.

### **How to Pay On Your Account**

- Pay online by logging on to the Star Information System at <http://www.mix.wvu.edu>, then by clicking the STAR tab. A 2.25% processing fee will be charged for all credit/debit card transactions. If you are paying via debit card please use the electronic check option instead to avoid the fee. Students can pay on the STAR system with VISA, MasterCard, Discover, and American Express.
- Pay by mail. If receiving a special requested paper bill, a return envelope is provided with the billing statement for the student's convenience. If paying by check, please make the check payable to West Virginia University and place the student's WVU ID number in the memo field of the check. Checks can also be mailed to Potomac State College of WVU, Attn: Cashier, 101 Fort Avenue, Keyser, WV 26726.
- Pay by phone. Students can use VISA, MasterCard, or Discover to pay over the phone. American Express payments can be made through STAR only. A 2.25% processing fee will be charged when paying with credit/debit card.
- Pay in person. Students can pay by VISA, MasterCard, and Discover, personal check, cashier's check, money order, or cash in person by visiting any cashier's office on campus. A 2.25% processing fee will be charged if paying with credit/debit card. The Potomac State cashier's office is located in room 107 of the Administration Building. The WVU main campus cashier's office is located in B33 Stewart Hall. The Evansdale cashier's office is located in the basement of Bennett Tower.

### **Payment Plans**

**TuitionPay Plan**—WVU and PSC offer a monthly payment plan through Sallie Mae called the TuitionPay Plan. By using TuitionPay, students and parents can budget what they owe for tuition and fees and/or room and board over the academic year by making affordable, monthly payments. To enroll in TuitionPay or for questions, please visit <https://tuitionpay.higherone.com/TuitionPay/Welcome.aspx?wvu> or call 800-635-0120.

**60/40 Installment Plan**—just pay 60 percent of the total charges by the due date shown on the PSC calendar at <http://www.potomacstatecollege.edu/cal/>. The remaining 40 percent is due six weeks later. There are no interest or finance charges for using this plan. Please check the WVU Office of Student Accounts website at <http://studentaccounts.wvu.edu/> for specific payment deadlines.

Failure to either pay 60 percent or to enroll in a Tuition Payment Plan, could result in the student being removed from all registered classes. If this occurs, the student will need to re-register for classes via STAR and make payment upon registration. A space in the same classes is not guaranteed. Students who re-register will be assessed a \$100 re-registration fee at this time.

### **Student Refunds**

Refund-eligible students will receive their money quickly and efficiently through the WVU eREFUND program. This program is made possible through PNC Bank and gives students four options to choose from on how they would like their refund delivered:

- A deposit into a Free PNC Checking Account that includes a Debit Card
- An ACH (direct deposit) to another Financial Institution
- A disposable PNC Prepaid Visa® Card
- A paper check (default payment method)

Students selecting a direct deposit option for their refund can receive their funds in as little as 24-72 hours from the date they receive their refund notification from PNC Bank. Please visit the PNC/WVU website for more information or to enroll in a new account today:

[www.pnc.com/wvu](http://www.pnc.com/wvu).

### **Non-Sufficient Funds (NSF) Check Policy**

Payments of tuition, fees, and other charges by check, draft, or order against a student's account are subject to WVU's Non-Sufficient Funds (NSF) Check Policy. A service charge of \$25 is collected on each check returned unpaid by the bank upon which it was drawn. The service charge on unpaid returned check(s) is subject to change in accordance with state law. A late fee of 1.5% may also be assessed since WVU considers a returned item as nonpayment. A copy of the full policy is available in PSC's Office of Student Accounts.

### **Late Fees and Financial Holds**

Failure to make payment by payment deadlines will result in a late payment fee being assessed and a financial hold being placed on the student's records. Additional late fees may then be assessed monthly on unpaid balances. Please visit the WVU Office of Student Accounts website for further questions on our late fee policy.

Past due accounts will be sent to a collection agency.

### **2.28 Student Affairs Office**

Contact information

Telephone: 304-788-6842 Email [pscstudentaffairs@mail.wvu.edu](mailto:pscstudentaffairs@mail.wvu.edu)

Web: [http://www.potomacstatecollege.edu/campus\\_life/student\\_life/](http://www.potomacstatecollege.edu/campus_life/student_life/)

The Office of Student Affairs is responsible for coordinating functional units that provide student services including the Behavior Intervention Team, Mentoring Services, AlcoholEdu, Health and Counseling Services, Catamount Debit Plan, Catamount ID Card Services, Student Organizations, Intercollegiate Athletics, Alcohol and Other Drug Prevention Services, Community Service, Student Activities and Recreation, Student Involvement, the Student Union, Student Conduct Services, Student Clubs and Organizations and the Student Government Association.

The Student Affairs office is located in room 104 of the Administration Building and is open Monday through Friday from 8:00 a.m. to 12:00 p.m. and from 1:00 p.m. until 4:30 p.m. In addition, Student Affairs maintains an official student activities calendar, houses the "lost and found" depository for the College, issues student Catamount ID cards, maintains a "complaint" log and sells commuter meal plans.

### **2.29 Student Conduct Services**

The Office of Student Conduct is located in room 109A on the top floor of the Student Union. A professional staff member is available to assist any student, parent, student organization, staff member, faculty member, or administrator in understanding and applying the *PSC Student Conduct Code*. The telephone number for Student Conduct Services is 304-788-6910.

The *Diversion Program* is a voluntary program that interrupts the criminal prosecution process and gives PSC students an opportunity to have various campus, first-time misdemeanor charges, dismissed upon successful completion of the program. Students who choose to complete the program by deadline will avoid criminal prosecution. Failure to complete sanctions will result in the arresting officer converting your campus ticket into a criminal citation. The University Police Officer has discretion to issue a WV Citation or University Violator Ticket for allegedly violating State law that is covered under the PSC Student Code of Conduct. Once a ticket has been issued, the Office of Student Conduct will contact the student within two business days through MIX E-mail to schedule an administrative hearing for the alleged violation. If you are found responsible for the violation, the hearing officer will give you educational sanctions for you to complete within a defined time. Additionally, a fine is generally imposed one week after the hearing. Failure to participate in the Diversion Program does not negate the student conduct process. By participating in the program you will:

- be given an educational opportunity to learn from your mistake
- provide restitution to the College community.
- elude costly fines from the State and court costs
- avoid a criminal record
- prevent WV Department of Motor Vehicle points and potential car insurance increases

For additional information about the PSC Student Conduct Diversion Program, contact the Office of Student Conduct at 304-788-6910 or University Police at 304-788-6930.

### **2.30 Student Newspaper (*Pasquino*)**

(Pronounced Pass-QUEEN-o) is published three times each semester by students interested in writing, computer graphics, photography, and advertising. The paper is created in the College Newsroom, Academy Hall, Room 308, on an iMac desktop publishing system.

*Pasquino* is provided free to the college community and is available at the College Web site. Contributing to the college newspaper is a rewarding experience and a great resume builder. For more information, please contact Professor Merrifield at Jennifer.Merrifield@mail.wvu.edu.

*Note: Students who major in journalism – news writing, broadcasting, advertising, and photography – automatically are staff members of the newspaper. Volunteers who are not journalism majors are welcome to write articles, take pictures, create artwork, or to help with the circulation, business management, and other support jobs of the paper.*

### **2.31 Student Union**

The Student Union serves as the “hub” of student life for both commuter and residence hall students. It houses the Student Involvement office, the Student Government Association office, the Community Service office, the Service Learning/Volunteer office, the Recreation office, the Residence Hall Student Mailroom / Mailboxes, and the College Bookstore.

In addition, there are walk-up computer stations available for use during Student Union normal hours of operation, numerous Ethernet jacks throughout the building for laptop computers, as well as wireless Internet access for all students with a WVU Master ID. The Student Union also houses a PNC Bank ATM kiosk, several large screen televisions, a lounge in the Loft, several vending machines, pool tables, a foosball table, Ping-Pong tables, a 10-person Game Table for cards and board games, and an air hockey table.

Students and staff are welcome at all times during posted hours of operation. Requests to utilize or reserve the Student Union for campus events/activities should be directed in writing to Jeremy Kaler via E-mail at: Jeremy.Kaler@mail.wvu.edu.

### **2.32 Text Messaging Systems and Apps**

#### **PSC Emergency Alert System**

Potomac State can send urgent messages to you and your parent’s cell phones and computers. To sign-up for Potomac State Alert please go to <http://emergency.wvu.edu/alert/potomacstate/>. If you experience any problems you can call the OIT Help Desk at 304-293-4444 or Email them at OITHelp@mail.wvu.edu. **Please note:** Depending on your personal cell phone plan, there may be a nominal fee from your carrier to receive text messages, but WVU does not charge for this service.

#### **LiveSafe App**

The free LiveSafe app will improve communication between students, faculty, and University Police, and allows for faster emergency response in distress situations. By having access to the latest safety information, our goal is to help build a safe campus, together. The app – available to students, faculty and staff, parents, and campus visitors – allows you to: Send your location to University Police in an emergency (University Police DOES NOT actively track your location; Report suspicious activity anonymously to University Police; Invite friends or family to monitor your location as you walk home-you never have to walk alone; Receive real-time safety alerts from University Police to your phone. Go to [http://potomacstatecollege.edu/campus\\_life/livesafe.html](http://potomacstatecollege.edu/campus_life/livesafe.html) to learn more and to download this free app. Once you have downloaded the app, please help us spread the word on campus. Together we can keep our campus safe.

#### **BLACKBOARD CONNECT**

The College’s automated messaging system will notify students by telephone if instructors need to unexpectedly cancel classes. The same system will notify students if the college cancels classes due to inclement weather. The cell phone number that appears in your MIX account will be called so please ensure this number is correct. If no cell phone number has been provided, the system will call the listed home telephone number.

#### **PSC Event Text Message System**

This is used by the Office of Student Involvement. Anyone may sign up to receive texts about upcoming special events, meetings, and scheduling changes that may occur. To sign up, simply text the keyword “Involvement” to 88202. You will get a text back letting you know that it worked.

Please note, the PSC Event Text Message System is completely separate from the University wide “PSC Alert” System.

#### **PSC Housing & Residence Life Updates**

Students have the option to receive updates and information directly from the Office of Housing & Residence Life. Alerts are sent when classes are delayed or cancelled due to inclement weather, there is an emergency on campus, or if there is important program news.

To sign up for these Housing updates, text @psces to 81010 (or you can try 858-412-0270 if you experience difficulties with the short code). You may unsubscribe at any time by texting “unsubscribe @psces” to the same phone number.

You may also receive Housing & Residence Life messages via email by simply sending an email to [psces@mail.remind.com](mailto:psces@mail.remind.com).

Please note, the PSC Housing and Residence Life system is completely separate from the University wide "PSC Alert" System.

There may be a fee from your carrier associated with sending and receiving text messages, but PSC does not charge for these services.

### **2.33 University Police**

University Police is responsible for all law enforcement, security, and public safety concerns at Potomac State College of WVU. It is responsible for enforcing West Virginia state law, as well as College rules and regulations, providing patrol of campus property, handling traffic related matters, answering complaints, conducting criminal investigations, and victim assistance stemming from complaints. University Police provides crime prevention functions as well as public safety information to students and staff.

University Police Officers are sworn law enforcement officers in the State of West Virginia and have full police authority and responsibilities on West Virginia Board of Governors properties and adjacent streets throughout the state. The most important concern and responsibility of the University Police is to provide the College community with professional service that responds to problems unique to a college campus.

When a violation of state law or college regulation governing students, faculty, or staff is committed, offenders will be prosecuted through the Mineral County West Virginia Court System and/or through appropriate action provided for in the WVU Student Code of Conduct through the Student Affairs Office. Some minor offenses may be adjudicated through the Diversion Program (see Student Conduct Office). It is the goal of University Police to provide a safe, secure atmosphere for people and property at Potomac State College of WVU and to protect the campus community from criminal activity, as well as public safety hazards and concerns.

It must be understood that no organization or institution can guarantee the total safety of all its members. However, University Police has taken prudent steps to promote a safe and secure environment that is compatible with the College community's academic and co-curricular pursuits. University Police encourages students and the campus community to be responsible for their own security and the security of others with regard to their own personal safety and the security of their personal belongings. The College strongly encourages the reporting of all crimes and suspicious activities witnessed on or around campus. University Police will make every reasonable effort to resolve any problem reported in a prompt and professional manner.

The University Police Office is located at the corner of Arnold Street and A Street behind University Place with office hours from 8:00 AM to 3:00 PM, Monday-Friday and other times by appointment. University Police can be contacted by calling the office at 304-788-6931 or non-emergency via Mineral County dispatch 304-788-4106. **FOR EMERGENCIES DIAL 911**

## **SECTION 3: STUDENT ORGANIZATIONS**

Potomac State College of WVU believes that student organizations are a vital ingredient of the total education experience. All students are encouraged to belong to and actively participate in one or more student organizations. Every student organization must be approved and recognized by the College in order to be permitted to use College property, reserve rooms on campus, to be awarded SGA Grants, and to use College equipment in support of its activities. Potomac State College of WVU's student organizations offer opportunities for students, faculty, and staff to form cohesive groups to effectively pursue their interests. Information concerning membership and participation in these various organizations is readily available in the Office of Student Involvement located in The Loft of the Student Union.

### **3.1 Student Clubs/Organizations (Current as of July 2015)**

Agriculture and Forestry  
Archery Club  
Black Student Alliance  
Campus and Community Ministry  
Campus Crusade for Christ  
Catamounts Against Cancer (Relay for Life)  
Circle K  
Collegiate 4-H  
Computer Science  
Criminal Justice  
Cross Impact  
Delta Epsilon Chi  
Engineering Club  
Ferrier Club  
Geeks and Gamers  
Life Science  
National Wild Turkey Federation PSC Chapter  
Non-traditional Student Union  
Outdoor Adventure  
*Pasquino* (Student Newspaper)  
PSC Collegiate Horseman Association  
PSC Serves You  
Queers and Allies

Residence Hall Association  
Ski Club  
Student Government Association  
Student Veteran's Association

### **3.2 Process of Becoming Officially Recognized Student Organization**

Interested students should see the Student Involvement Coordinator in the Office of Student Involvement located in The Loft of the Student Union to obtain and complete a Petition for Temporary Status form. Once filled out, returned to the Student Involvement Coordinator, and approved, the proposed Student Organization will be granted Temporary Recognition, thus allowing the students to "table" in the Student Union (to reserve a table, see the Student Activities Coordinator), put up Recruitment Flyers (ALL flyers must be approved by Office of Residential Education prior to being posted in the Residence Halls and/or by the Student Affairs Office if posted in non-Residence Hall buildings on campus), and hold unofficial meetings for the purpose of recruiting members.

Note: A Temporary Student Organization may not hold events, reserve rooms, or advertise as an Officially Recognized Student Organization. Temporary Status may be revoked if guidelines are not followed.

Once the Petition is approved, the students will have 2 weeks to develop and submit a Constitution and set of By-laws to the Student Involvement Coordinator, who will forward the proposed Constitution and By-laws on to the Student Organization Council for approval. The Constitution and By-laws must state the nature and purpose of the organization (Sample Constitutions and By-laws are available in the Office of Student Involvement and online). If no Constitution and By-laws are received within 2 weeks of the Petition being approved, the Temporary Status will be revoked, as well as the other privileges associated with that status, and the students will have to go through the Petition process again.

Once the Constitution and By-Laws are approved by the Student Organization Council and signed by the Dean of Student Affairs, the student representative for the proposed Student Organization will be notified. Once notified, the organization is duly established and can begin to function on campus as an Official Recognized Student Organization.

### **3.3 Student Organization Requirements**

Once established, a student organization will remain active so long as it:

- maintains faculty or staff sponsorship
- attracts a sufficient number of students to survive
- it registers annually in the Student Involvement office, and
- it adheres to the *PSC Student Conduct Code* and other PSC/WVU rules governing student organizations

Student organizations must operate within the following guidelines:

- Potomac State College of WVU assumes no legal or financial responsibility for any student organization
- Each student organization must have a full-time faculty or staff member serve the group in an advisory capacity
- Student organizations are expected to meet their own expenses and are not permitted to use the College's Federal Tax ID number or the College's name to establish or maintain off-campus checking or savings accounts
- Student organizations must provide Student Involvement office with the name of the bank where checking account is located as well as the account number and documentation showing that the organization has a different Federal Tax ID than the PSC Tax ID.
- Students participating in student organization activities and events are not covered by College insurance
- Organizations are expected to have one of its student members attend all Student Government Association meetings to provide organization updates

Failure of a student organization to comply with these and other College policies, procedures, and regulations may result in loss of recognition as a student organization and appropriate disciplinary action against those members responsible.

### **3.4 Honor Society (Sigma Phi Omega)**

Sigma Phi Omega is the ranking honor society of the College, having been founded in 1923. During the spring semester, the group sponsors Recognition Day, a program that honors the accomplishments of individuals and groups during the year. New members are inducted in April each year at the annual banquet.

Election to Sigma Phi Omega is the highest honor attainable at the College; recognition is given both to scholarship and to campus citizenship. Elections are held once a year and are conducted by the faculty, who are members by virtue of their position. The requirements are (1) To carry a schedule of not less than 12 hours of academic work; (2) To achieve a 3.0 cumulative or better average; (3) To pass every course taken; (4) To be active in at least two campus activities; (5) To have conducted oneself as to merit the recommendation of the faculty and fellow students. The faculty will consider additional factors as it may deem advisable, at any election, and may, at its discretion, impose additional requirements.

### **3.5 Performing Groups**

#### **College/Community Band**

The band is open to students with high school or prior band experience as well as members of the community. The band performs two concerts each year.



### **College/Community Jazz Band**

The band is open to students with high school or prior band experience as well as members of the community. The band performs two concerts each year.

### **Theatrical Production**

A major theatrical production is held in spring. College students may receive one hour credit for both Fall and Spring semesters.

### **3.6 Student Government Association**

As the executive and legislative arms of the student body, the Student Government Association (SGA) works with the College administration, faculty, and staff to advance the interests of students. SGA officers are elected annually by students and all students are encouraged to participate in meetings. SGA meetings are publically announced in advance and are held in the SGA office located in the Student Union. Meetings are open to all students.

SGA objectives are to promote school spirit and a better understanding between students, faculty, administrators, and staff. SGA serves students and the College community by providing the funding for various social, cultural, and recreational activities and events. Students appointed to College Standing Committees and the Student Conduct Board are selected by the SGA. All students are encouraged to participate in SGA by serving on one of the numerous committees, as well as by attending regularly scheduled SGA meetings.

### **3.7 Posting Signs**

All signs posted on campus must be approved prior to posting by Student Affairs.

All signs posted in residence halls must be approved by Housing and Residence Life prior to posting. Signs that are not approved or that are posted on doors or windows will be removed by College personnel.

All signs should be posted on bulletin boards, not on walls, doors, etc. In addition, signs must be removed by posting person/organization once the event is over.

Under no circumstances are signs, promoting activities where alcohol will be served or available, allowed to be posted on campus or the streets adjacent to College property; violators may be prosecuted legally and may face College sanctions if the violator is a student.

## **SECTION 4: PSC STUDENT CONDUCT CODE PROCEDURE**

All students are encouraged to read the West Virginia University Board of Governors, Policy 31, Potomac State College of WVU Student Conduct Code, included in **Appendix 1** of this Handbook.

### **Section 1: General.**

- 1.1. Purpose: To establish written rules, regulations, and procedures concerning student conduct and discipline for Potomac State College of West Virginia University.
- 1.2. Authority: Board of Governors Policy 31
- 1.3. Scope: This code applies to all students associated with Potomac State College of West Virginia University, which is a divisional campus of West Virginia University under the authority of the West Virginia University Board of Governors.
- 1.4. Effective Date: August 12, 2013; amended August 18, 2014

### **Section 2: Definitions.**

- 2.1 "College" means the divisional campus of West Virginia University known as Potomac State College of West Virginia University.
- 2.2 The definitions set forth in Section 3 of West Virginia University Board of Governors Policy 31, University Student Conduct and Discipline Policy, are incorporated by reference as if fully set forth herein.

### **Section 3: Establishment of Student Code.**

- 3.1 The Campus Provost, as the President's designee for the College, hereby establishes the following written rules, regulations, and procedures concerning student conduct and discipline ("Student Code").

#### **Section 4: Student Code Administrator.**

- 4.1 The professional staff member of the Office of Student Conduct, known as the Student Conduct Coordinator, shall serve as the Student Code Administrator for the College and shall be available to assist any student, student organization, staff member, faculty member, or administrator in understanding and applying the Student Code.
- 4.2 The Office of Student Conduct is located in 109A of the Student Union; this office shall be the official repository for all conduct-related materials concerning students associated with the College.
- 4.3 Requests for conduct-related materials concerning students associated with the College should be made to the Student Conduct Coordinator who is the custodian of such materials.
- 4.3 The Student Code Administrator is charged with the following duties, which shall be undertaken in a manner to ensure the fair administration of this Student Code: (1) Advise any segment or individual within the College wishing to bring charges against one or more students; (2) Inform any student against whom charges have been brought of substantive rights, due process rights, and procedures forthcoming, including the right of appeal; (3) Advise the chairperson of the appropriate hearing board and assist the chairperson and members of the hearing board in setting up the hearing, being certain that all conditions of the Board of Governors and College for such procedures are met; (4) Prepare all papers necessary for the hearing and resultant from the hearing for appropriate dispensation and signature; (5) Assist in the appointment of the hearing bodies and provide and/or coordinate training opportunities for all members, both student and faculty; (6) Attend hearings, present the facts and information obtained from the investigation on behalf of the College, ask questions of witnesses, and have administrative responsibility for maintaining all confidential files, tapes, and documents which result.

#### **Section 5: Jurisdiction of the Student Code.**

- 5.1 This Student Code shall apply to conduct that occurs on College premises; at College sponsored activities; to conduct that does not occur on College premises but adversely affects or interferes with the educational or orderly operation of the College, its mission, or the pursuit of its objectives; to conduct that does not occur on College premises but, in light of all of the facts and circumstances, would endanger the health, safety, or property of the College, the College Community, or its neighboring communities; and to conduct that occurs on or off of College premises or property which violates federal, state, or local laws, policies of the West Virginia University Board of Governors, institutional or campus rules or regulations, directives of College officials, including failing to observe conduct which is appropriate for an academic institution.
- 5.2 Conduct from the time of application for admission through the actual awarding of a degree, even if conduct occurs before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment is subject to this Student Code. The Student Code shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending, and even if the student's conduct is not discovered until after a degree is awarded.
- 5.3 This Student Conduct Code shall apply to all students enrolled at the College in undergraduate and professional programs. Academic and professional standards of conduct will also apply to students enrolled in programs that have adopted such standards, i.e., all students are subject to this Student Code and some students may be concurrently subject to additional standards as determined by the respective academic programs.

#### **Section 6: Prohibited Conduct.**

##### **6.1 General.**

All students of the College are expected and required to obey federal, state, and local laws, to comply with the policies of the West Virginia University Board of Governors, with institutional or campus rules and regulations, with directives issued by any College official, and to observe standards of conduct appropriate for an academic institution.

##### **6.2 Specific Acts.**

A student that commits any of the following acts is subject to sanction by the College:

- a) Sexual misconduct. "Sexual misconduct" is defined in West Virginia University Board of Governors Policy 44.
- b) Prohibited drug related conduct. "Drug related conduct" means (1) being under the influence of; (2) possessing; (3) manufacturing; (4) producing; (5) distributing; (6) selling; (7) possessing with the intent to distribute or sell any illicit drug, synthetic drug, or other controlled substance without a valid prescription. It also means (8) using any prescribed drug in a manner inconsistent with the prescription; or (9) intentionally or recklessly inhaling, ingesting, or using in any manner inconsistent with its purpose any chemical, liquid, substance or other compound. "Drug related conduct" shall not include (1) any use or possession of prescription medication in accordance with a valid prescription; or (2) any University recognized research or other scholarly activity.

- c) Prohibited alcohol related conduct. “Alcohol related conduct” means violating West Virginia University Board of Governors Policy 18 or being a student (1) under the age of twenty-one, who consumes or possesses alcohol; (2) who gives alcohol to a person under the age of twenty-one; (3) driving or operating a vehicle while under the influence of alcohol; or (4) who is in public or on College premises in an intoxicated condition.
- d) Impermissible burning. “Impermissible burning” means (1) setting fire to; (2) causing a fire to be set to; or aiding, inciting, enticing, or soliciting any person to set fire to furniture, vehicles, garbage, dumpsters, garbage receptacles, construction material, rubbish, debris, brush, or any other material, unless specifically permitted. “Impermissible Burning” also means contributing or adding furniture, vehicles, garbage, dumpsters, garbage receptacles, construction material, rubbish, debris, brush, or any other material to a fire that has already been set, unless specifically permitted.
- e) Riotous behavior and hooliganism. “Riotous behavior and hooliganism” means participation in a disturbance of two or more persons acting with the common purpose to commit or incite any action that threatens, presents a danger to, or terrorizes the public. However, riotous behavior and hooliganism does not mean peaceful demonstrations, peaceful picketing, a call for a peaceful boycott, or other forms of peaceful dissent.
- f) Aiding, abetting, assisting, or facilitating prohibited behavior. “Aiding, abetting, assisting, or facilitating prohibited behavior” means to be actively associated with or actively encouraging another person or persons whose behavior is in violation of this Student Code, College policy, or the law.
- g) Assault or battery. “Assault” means attempting to commit a violent injury to another person or committing an act that places another person in reasonable apprehension of immediately receiving a violent injury. “Battery” means intentionally making physical contact of an insulting or provoking nature with another person or intentionally causing physical harm to another person.
- h) Misconduct at College athletic events, concerts, or other events. For purposes of this section only, “misconduct” means failing to follow event or venue rules or guidelines or interfering in any way with the athletic event, concert, or other event, including but not limited to throwing objects into a crowd, at another person, or onto a playing field, court, or stage, or acting in a manner that reasonably interferes with others’ enjoyment of the athletic event, concert, or other event.
- i) Violating West Virginia University Board of Governors policies, institutional rules and regulations, or College rules and regulations. A charge alleging a violation of a University policy, rule, or regulation shall identify the policy, rule, or regulation violated.
- j) Violation of federal, state, or local law. “Violation of federal, state, or local law” means engaging in conduct that violates federal, state, or local law whether such conduct takes place on campus or off campus or whether civil or criminal penalties may also be imposed for such conduct. A violation of this provision is not predicated upon a final determination by a court of law. In other words, it is not necessary for a student to have been actually found to have violated a federal, state, or local law by a court of law in order to be disciplined under this Student Code. It is only necessary that a student be found to have engaged in such prohibited acts by processes under the Student Code. It is specifically noted here that the standard of proof in the Student Code process is distinct and different from what is applied in criminal federal, state, and local law violations. A charge alleging a violation of a federal, state, or local law shall identify the federal, state, or local law violated.
- k) Endangerment. “Endangerment” means engaging in conduct that endangers the health or safety of any person, or causes a reasonable person to fear for his/her safety or the safety of another.
- l) Obstruction or disruption. “Obstruction or disruption” means acting alone or in concert with others to unreasonably obstruct, disrupt, or interfere with a teaching, educational, research, administrative, disciplinary, public service, other activity or public performance authorized to be held or conducted on or off campus, or the duties or actions of public safety officials. Obstruction or disruption includes but is not limited to misconduct in the classroom, any act that interrupts, modifies, or damages the free flow of pedestrian or vehicular traffic on College premises or at College sponsored or supervised functions, utility service or equipment, communication service or equipment, College computers, computer programs, computer records or computer networks accessible through the College’s computer resources. Additionally, any student that fails to comply with College policy or lawful directions of College officials, including Residential Education personnel, faculty, College law enforcement officers acting in the performance of their duties, is subject to discipline.
- m) Indecent exposure or obscene conduct. “Indecent exposure” means exposure of the private or intimate parts of the body in public or in private premises when such exposure may be readily observed by others without consent. “Obscene conduct” means conduct which the average individual applying contemporary University standards would find (i) taken as a whole, appeals to the prurient interest; (ii) depicts or describes in a patently offensive way ultimate sexual acts, normal or perverted, actual or simulated; and (iii) the matter, taken as a whole, lacks serious literary, artistic, political or scientific value.
- n) Theft of, using without authorization, destroying, defacing, or mutilating property of another. “Theft” means the taking of possession of the property of another without consent.
- o) Prohibited computer or electronic activity. “Prohibited computer or electronic activity” means (1) unauthorized entry into a file to use, read, change the contents, or other purpose; (2) unauthorized transfer of a file; (3) unauthorized use of another individual’s identification and password; (4) use of a computer or other electronic device to unreasonably interfere with the work of another

student, faculty member, or University official; (5) use of a computer or other electronic device to send obscene or abusive messages; (6) use of a computer or other electronic device to unreasonably interfere with the normal operation of the University's network; or (7) use of a computer or other electronic device in violation of copyright laws.

- p) Tampering with emergency response equipment. "Tampering with emergency response equipment" means interfering with or unnecessarily using a fire-alarm system, sprinklers, smoke detectors, fire-fighting equipment, or any other public safety or emergency call device.
- q) Making false reports. "Making false reports" means reporting an emergency, crime, fire or that a bomb or other explosive has been placed on premises when knowing such a report is wrong or inaccurate.
- r) Hazing. "Hazing" means any action or situation which (1) endangers or adversely affects the mental or physical health or safety of another person or persons; (2) would cause extreme embarrassment or adversely affect the dignity of another person or persons; or (3) causes another person or persons to destroy or remove public or private property. This includes, but is not limited to, any brutality of a physical nature, such as whipping, beating, branding, forced consumption of any food, alcohol, drug or other substance, any activity which would subject an individual or individuals to extreme mental stress, such as sleep deprivation or forced exclusion from social contact. Hazing with or without the consent of a student is prohibited. Initiations or activities of student organizations are prohibited from including any feature that is dangerous, harmful, or degrading to the student. A violation of this prohibition renders both the organization and participating individuals subject to discipline. Any student who knowingly witnesses or acquiesces in the presence of hazing is also subject to discipline.
- s) Stalking. "Stalking" is defined in West Virginia University Board of Governors Policy 44.
- t) Harassment. "Harassment" is defined in West Virginia University Board of Governors Policy 44.
- u) Discrimination. "Discrimination" is defined in West Virginia University Board of Governors Policy 44.
- v) Domestic misconduct. "Domestic misconduct" is defined in West Virginia University Board of Governors Policy 44.
- w) Retaliation. "Retaliation" is defined in West Virginia University Board of Governors Policy 44
- x) Academic dishonesty. The term "academic dishonesty" means plagiarism; cheating and dishonest practices in connection with examinations, papers, and/or projects; and forgery, misrepresentation, or fraud as it relates to academic or educational matters. *Cases of academic dishonesty shall be concurrently subject to this Policy and its disciplinary sanctions as well as to academic sanctions in accordance with West Virginia University Policy 15 or other applicable academic procedures. Such matters may be brought to the Student Code Administrator for investigation in accordance with the applicable Campus Student Code and/or may be addressed in accordance with Policy 15 or other applicable academic procedures.*
- 1) The term "plagiarism" means the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment, including, but not limited to, the unacknowledged use of materials prepared by another individual engaged in the selling of term papers or other academic materials.
  - 2) The terms "cheating and dishonest practices in connection with examinations, papers, and/or projects" means (i) giving or receiving of any unauthorized assistance in taking quizzes, tests, examinations, or any other assignment for a grade; (ii) depending upon the aid of sources beyond those authorized by the instructor in quizzes, tests, examinations, writing papers, preparing reports, solving problems, or carrying out other assignments; (iii) the acquisition or use, without permission, of tests or other academic material belonging to a member of the University faculty or staff; or (iv) engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.
  - 3) The terms "forgery, misrepresentation, or fraud as it relates to academic or educational matters" means (i) wrongfully altering, or causing to be altered, the record of any grade or other educational record; (ii) use of University documents or instruments of identification with the intent to defraud; (iii) presenting false data or information or intentionally misrepresenting one's records for admission, registration, or withdrawal from the University or from a University course; (iv) knowingly presenting false data or information or intentionally misrepresenting one's records for personal gain; (v) knowingly furnishing the results of research projects or experiments for the inclusion in another's work without proper citation; or (vi) knowingly furnishing false statements in any University academic proceeding.
- y) Tampering with or falsifying an official record. "Tampering with or falsifying an official record" means altering or assisting in the altering of any official record of the University or submitting false information or omitting requested information that is required for or related to an application for admission, the awarding of a degree, or any official record of the University. This conduct may result in a prohibition against readmission, revocation of degree, and/or withdrawal of diploma.
- z) Intrusion of Privacy. "Intrusion of privacy" means unreasonably invading the private domain or seclusion of another by any means, including observation, videotaping, audio taping, photographing, or capturing the actions, image, audio, or likeness of any other member of the University community without permission or knowledge, when such member of the University community has a reasonable expectation of privacy.

- aa) Possession of deadly weapons or destructive devices. “Possession of deadly weapons or destructive devices” means possessing or using any type of deadly weapon, firearm, imitation firearm, ammunition, explosive, firework, dangerous chemical, or other destructive device while on University premises. “Firearm” means any item which will or is designed to or may readily be converted to expel a projectile by the action of an explosive. “Deadly weapon” means any device, instrument, material, substance, or object, whether animate or inanimate, designed to be used to produce serious bodily injury or death or is readily adaptable to such use. This provision does not apply to those individuals specifically permitted by University policy or procedure to possess such items.
- bb) Trespass or Unauthorized Use of Keys or Other Access Devices. “Trespass” means to enter or remain without lawful purpose in any University building, room, construction area, roof top, structure, facility, vehicle, or other University related premises. “Unauthorized use of keys or other access devices” means to possess, duplicate, or use a key or other access device, including an electronic keycard or other device used to grant access, to any University building, room, structure, facility, vehicle, construction area, roof top, or other University related premises without proper authorization.
- cc) Knowingly violating the terms of a disciplinary sanction imposed in accordance with the Student Code.
- dd) Attempting to engage in an act prohibited by the Student Code. An “attempt” is defined as conduct that, if successful, would constitute or result in the prohibited conduct. Any student who abandons an attempt or prevents the prohibited conduct from occurring under circumstances that demonstrate a complete and voluntary renunciation of the prohibited conduct will not be subject to disciplinary action.
- ee) Abuse of the Student Code. A student who engages in any of the following actions is subject to discipline for abuse of the Student Code:
1. Failure to obey the notice from a Student Code Administrator or other College official to appear for a meeting or hearing concerning violations of the Student Code.
  2. Falsification, distortion, or misrepresentation of information at any point in the student conduct process.
  3. Disruption or interference with the orderly conduct of a Student Code proceeding.
  4. Initiating a Student Code proceeding in bad faith.
  5. Attempting to discourage or discouraging an individual’s proper participation in, or use of, Student Code proceedings.
  6. Retaliating against an individual because of the individual’s participation in, or use of, Student Code proceedings.
  7. Attempting to influence or influencing the impartiality of a member of a Hearing Panel prior to, and/or during the course of, a Student Code proceeding.
  8. Harassment (verbal or physical) and/or intimidation of a member of a Hearing Panel prior to, during, and/or after any Student Code proceeding.
  9. Influencing or attempting to influence another person to commit an abuse or violation of the Student Code.
  10. Failing to comply with one or more sanctions imposed under the Student Code.

## **Section 7: Sanctions.**

- 7.1 It is expected that the Student Code Administrator and/or the Hearing Panel will impose or seek a sanction that is fair under the circumstances. A student who receives a period of suspension as a disciplinary sanction is subject to further disciplinary action for prohibited conduct that takes place during the period of suspension. Sanctions available for violations of the Student Code include:
- a) **Expulsion:** Permanent separation of the student from the College and the University. Permanent notification will appear on the student’s transcript. The student may be denied access to College and University premises, provided that such restrictions are stipulated in the Outcome Letter and bear a reasonable relationship to the violation.
  - b) **Suspension:** Separation of the student from the College and the University for a specified period of time. Permanent notification will appear on the student’s transcript. The student may be denied access to College and University premises and to all other College and University activities or privileges for which the student might otherwise be eligible, provided that such restrictions are stipulated in the Outcome Letter and bear a reasonable relationship to the violation. Suspended time will not count against any time limits for completion of a degree.
  - c) **Probation:** A written reprimand for prohibited conduct that specifies a designated period of time and includes the probability of more severe disciplinary sanctions if, during the designated probationary period, the student violates any applicable law or fails

to comply with the policies of the West Virginia University Board of Governors, with institutional or campus rules and regulations or with directives issued by any College official acting in the course of his or her authorized duties.

- d) **Warning:** A notice in writing to the student that the student is violating or has violated Board of Governors policies, institutional rules and regulations, or the Student Code, and that any further prohibited conduct may result in more severe disciplinary action.
- e) **Loss of Privileges:** Denial of specified privileges for a designated period of time.
- f) **Restitution:** Students may be required to make payment to the College or to other persons, groups, or organizations for loss, damage, or injury incurred as a result of a violation of any Student Code. This may take the form of appropriate service and/or monetary or material replacement.
- g) **Other Sanctions:** Other sanctions may be imposed instead of or in addition to those specified. For example, students may be subject to dismissal from College housing for disciplinary violations which occur in the residence halls. Likewise, community service, educational classes, and other work or research projects may also be assigned.

7.2 Attempts to commit acts prohibited by a Student Code may be punished to the same extent as completed violations.

7.3 Sanctions for prohibited conduct occurring off campus shall not be more severe than for similar on-campus conduct.

### **Section 8: Interim Suspension.**

8.1 **Imposition of Interim Suspension.** The Student Code Administrator or designee may impose an interim suspension prior to a formal hearing or other disposition of allegations against a student when the Student Code Administrator or designee has reasonable cause to believe that a student's presence on College premises presents: (a) a significant risk of substantial harm to the student, other individuals, or property; or (b) an ongoing threat of disrupting the normal operations of the College.

8.2 **Conditions of Interim Suspension.** Such immediate interim disciplinary action may be taken as is appropriate under the circumstances for a time period and under those conditions as may be determined by the Student Code Administrator or designee in order to ensure the safety and well-being of members of the College community or to preserve College property; to ensure the student's own physical or emotional safety and well-being; or to deter a threat of disruption or interference with the normal operations of the College. During an interim suspension, the suspended student may be denied access to all or some of the property owned or controlled by the College and University and to some or all other College and University activities or privileges for which the student might otherwise be eligible, provided that such restrictions are stipulated in the interim suspension notice.

8.3 **Procedure for Interim Suspension.**

- a) **Notice.** If the Student Code Administrator imposes an interim suspension, then the student will receive written confirmation of the interim suspension. The notice will state the facts and circumstances warranting the interim suspension, the conditions of the interim suspension, and the student's rights.
- b) **Review.** Within three (3) business days of the imposition of the interim suspension, the student may petition the Dean of Student Affairs or designee to review the reliability of the information concerning the alleged harm or ongoing threat. The petition for review must be in writing and may include evidence supporting the student's position that the student does not pose or no longer poses a significant risk of substantial harm to the individual, others, or property or an ongoing threat of disrupting the normal operations of the College.
- c) **Final Determination.** If, after considering the petition for review and evidence, the Dean of Student Affairs or designee affirms the decision to interim suspend, the matter will proceed promptly to a hearing without undue delay, unless additional time is requested by the student. However, if, after considering the petition for review and evidence, the Dean of Student Affairs or designee determines that the student has established by a preponderance of the evidence that the student does not pose or no longer poses a significant risk of substantial harm to the individual, others, or property or an ongoing threat of disrupting the normal operations of the College, the interim suspension will be lifted and the matter will proceed according to the normal process, up to and through a hearing, if required.

### **Section 9: Conduct Process.**

#### **9.1 Complaints or Allegations of Misconduct.**

9.1.1 Any member of the College community who believes that a violation of the Student Code has occurred may file a complaint with the Office of Student Conduct. Complaints of student misconduct should be submitted to the Office of Student Conduct as soon as possible following the alleged misconduct or the date on which the individual knew or should have known of the misconduct.

9.1.2 Regardless of whether a formal complaint is ever filed, allegations of student misconduct, from any credible source, will be reviewed by the Student Code Administrator, or other appropriate personnel.

- 9.1.3 No complaint or allegation of student misconduct will be investigated more than ninety (90) days after the alleged misconduct took place or after the alleged misconduct should have been discovered, unless good cause is shown for the delay.

## **9.2 Investigation.**

- 9.2.1 The Student Code Administrator shall investigate each formal complaint or allegation of student misconduct from a credible source. The Student Code Administrator may summon by written or electronic request any member of the University community for a meeting for the purposes of investigating and/or discussing allegations of prohibited conduct, whether such allegations have been formally submitted or have otherwise been made known to the Student Code Administrator.
- 9.2.2 If, after investigating the complaint or allegation of student misconduct, the Student Code Administrator finds that there are reasonable grounds to conclude that the student violated the Student Code, then charges will be brought against the student.
- 9.2.3 If, after investigating the complaint or allegation of student misconduct, the Student Code Administrator does not find that there are reasonable grounds to conclude that the student violated the Student Code, then the complaint or allegation will be dismissed. In the event the complaint or allegation is dismissed, the Student Code Administrator shall indicate the reason for the dismissal and notify the accused student in writing.

## **9.3 Notice of the Charge.**

- 9.3.1 If there are reasonable grounds to conclude that a violation of the Student Code has occurred, then the Student Code Administrator shall prepare a formal written charge of alleged prohibited conduct (the "Charge").
- 9.3.2 The Charge shall be provided to any student suspected of prohibited conduct as soon as possible after the investigation is concluded, but in no event later than ninety (90) days after the complaint or allegation was submitted to the Office of Student Conduct. This time limit may be extended for good cause shown.
- 9.3.3 The Charge shall be addressed to the student who allegedly violated the Student Code (the "Accused Student") and shall include a brief outline of the facts upon which the Charge is based and potential sanctions which may result if the Accused Student is found responsible.
- 9.3.4 In deciding which sanctions to seek, the Student Code Administrator shall consult with the appropriate College and/or University officials and ensure that the sanctions sought are commensurate with the alleged violations and the Accused Student's prior student code of conduct violations, if any.
- 9.3.5 The Charge shall be delivered electronically to the Accused Student through the College's designated student e-mail system regardless of where the student resides. Additionally, a copy of the Charge shall be sent via campus mail to any student who resides on campus or via regular mail to any student who resides off campus.
- 9.3.6 The Charge shall include written notice to the Accused Student that prior student code violations may be considered in the determination of sanctions and that the Accused Student will be provided an opportunity to address any such information.
- 9.3.7 The Charge shall identify a date and time for the Accused Student to meet with the Student Code Administrator, or other appropriate personnel, to discuss the Student Code, its procedures, and the remedial options available to the Accused Student, including whether the Student Code Administrator and the Accused Student can agree on the facts and, if warranted, identify a mutually-agreeable sanction to be imposed.

## **9.4 Agreed Resolution.**

- 9.4.1 In all situations, including where suspension or expulsion is an available sanction, the Student Code Administrator and the Accused Student may agree on the facts and, if warranted, identify a mutually-agreeable sanction(s) to be imposed. In such a case, the agreed upon facts and sanction(s) shall be reduced to writing, dated, and signed by the Accused Student ("Agreed Resolution").
- 9.4.2 An Agreed Resolution shall be final and not subject to any subsequent proceedings, unless the Accused Student submits a written objection to cancel the Agreed Resolution to the Student Code Administrator within one (1) calendar day of the date it was signed. If the Accused Student objects to the Agreed Resolution and no further agreement can be reached, the matter shall proceed in accordance with 9.4.3 or 9.4.4 below.
- 9.4.3 In situations where the Student Code Administrator and the Accused Student cannot agree on the facts and the sanction(s) to be imposed and neither expulsion nor suspension is sought as a sanction, the case shall continue to a Conduct Conference.
- 9.4.4 In situations where the Student Code Administrator and the Accused Student cannot agree on the facts and the sanction(s) to be imposed and expulsion or suspension is sought as a sanction, the case shall be referred to a Hearing Panel for formal review.

## 9.5 Conduct Conference.

- 9.5.1 The administrative disposition of complaints not seeking suspension or expulsion shall be handled by an informal conference between the Accused Student and the Student Code Administrator (“Conduct Conference”). The Conduct Conference will be used for determining responsibility and a sanction for matters or situations in which the alleged actions, if true, would not justify a suspension or an expulsion.
- 9.5.2 **Opportunity to Present Evidence.** During a Conduct Conference, an Accused Student will be given an opportunity to present evidence to the Student Code Administrator to determine whether the Accused Student is responsible for violating the Student Code as accused.
- 9.5.3 **Notice of Outcome.** After consideration of the evidence, the student is entitled to written notification of the outcome of the Conduct Conference (“Outcome Letter”). The Student Code Administrator’s determination of responsibility shall be based on a preponderance of the evidence. Each Outcome Letter shall plainly state the decision and shall plainly state the rationale for the decision; in the event that the student is found responsible for any part of the Charge, the Outcome Letter will include a brief statement of the facts relied upon by the Student Code Administrator, the assigned sanction, and an explanation of appeal rights.
- 9.5.4 **Appeal.** The Outcome Letter that is issued following a Conduct Conference may be appealed in accordance with Section 10 below.

## 9.6 Pre-Hearing Procedures for Charges Seeking Expulsion or Suspension.

- 9.6.1 **Scheduling.** When necessary, a hearing shall be scheduled by the Student Code Administrator not fewer than five (5) nor more than fifteen (15) calendar days following the attempt to reach an Agreed Resolution. Maximum time limits for scheduling of hearings may be extended at the discretion of the Student Code Administrator.

### 9.6.2 Hearing Notice.

- a) The Student Code Administrator shall prepare a written notice of hearing (a “Hearing Notice”) that sets forth the date, time, location of the scheduled hearing, and anticipated witnesses that will be relied upon by the College to prove the alleged conduct.
- b) The Hearing Notice shall be sent to the Accused Student, any member of the University community who was directly impacted by the alleged misconduct (the “Victim(s)”) (if any), and all witnesses identified by the Student Code Administrator’s investigation.

The Hearing Notice shall be delivered electronically using the College’s designated student e-mail system to the Accused Student and any other student-witnesses regardless of where the student resides. A copy of the Hearing Notice shall also be sent via campus mail if the Accused Student and/or witness(es) reside on campus or via regular mail if the Accused Student and/or witness(es) reside off campus.

- c) Identification of witnesses by the Student Code Administrator is not a guarantee or assurance that such witnesses will appear or be called at the hearing.

- 9.6.3 **Request for Separate Hearings.** For matters involving more than one Accused Student, the students may request separate hearings; such requests shall be granted by the Student Code Administrator unless such arrangements cannot be accommodated for good cause.

### 9.6.4 Evidence & Witnesses.

- a) At least two (2) academic days prior to the scheduled hearing, the Accused Student shall submit to the Student Code Administrator and the Student Code Administrator shall send via College’s designated e-mail system to the Accused Student the names, applicable contact information, and purpose of any witnesses that they intend to rely on at the hearing.
- b) At least two (2) academic days prior to the scheduled hearing, the Accused Student shall submit to the Student Code Administrator and the Student Code Administrator shall submit to the Accused Student all documentary evidence (pertinent records, information, and written statements) that is to be considered by the Hearing Panel.
- c) Prospective witnesses, other than the Victim(s) or other Accused Students, may be sequestered from the hearing during other witnesses’ testimony. Cell phones and other electronic devices may be secured by reasonable means determined by the Chair prior to hearing in order to eliminate texting or e-mailing information about the hearing to other witnesses. The devices will be returned to each witness after they have been excused from the hearing.



## **9.7 Selection of the Hearing Panel for Charges Seeking Expulsion or Suspension.**

- 9.7.1 At the beginning of each academic year, the Faculty Assembly will select faculty members to serve on the Student Conduct Board and the Student Government Association will select students to serve on the Student Conduct Board. Members of the Student Conduct Board shall constitute the pool of potential members of the College community who will ultimately evaluate the facts and circumstances related to each specific matter of student misconduct (“Hearing Panel”). The Student Conduct Board consists of: one faculty chairperson; no less than five additional faculty members; and no less than five students. For so long as the membership of the Student Conduct Board is consistent with this section, that Committee shall serve as the pool for each Hearing Panel.
- 9.7.2 Each Hearing Panel shall be composed of three members chosen from the pool of Student Conduct Board members.
- 9.7.3 Individuals selected to serve on a Hearing Panel shall maintain high ethical standards and in so doing, agree to be bound by a Code of Ethical Standards prepared by the Student Code Administrator, and attached here as Appendix 1.
- 9.7.4 At a minimum, each Hearing Panel shall be comprised of at least one student and a faculty majority.
- 9.7.5 One faculty member on a Hearing Panel shall serve as the Chair of the Hearing Panel (the “Chair”).
- 9.7.6 Prior to the hearing, the Accused Student will have an opportunity to review a list of potential Hearing Panel members and will be given an opportunity to strike a maximum of two members from consideration for the Hearing Panel that will hear the Accused Student’s case. Each remaining member of the Hearing Panel shall recuse themselves if, for any reason, their ability to render an unbiased decision is compromised.

## **9.8 Hearing Procedures for Charges Seeking Expulsion or Suspension.**

Hearings shall be conducted according to the following:

- a) Hearings shall be conducted in private.
- b) The Student Code Administrator will present the facts and information obtained from the investigation to the Hearing Panel on behalf of the College.
- c) The Accused Student, Victim, and Student Code Administrator may make statements and ask questions of witnesses.
- d) All procedural questions are subject to the final decision of the Chair of the Hearing Panel.
- e) Formal rules of evidence shall not apply, nor shall deviations from prescribed procedures necessarily invalidate a decision or proceeding, unless significant prejudice to a student or the College results. Rather, the Chair shall have the authority to decide any issues regarding relevancy or admissibility that may arise during the hearing.
- f) The Chair shall have the authority to discharge or to remove any person whose presence is deemed unnecessary or obstructive to the proceedings.
- g) The Hearing Panel may ask questions of a witness. Questioning of witnesses will be conducted in a format identified by the Chair.
- h) Consideration of all evidence by the Hearing Panel shall be at the discretion of the Chair.

## **9.9 Attendance.**

If an Accused Student, after receiving a Hearing Notice, does not appear for a hearing, the hearing will proceed without the Accused Student. However, no inference may be drawn against an Accused Student for failing to attend a hearing and no decision shall be based solely on the failure of the Accused Student to attend the hearing.

## **9.10 Legal Counsel or Advisors.**

The Accused Student and the Victim, if any, may have an advisor accompany him or her to a hearing for charges seeking suspension or expulsion. The advisor may be an individual that is either a member of the faculty, staff, or a student at the College. Advisors may not participate in the proceedings and are only present to advise the Accused Student and the Victim.

In lieu of an advisor, the Accused Student may be represented by legal counsel at a hearing for charges seeking suspension or expulsion. Any lawyer appearing at a hearing on a student’s behalf shall be licensed to practice law in the State of West Virginia and can actively participate in the hearing.

A student should select an advisor or legal counsel whose schedule allows attendance at the scheduled date and time for the hearing. Delays will not normally be allowed due to the scheduling conflicts of an advisor or legal counsel. Further, failure to secure an advisor or legal counsel will not cause a hearing to be postponed or canceled.

#### **9.11 Deliberations.**

After the portion of the hearing concludes in which all pertinent information has been received, the Hearing Panel shall privately deliberate whether the Accused Student is responsible as charged. After determining whether the student is responsible, by a majority vote, for the alleged conduct by the Hearing Panel, the Accused Student shall be verbally notified of the finding by the Hearing Panel.

#### **9.12 Standard of Proof.**

The Hearing Panel's determination of responsibility shall be based on a preponderance of the evidence. "Preponderance of the evidence" means evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not.

#### **9.13 Imposition of Sanctions.**

In the event that an Accused Student has been found "Responsible" on any charge, the Hearing Panel shall receive additional information regarding the student's academic transcript and student conduct history, request proposed sanctions from both the Accused Student and the Victim (if any), and hear impact statements by both the Accused Student and the Victim (if any). After receiving the aforementioned information, the Hearing Panel shall deliberate and agree, by a majority vote, on the sanction(s) in private. After a sanction has been determined by the Hearing Panel, the Accused Student shall be verbally notified of the sanction(s) by the Hearing Panel.

#### **9.14 Outcome Letter.**

At the conclusion of the hearing, the student is entitled to written notification of the outcome of the hearing (an "Outcome Letter"). Each Outcome Letter shall plainly state the decision and shall plainly state the rationale for the decision; in the event that the student is found responsible for any part of the Charge, the Outcome Letter will include a brief statement of the facts relied upon by the Hearing Panel, the assigned sanction(s), and an explanation of any appeal rights. The Outcome Letter will be sent through the College's designated e-mail system within five business days of the decision.

#### **9.15 Transcript of the Proceedings.**

9.15.1 All hearings will be recorded. The University will maintain the audio recordings of all hearings (not including deliberations) which remain the property of the University. Participants are prohibited from making their own recordings. Upon written request, an Accused Student shall be provided access only in compliance with the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g (2012)) and pursuant to any other conditions for access as may be deemed necessary by the Vice President for Student Affairs or his/her designee.

9.15.2 All hearings are recorded using technology chosen by the Student Code Administrator; however, alternative recording methods, i.e., a court reporter, may be requested by an Accused Student, provided, however, that the Accused Student shall bear the full expense of the alternative recording method. To accommodate such a request, all involved students must provide written consent in advance of the scheduled hearing.

### **Section 10: Appeals Process.**

10.1 Students who have violated the Student Code, as determined by a Hearing Panel or a Student Code Administrator, may appeal the decision and/or the imposed sanction within five (5) business days from the date that the Outcome Letter is sent. If the student does not submit an appeal within the prescribed time, the sanction(s) will be applied, no appeal will be considered and the matter will be concluded.

10.2 A written appeal and supporting documents, if any, shall be submitted to the Dean of Student Affairs with a copy to the Student Code Administrator.

10.3 Normally, sanctions are stayed pending the appeal outcome. However, if there is a perceived danger to College property or to the College community, interim sanctions such as residence hall removal or suspension from the campus may remain in place until the appeal process is complete.

10.4 The Dean of Student Affairs or designee, shall review the record and supporting documents to consider only the following:

- a) To determine whether jurisdiction was properly asserted under this Student Code;
- b) To determine whether the underlying proceeding was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures, such that no significant prejudice to a student or the College resulted;

c) To determine whether the decision reached was based on substantial evidence, that is, whether there is evidence a reasonable mind might accept as adequate to support the decision reached; and

d) To determine whether the sanction(s) imposed were appropriate.

10.4.1 The Dean of Student Affairs or designee shall consider the appeal and deliver a decision within thirty (30) days of receipt of such appeal, except where adherence to such time period would be impracticable, in which case such time period shall be extended as warranted by the particular circumstances.

10.4.2 The Dean of Student Affairs or his/her designee may decide to:

a) Deny the appeal;

b) Modify, reduce or otherwise limit the sanction(s) imposed (more severe sanctions may not be imposed on appeal by the Dean of Student Affairs or his/her designee);

c) Direct the Office of Student Conduct to provide a new proceeding, or allow the student to have his or her case handled beginning at any specific stage of the Student Conduct process; or

d) Remand the matter to the original decision maker with specific instructions that shall be carried out.

10.4.3 If an appeal is not upheld by the Dean of Student Affairs or his/her designee, as applicable, the matter shall be considered final and binding upon all involved.

### **Section 11: Charges of Discrimination, Harassment, Sexual & Domestic Misconduct, Stalking, and Retaliation.**

11.1 This Student Code is intended to complement West Virginia University Board of Governors Policy 44, Policy Regarding Discrimination, Harassment, Sexual & Domestic Misconduct, Stalking, and Retaliation, and any procedure implemented in support of Policy 44; to the extent that a conflict arises, Policy 44 and its implementing procedure shall govern.

11.2 In charges of discrimination, harassment, sexual or domestic misconduct, stalking, or retaliation, as defined in Policy 44, the Victim is granted the same rights afforded to the Accused Student under this Student Code in order to achieve a prompt and equitable resolution.

11.3 Discrimination, harassment, sexual or domestic misconduct, or stalking, or retaliation charges will be handled in accordance with the provisions set forth in this Student Code except to the following extent:

a) Investigation.

Allegations of a student's alleged discrimination, harassment, sexual or domestic misconduct, or stalking, or retaliation, from any credible source, will be thoroughly investigated by the Student Code Administrator under the direction of WVU's Title IX Coordinator. Such an investigation will take place in the same manner set forth in Section 9.2, except that the decision whether there are reasonable grounds to conclude that the Accused Student committed discrimination, harassment, sexual or domestic misconduct, or stalking, or retaliation will be made jointly by WVU's Title IX Coordinator and the Student Code Administrator.

At a minimum, the Student Code Administrator must make sufficient inquiry to determine if there is basis for further investigation. A recommendation based on this information will be made to WVU's Title IX Coordinator. If the Title IX Coordinator and the Student Code Administrator agree there are not reasonable grounds to conclude that the Accused Student committed discrimination, harassment, sexual or domestic misconduct, or stalking, or retaliation, the Student Code Administrator will notify, in writing, both the Accused Student and Victim and the matter will be closed. This notification will be filed with WVU's Title IX Coordinator. If there is not concurrence, the investigation will proceed.

b) Charge.

1. If, after investigating the complaint or allegation of discrimination, harassment, sexual or domestic misconduct, or stalking, or retaliation, there are reasonable grounds to conclude that the Accused Student violated the Student Code, the Student Code Administrator, under the direction of WVU's Title IX Coordinator, will apprise the Accused Student and the appropriate College departments, offices, units, or employees of the allegation by providing a written notice of the Charge.

2. In the Charge, the Student Code Administrator, under the direction of WVU's Title IX Coordinator, shall notify the Accused Student and all other applicable College departments, offices, units, or employees that retaliation is prohibited and that it should be reported if it occurs.

3. The Charge will also be provided to the Alleged Victim.

- c) Interim Remedial Measures for Complaints of Discrimination, harassment, sexual or domestic misconduct, or stalking, or retaliation Against Students.

If a complaint against a student is received and it is apparent that immediate action must be taken to stop the discrimination, harassment, sexual or domestic misconduct, or stalking, or retaliation or alleviate any issues that arise as a result of the complaint, then, following the issuance of the Charge or as soon as necessary, the appropriate College departments, offices, units, or employees shall implement interim remedial measures immediately. Such measures shall continue until the discrimination, harassment, sexual or domestic misconduct, or stalking, or retaliation investigation is complete or until the measures taken are deemed no longer necessary. Such measures may include, but are not limited to, interim suspension from the institution for the Accused Student; temporary removal from residence halls or other University sponsored events and activities for the Accused Student; altering academic, housing, or other employment arrangements for either the Accused Student or the Victim; issuance of a temporary trespass warning to the Accused Student; and “no contact” orders whereby the parties may be directed to refrain from contact with one another.

- d) Agreed Resolution.

In non-violent discrimination, harassment, sexual or domestic misconduct, or stalking, or retaliation allegations, there will be an opportunity for an Agreed Resolution in situations where an Accused Student elects not to dispute facts upon which the charge of discrimination, harassment, sexual or domestic misconduct, or stalking, or retaliation is based and both the Accused Student and Victim agree to the sanctions which are assessed, subject to the approval of WVU’s Title IX Coordinator.

- e) Hearing Procedures.

At any hearing, both the Accused Student and the Victim must have an equal access to information and opportunity to present relevant witnesses and other evidence. However, the Accused Student and legal counsel (if present) are not permitted to question the Victim directly. Rather, the Accused Student and legal counsel (if present) must submit all questions to ask of the Victim to the Chair of the Hearing Panel, who will then ask the questions. Or, in the alternative, the Accused Student’s legal counsel and/or the accused may question the Alleged Victim directly with permission from the Victim and the Chair of the Hearing Panel.

The Victim shall receive an Outcome Letter that specifies whether or not discrimination, harassment, sexual or domestic misconduct, or stalking, or retaliation occurred and, if so, sanctions relevant to the Victim.

- f) Legal Counsel.

At any hearing where the Accused Student is provided the opportunity to have legal counsel present, the Victim may also be represented by legal counsel. Any lawyer appearing at a hearing on a student’s behalf shall be licensed to practice law in the State of West Virginia and can actively participate in the hearing.

- g) Appeal.

Both the Accused Student and the Victim may file an appeal as set forth in this Student Code.

## **Section 12: Withholding Transcripts, Grades, and Degrees.**

The Student Code Administrator may direct the Registrar to withhold the issuance of an official transcript, grade, diploma, certificate, or degree to an Accused Student, pending a hearing or conference, agreed resolution, and/or exhaustion of appellate rights if in the opinion of the Student Code Administrator, the best interests of the University would be served by this action. In the event that such action is taken pending the conclusion of the proceedings, the Student Code Administrator shall inform the Registrar of the action within five (5) consecutive days of the conclusion of the proceedings and shall withdraw or continue such withholding, as is determined by the Hearing Panel or in any other agreed-upon disposition.

## **Section 13: No Reprisal or Retaliation.**

No reprisal or retaliation of any kind shall be taken by any member of the College community against any student who asserts his/her rights under this Student Code.

## **Section 14: Disclosure of Final Results.**

If a student is found to have violated a specific act set forth in this Student Code and that act constitutes a crime of violence or non-forcible sex offense, as defined by 34 C.F.R. § 99.39 (2012), then, pursuant to 34 C.F.R. § 99.31(a)(14)(i) (2014) and the University’s Family Educational Rights and Privacy Act notification, the University may disclose the final results of the proceedings. For purposes of this disclosure, “final results” means the name of the student, the basic nature of the violation the student was found to have committed, and a description and duration of any sanction imposed against the student.

## **Section 15: Student Organizations.**

- 15.1 For purposes of this Student Code, the term “student organization” means any group of students who have complied with the formal requirements for College recognition.
- 15.2 If the charge involves a student organization allegedly engaged in specific acts of prohibited activity, the matter may be referred to the Student Affairs Office. Procedures which may be followed in such instances will be identified by that office. However, if individual members of any such student organization are involved in specific acts of prohibited activity, then charges against the individuals may be brought in accordance with this Student Code and heard simultaneously with charges against the student organization.
- 15.3 The following sanctions may be imposed upon a student organization: warning, probation, loss of selected rights and privileges for a specified period of time, fines, restitution, and deactivation (loss of all privileges, including College recognition, for a specified period of time).

## **Section 16: Campus Discretion.**

Subject to Board of Governors Policy 31, the Dean of Student Affairs shall have sufficient latitude and authority to implement any reasonable measures necessary for the fair and efficient administration of this Student Code.

A student and the Student Code Administrator may agree in advance to minor deviations from this Policy. Such deviations are not then subject to appeal. Other minor deviations are acceptable as long as such deviations are not found upon appeal to be materially harmful to the Accused Student.

## **Section 17: Conduct Record Retention**

**Sanctions Less than Suspension or Expulsion:** In cases in which students are found in violation and receive a sanction less than Suspension or Expulsion, all records related to that students' cumulative behavioral history will be retained for seven years from the date of the student's last behavioral incident.

**Suspension or Expulsion Sanctions:** In cases in which students are found in violation and receive a sanction of suspension or expulsion, permanent notification will appear on the student’s transcript.

**Student Organization Records:** Records of behavioral conflicts involving student organizations will be retained for seven years following the date of the incident.

## **SECTION 5: RESIDENCE HALL CONDUCT MEETINGS**

Rules of residence hall living are compiled in the *Residence Hall Handbook* that is available on-line at [http://www.potomacstatecollege.edu/campus\\_life/residence\\_life\\_housing/](http://www.potomacstatecollege.edu/campus_life/residence_life_housing/).

Housing & Residence Life staff members are required to document any event that occurs in University housing. Usually, an event is recorded as an “information report.” An information report is an account of an event or situation by the person who has the earliest and most direct involvement with the incident. Allegations of policy violations originating from an information report are considered alleged pending completion of the student conduct process. Any member of the residence hall and University communities can confront and record a behavior that is inconsistent with community standards. Any complaint should be directed to the Residence Hall Coordinator if the alleged misconduct occurred in or around a residence hall. When behavior is recorded, the student conduct process is set in motion.

All student conduct procedures are designed to minimize disruption to the residential learning communities. The residence hall student conduct process is as follows:

- A formal complaint (usually through an information report) is submitted.
- A student conduct administrator or board (person or person(s) assigned to resolve a student conduct matter) is assigned to consider allegations against a student. The conduct administrator or board will be assigned according to the severity of the situation and previous student conduct history.
- A notice of allegations and a notice of the time, date, and location of the student conduct meeting generally will be sent by MIX E-mail at least two days prior to a student conduct meeting.
- An outcome letter including any imposed behavioral plans will be sent via MIX Email after the student conduct meeting.
- If a student requests an appeal, the appeal form must be submitted within two days after receipt of the outcome letter. Contact your Residence Hall Coordinator for more information regarding the appeal process.
- The appeal will be granted, modified, or denied and an appeal response letter will be sent to the resident via MIX Email. While an appeal is pending, behavioral plans are suspended until the Appellate Reviewer has acted upon the request and a final resolution has been reached. An exception may occur to ensure the health, safety, or well-being of members of the residential community or to preserve property.

When a policy violation has occurred, students have a right to a student conduct meeting. During the meeting, the student has the opportunity to present their case regarding the situation and alleged policy violation(s). The Residence Hall Coordinator, Student Code Administrator, or other University staff member will conduct a student conduct meeting. During the meeting, all relevant information, witnesses, and evidence should be presented to the student conduct administrator or board. The technical rules of evidence applicable to civil and criminal cases shall not apply. The student conduct administrator or board has authority to limit the number of pertinent witnesses. Student conduct decisions are based on a preponderance of the evidence, i.e., the allegations more likely than not occurred as charged.

*Note: In certain circumstances, a student may be removed from the residence halls before a student conduct meeting has been held or following a student conduct meeting where removal was imposed and an appeal is pending. An interim removal may be imposed to ensure the health, safety, or well-being of members of the residential community or to preserve property.*

## SECTION 6: RESIDENCE LIFE AND HOUSING

Potomac State College of WVU residence hall policies and regulations comply with Federal Law, specifically Title IX of the Education Amendments of 1972, which expressly forbids the use of gender as a basis for offering different services, charging different fees, or imposing different rules and regulations.

*West Virginia University reserves the right to deny or terminate on-campus housing for any real or perceived health or safety concern; when a housing assignment would unreasonably interfere with the rights of others; or when an assignment adversely affects or interferes with the educational or orderly operation of the University, its mission, or its objectives. All decisions will be made on a case by case basis.*

### 6.1 Live-In Requirement

All single students who are enrolled full-time are required to live in college-owned housing, except those meeting the criteria below:

- Students reaching 21 years of age by August 15<sup>th</sup>
- Students who will be residing with a parent or guardian and within reasonable commuting distance (50 miles) of the College
- Single or married parents
- Married students

Potomac State College recognizes that there are always exceptions to this rule. Housing appeals may be submitted by email to PSCHousing@mail.wvu.edu and are evaluated on a case-by-case basis. If you have questions pertaining to this live-in requirement or need additional information, please contact the Office of Housing and Residence Life at 304-788-7407. Office hours are Monday through Friday from 8:30 a.m. to 4:30 p.m. and is located on the 100-level of the University Place across from the Commons.

### 6.2 Academic and Behavior Requirements

Full-time status (12 credits) is required for a student to be eligible to live in the residence halls. *Students who drop below 12 credits are responsible for contacting the Assistant Director of Housing and Residence Life to discuss ~~the~~ continuing residence on campus.*

In the event a student should be found responsible for any violation of the *PSC Student Conduct Code* or residence hall policy, the student's ability to reside in campus owned housing may be temporarily suspended or permanently terminated.

All students living in college-owned housing agree to abide by the policies, rules, and regulations outlined in the *Potomac State College Student Handbook*, the *Residence Hall Handbook*, and the *Housing Contract* that you signed when you applied for housing.

### 6.3 Meal Plan Requirement and Options

All students who choose to live in residence halls are required to participate in the College dining program. There are three plans to choose from, described as:

- 19 meals per week with \$50 Dining Dollars
- 15 meals per week with \$50 Dining Dollars (only active Monday-Friday)
- 10 meals per week with \$50 Dining Dollars (only active Monday-Friday)

All plans allow access once during any meal period and can be used in either the Rapids or the Commons during posted meal times. Dining Dollars may be used any time in either location. Please note that the meal plan week begins on Thursday and runs through Wednesday evening.

Changes to meal plans are limited. Meal plans may be increased any time throughout the year and the change will likely take effect on Thursday following submission of the request. Decreases to meal plans are only allowed during the first two weeks of the fall semester. In the event Dining Dollars are depleted, money may be deposited into a Mounty Bounty account for use in either location. Students who withdraw from school during the semester may be entitled to a refund of unused fees on a prorated basis.

#### **6.4 Residence Hall Closure**

During fall and spring semesters residence halls are closed during the following break periods: Thanksgiving, winter recess, and spring break. Students should make note of opening and closing times posted on the website and plan ahead to vacate the halls during these break periods. Housing may be available to students enrolled in summer classes.

Students are expected to vacate their rooms the same day as their last final exam each semester and summer session unless specific approval to remain on campus is obtained from the Assistant Director of Housing and Residence Life. Exceptions may be made for students participating in commencement, intercollegiate athletics, or other College-sponsored events.

#### **6.5 Conduct in the Residence Halls and Dining Areas**

Resident Hall policies of Potomac State College are designed to protect individuals while promoting personal and academic success. Policies, procedures and guidelines for student behavior are designed to enhance the living and learning environment. Violation of any rules and regulations may lead to student conduct administrative action. It is expected that all residents in University housing read and comply with policies outlined in the PSC Residence Hall Handbook. This Handbook may be found by contacting Housing and Residence Life staff or on the website. Alleged Residence Hall policy violations will be adjudicated by the Resident Hall Coordinator, the Director of Student Conduct, or other University staff member.

University Police are contacted when there are alleged violations of state or federal laws. Criminal prosecution will likely follow if a student allegedly violates state or federal laws.

Students are expected to exercise appropriate behavior for community living. Behaviors like, but not limited to, fighting, inciting a fight, physical violence, threats, sexual harassment, intimidation, stalking, bullying, either in person or electronically, are not appropriate. Students who choose to engage in these behaviors may be subject to immediate removal from Residence Halls and Dining areas pending formal College disciplinary action and possible legal action.

*Note: There are no room fee refunds when students are removed from the residence halls for disciplinary reasons. The College reserves the right to use a student's previous conduct history on campus or in the halls as a factor in providing or terminating on-campus housing or allowing visitation in a residence hall.*

#### **6.6 Protection of Personal Property and Valuables**

Students are responsible for taking necessary precautions to protect their own personal belongings and valuables. The University does not accept liability for damage or theft of personal property. We recommend students carry their own personal property insurance or determine if property loss is covered by a parent's Homeowners policy.

Students who suffer property loss in the College residence halls and feel that the loss is a result of negligence on the part of the College may file a claim to recover the loss through the West Virginia Court of Claims. To file a claim, contact the Potomac State College Business Office or the Clerk of West Virginia Court of Claims, Capitol Building, Charleston, WV 25301, to request an application form.

#### **6.7 Residence Hall Handbook**

The *Residence Hall Handbook* contains more detailed information about residence hall policies and basic standards of conduct. It is available on-line at [potomacstatecollege.edu/campus\\_life/residence\\_life\\_housing](http://potomacstatecollege.edu/campus_life/residence_life_housing). All residents in University housing are expected to read and comply with policies outlined in the PSC Residence Hall Handbook. For information relating to residence hall living, please contact Potomac State College's Office of Housing and Residence Life.

## **SECTION 7: SELECTED LAWS, POLICIES, COLLEGE REGULATIONS**

#### **7.1 Alcoholic Beverages**

Chapter 60, Article 1, SECTION 3 of The West Virginia Code prohibits drinking of alcohol in public places. The West Virginia Board of Governors prohibits the possession or use of alcoholic beverages of any nature on or in property, facilities, or campuses under the jurisdiction of the West Virginia University Board of Governors, including, but not limited to, the property, facilities, and campuses of Potomac State College of WVU, except in facilities located thereon as family residences. Under a policy that became effective June 1, 1983, students are not permitted to possess or consume beer or any other alcoholic beverage on Potomac State College of WVU property, including the College-owned residence halls and College-leased housing units.

The College holds students accountable for their choices relating to alcohol, drugs and other behaviors both on and off campus. Students who are found responsible by a College Conduct Hearing Body for three minor alcohol violations are immediately removed from the residence halls. Students are normally removed after the second minor drug violation. Students who commit more serious violations, i.e., keg parties, large amounts of alcohol, dangerous drinking games (beer pong), possession of drugs with intent to sell, possession of date-rape drugs, heroin, cocaine etc., may be removed after the first violation.

*It should be understood that all occupants of a residence hall room will be charged with possession/use if they are present in a room where alcohol/drugs are present.* It is also important to note that residents of a room are ultimately responsible for what is found or occurs in the room. If you leave your residence hall room door unlocked and you leave for the weekend and your friends are caught in your room with

alcohol and/or drugs, you may also be charged with violating the College's alcohol and drug policies. Always keep your door locked and do not lend your key to anyone and do not allow others to use your room when you are out of town.

Potomac State believes that parents are partners in the educational process. Thus, one important component of the College's alcohol and drug policies is "parental notification." There are times when the College believes parental involvement is needed to rectify a situation involving drugs or alcohol hence the College may choose to notify parents of dependent students, either in writing or by telephone, who violate the College's alcohol/drug policies.

Additional details are given in the *Residence Hall Handbook* and the West Virginia Drug Prevention Program.

**Note:** *Students removed for disciplinary reasons; including the use of alcohol or drugs, receive no refunds of their room costs for the semester and possibly for the year since the Housing Contract is for the entire academic year from August until May.*

## **7.2 Anti-Hazing Policy**

Potomac State College of WVU policy prohibits all forms of hazing by any approved campus organization or other formal or informal group or by individuals. Hazing is defined as any action taken or any situation created which subjects any member of the institutional community to acts or situations which produce mental, emotional, or physical harm or discomfort, embarrassment, harassment, or ridicule. Such prohibited behavior shall include but not be limited to the following:

1. Paddling in any form.
2. Creation of excessive fatigue, e.g., prolonged physical exertion or loss of sleep.
3. Physical or psychological shock.
4. Inappropriate or illegal quests, i.e., theft of specific items, treasure or scavenger hunts, etc.
5. Engaging in public stunts and/or buffoonery.
6. Wearing publicly any apparel that is conspicuous and not normally regarded as being good taste.
7. Morally degrading or humiliating games or activities.
8. Night work sessions that interfere with academic pursuits.
9. Encouraging consumption of drugs or alcoholic beverages.
10. Any other activities that are inconsistent with the policies, rules, or regulations of the College.

Students involved in any hazing activities, either on or off campus, are subject to disciplinary action, which may result in the sanctions of suspension or expulsion whether or not there is, prosecution for such acts in local, state, or federal courts. Sanctions against organizations under this policy may include, but not be limited to: (1) loss of recognition for an approved campus organization, (2) denial or use of situational facilities, and (3) removal of some or all privileges.

## **7.3 Assembly Areas for Freedom of Speech**

The following "Freedom of Speech" assembly areas have been identified for the Potomac State College of WVU campus:

### **Outdoor Assembly Areas**

The quadrangle area around the flagpole  
Church-McKee Plaza

### **Indoor Assembly Areas**

Academy Hall 207  
Church-McKee Auditorium

*(Reservations for these areas are handled through the Campus President's office.)*

## **7.4 Behavior at Athletic Events**

Disorderly conduct or lewd, indecent, profane, or obscene conduct or expression at athletic events will result in expulsion from the facility/venue and will be subject to College disciplinary action.

The prohibition of the possession or consumption of alcoholic beverages on campus extends to events at all athletic venues. To help ensure full compliance with these regulations, students, their guests, and other persons attending such events will not be permitted to enter with bottles, cans, or thermos jugs.

Smoking and smokeless tobacco are not permitted in any athletic event or facility.

## **7.5 Bicycling, Rollerblading, and Skateboarding Guidelines**

The College recognizes that students use a variety of means of transportation on campus. Although personal choice is important, the College must consider the safety and well-being of the campus community and its visitors as well as the potential for damage to state property. In an effort to accomplish this, the College has the following policy regarding the use of bicycles, rollerblades, and skateboards on campus.

All individuals using bicycles, rollerblades, and skateboards are expected to use the equipment in a manner which is safe, for both the operator and bystanders, and in a non-destructive manner to College property. Individuals who choose to operate the equipment recklessly or without regard to themselves or others or to College property will be told to cease the behavior and will be held responsible for paying for any damages



to state property. If the person chooses to continue to operate the equipment in an unsafe or destructive manner, the equipment will be confiscated by College officials and the behavior will be addressed through the student conduct process and/or through legal proceedings.

Individuals are prohibited from engaging in tricks (sliding, grinding, jumps, and so forth) that involve any College property (e.g., stairs, steps, railings, benches, entrances to buildings). Loitering or "sessioning" on campus for the purpose of attempting tricks or stunts is not permitted. Persons who choose to loiter will be told to disperse and the behavior will be addressed through the student conduct process. Under no circumstance are skateboards, rollerblades, or bicycles permitted to be used in any building, including residence halls.

### **7.6 Bomb Threats**

The law of the State of West Virginia prohibits giving, or to cause to be given, false information in regard to the presence of a bomb or other explosive device in, at, or near buildings, bridges, etc. Students found in violation of this law may be subject to legal prosecution, as well as College disciplinary action.

### **7.7 Bulletin Board Postings (Posting Signs On Campus)**

In general, it is not permitted to hang posters, banners or other materials in buildings, on doors, walls, elevators or other areas of the campus that are not designated bulletin boards. All users are prohibited from posting any item on any unapproved surface, including walls, doors, windows, elevators, floors or entry ways. Please use bulletin boards for posting announcements and signs.

People and student organizations who want to post signs must obtain proper approval from Student Affairs before posting any item on any board, and must follow applicable guidelines. All unapproved or improperly posted signs will be removed by College personnel.

All signs posted in College residence halls must also be approved by Housing personnel otherwise, signs will be removed.

Under no circumstance are signs permitted on campus or on adjacent streets to the College that advertise activities where alcohol may be served. Persons who post these signs will be prosecuted legally and may face College sanctions.

### **7.8 Camp Fires/Bon Fires/Open Fires**

Setting of fires, including camp fires and bon fires or burning any material including paper, on College property is strictly prohibited unless approved in advance by the Dean of Student Affairs and by the Director of Facilities. Violators will be subject to College sanctions and criminal prosecution.

### **7.9 Computer Usage/Information Technology Services (ITS) Policies**

The Potomac State College of WVU computer network is part of the West Virginia University computer network and is subject to West Virginia University OIT policies and guidelines. A complete list of computer policies can be found at <http://it.wvu.edu/governance/standards-and-procedures>. Misuse of the campus computer network, residential network (ResNet) or any College computer system is a serious offense. A student who is found responsible of any of the following acts shall be subject to the maximum sanction of expulsion, or to any lesser sanction authorized by the West Virginia Board of Governors Policy 31, and imposed by the Potomac State College of WVU administration in accordance with student conduct procedures described in this *Handbook*:

1. Disruption or interference with the normal use of the computers, computer-related equipment, data, or programs of individuals, the network, or the College.
2. Use of this equipment, data, or programs in performance of any act listed as prohibited in this document.
3. Attempts to breach security in any manner.
4. Use of a computer account for other than the purpose for which it was assigned.

(Commission of any of these acts may also result in criminal prosecution, in addition to disciplinary action by the College.)

Registered students at Potomac State College of WVU may connect their personal computers to ResNet in their assigned dorm room and to the wireless network (see 2.8 Computer Access). Connecting a computer to the network anywhere else on campus is not permitted.

For your computer to be able to be connected to ResNet, it must have an Ethernet 10 BaseT network interface card (NIC) or 10/100 BaseT network interface card. Access to the wireless network requires an 802.11 B or 802.11 G wireless network card. Network cards can be purchased at the campus bookstore or your local computer store. The basic system requirements for connecting your PC to the network are a Microsoft Windows 7 or 8.x operating system. For Apple Macintosh computers, you will need Macintosh OSX. For ResNet, a standard CAT5 cable (Ethernet with RJ45 connectors) will be needed to make the connection between the PC and the network jack on the wall. We recommend you bring all PC related software with you. *All PC's must have a commercially available antivirus program that has a valid virus definition update subscription good through the end of the attended semester.* Symantec Antivirus is available for free to registered students via the WVU Technology Support Center at <http://it.wvu.edu/support/tsc/antivirus>. Freeware and Shareware antivirus programs are not accepted.

ResNet services are offered free of charge to all currently enrolled students living in Potomac State College of WVU- owned residence halls. To avoid disruption of your ResNet service you must maintain enrollment at West Virginia University and continue to live in one of the College-owned residence halls. More information regarding ResNet usage and policies can be found at <http://www.resnet.wvu.edu/>. Questions regarding setting up ResNet access or connecting to ResNet should be directed to the OIT Helpdesk at 1-877-327-9260, or via Email to [ITSHelp@mail.wvu.edu](mailto:ITSHelp@mail.wvu.edu).

Potomac State College of WVU assumes no responsibility of a user's loss of time, data, or other loss due to unavailable network services or network outages. In emergencies, the network or segments of it may be taken down with little or no notice for maintenance or to protect the security and integrity of Potomac State College of WVU's campus network. As a Potomac State College of WVU student, you have access to the various computer labs on campus, specifically: the Library, Student Union, the Academic Success Center, the Student Union and University Place. Please note, the computer classrooms on campus are for student use during class time only. ResNet may not be used to provide Internet access, for any purpose, to anyone except for the single registered user. Only the computer used to register for ResNet service may be attached, directly or indirectly, to the network connection in your room. As the registered user of your computer, you are responsible for all actions performed on that computer. Using a computer, hub, switch, router, wireless access point or similar device to give multiple computers or devices network access through a single connection is not permitted. ResNet services and wiring may not be modified or extended for any reason. This applies to all network wiring, hardware, and in-room jacks. You may not configure your computer to act as a server of any kind. ResNet and other College networks and computer services are designed primarily for academic purposes. Other uses, for example gaming, are considered secondary, and may or may not work on College networks.

ResNet is a shared resource. Thus, network use that inhibits or interferes with the use of the network by others is prohibited. For example, applications that use an unusually high portion of the bandwidth for extended periods of time, thus inhibiting the use of the network by others, are not permitted.

Potomac State College of WVU reserves the right to suspend network service for any user suspected of violating the reliability and security of the campus computer network, ResNet, or any other College computer system. Cause for suspension of network service includes, but is not limited to the following:

1. Use or possession of "hacker tools" including, but not limited to, port scanning software, packet capturing utilities, password capturing/cracking utilities, and denial-of-service programs.
2. Attempting to gain unauthorized access to any host or network resource.
3. Unauthorized use of network resources.
4. Use of Potomac State College computer resources to disseminate libelous, slanderous, or offensive material.
5. Willful attempts to sabotage network resources.
6. Registering a domain name or hostname to any IP address.
7. Intentional or unintentional disabling of network resources.
8. Use of software or devices banned on campus: wireless network hubs, switches, or routers, thin-clients, print servers and network appliances.
9. Attempting to gain access to the network gateway.
10. Running a DHCP or any other type of server.
11. Sending chain letters or large scale broadcasts to lists of individuals (e.g. spamming).
12. Any network use that consumes large amounts of bandwidth and causes poor network performance.
13. Improper network hardware/software configuration.
14. Suspected computer virus infection.
15. Suspected compromise of your computer operating system's security.
16. The storage of, or sharing of illegal music, movies, or other copyrighted materials.

Potomac State College of WVU will not tolerate the propagation or publishing of material that is defined as "obscene" by Federal, State, or local laws. It is also illegal to transmit material that is threatening or harassing as defined by applicable laws.

Academic misconduct via ResNet is considered a violation of the Campus Fair Use Policy. This includes, but is not limited to the unauthorized copying, sending, or receiving of programs, assignments, or files.

Forgery or other misrepresentation of one's identity via electronic or any other form of communication is a violation of the Student Conduct Code. Prosecution under state and federal laws may also apply.

University computer resources cannot be used for promoting business interests. Companies and individuals are prohibited from using University computer or networking resources for personal or financial gain. This includes going online to gambling sites or use of the computer for gambling purposes.

U.S. Copyright Laws grant certain exclusive rights of reproduction, adaptation, distribution, performance, display, attribution, and the integrity for intellectual property, artistic creations, etc. Works of literature, photographs, music, software, film, and video can be copyrighted. Examples of probable violations of copyright laws include, but are not limited to, making unauthorized copies of any copyrighted material (e.g. commercial software, text, graphic images, music CDs, audio/video recordings, and films), or the unauthorized distribution of copyrighted materials over computer networks or through other means. Federal Wire Fraud Law prohibits the use of interstate communications systems (e.g. phone, wire, and radio or television transmissions) to further an illegal scheme or to defraud. Violation of Federal Wire Fraud Law will result in the suspension of network service pending disciplinary action via the College's student conduct system and/or criminal prosecution.

Information Technology Services reserves the right to perform periodic host scans to ensure there are no security vulnerabilities on computers connected to the College's networks. These scans will be unannounced and will occur at different times of the day. If your computer is found vulnerable, you will be temporarily disconnected until the vulnerability is fixed.

The following University policies also govern the use of ResNet: *Potomac State College Student Conduct Code* (BOG Policy 31), *Sexual Misconduct Policy* (BOG Policy 44), and the *College Residence Hall Agreement*. It is the responsibility of each ResNet user to use ResNet services appropriately and in compliance with all West Virginia University, city, county, state, and federal laws and regulations.

WVU's *Sexual Misconduct Policy* (BOG Policy 44) covers all uses of electronic technology and communication on campus, including but not limited to correspondence via e-mail, newsgroups, chat, and instant messaging. Refer to the *Sexual Misconduct Policy* for further information and description of your options for addressing sexual misconduct.

By completing the sign-up process for ResNet service you agree to abide by the policies outlined above. Failure to comply with any of the above policies may result in the suspension of in-room network services, loss of WVU computer use privileges, disciplinary action through the College student conduct system, and/or criminal prosecution.

#### **7.10 Drugs (Prescription, illegal, synthetic, over-the-counter)**

The possession and/or use of drugs without a medical prescription and under a physician's supervision is prohibited.

The use, possession, or distribution of marijuana, other legally-controlled substances, or synthetic drugs is subject to prosecution under Federal or State law, as well as to disciplinary action by the College.

Students who choose to abuse over-the-counter or prescription medications will be subject to disciplinary action by the College and possibly criminal prosecution. For additional information, please refer to the West Virginia University Drug Prevention Program.

*Note: All prescriptions should be securely stored in properly labeled containers that display the name of the medication, who the doctor is who prescribed the medication, and the name of the person the medication was prescribed. Prescriptions should be stored securely in a lockbox and not kept out in the open where it could be stolen.*

#### **7.11 Family Educational Rights and Privacy Act (FERPA)**

Annual Notice to Students Regarding FERPA and Notice Designating Directory Information

Annually, West Virginia University informs students of the Family Educational Right and Privacy Act of 1974. This Act, with which WVU intends to comply fully, was designed to protect the privacy of education records, to establish the right of students to inspect and review their education records, and to provide guidelines for the correction of inaccurate and misleading data through informal and formal hearings. Students also have the right to file complaints with The Family Policy Compliance Office (FCPO) concerning alleged failures by WVU to comply with the Act. To learn more about FERPA, go to <http://ferpa.wvu.edu/>.

#### **7.12 Fire Equipment and Fire Alarms**

Chapter 29, Article 3, SECTION 21 of the West Virginia code states, "No person shall make, turn in or telephone, or by use of any means or methods of communication aid or abet in the making of turning in of, any alarm of fire which he knows to be false at the time of making such alarm."

Persons found guilty of violating this section of the Code for the first offense may be punished by fines of not more than \$100 or imprisonment of not more than 30 days or both. In addition to the legal liability cited above, a student found tampering with fire equipment is subject to immediate suspension or expulsion from the College.

An assessment ranging from \$5-\$40 could be made against each occupant of a College residence hall for each false fire alarm in the hall when the offender is unknown. Person's found responsible for tampering with fire hoses, smoke detectors, sprinklers, fire extinguishers, or other safety equipment and/or activating building alarms (false alarms) will likely be removed from the residence hall and will face additional College sanctions and criminal prosecution.

Upon sounding of a fire alarm, all persons occupying the building must immediately evacuate until the cause of the alarm is ascertained and it is determined by Emergency Personnel that reentry is safe. Persons who fail to evacuate will face College sanctions.

#### **7.13 Gambling**

Gambling, including but not limited to games of chance, card games for money, chain letters, lotteries, on-line gambling, on-line poker, on-line fantasy games for money, raffles, etc., is prohibited on all College property, including the College's technology network, unless otherwise approved by the Dean of Student Affairs.

#### **7.14 Good Samaritan Policy**

The College holds a fundamental commitment to the safety of its community. It is vital for students to call Emergency Medical Services by dialing 911 when a student needs medical help. The "Good Samaritan Policy" offers a clear message to students that they should report any potentially dangerous cases of intoxication, drug overdose or medical emergencies; they should not be concerned about disciplinary consequences at such a time.

The Good Samaritan Policy is as follows:

*Students or student organizations that seek emergency attention for dangerously intoxicated/overdosed or ill individuals will not be subject to punitive college disciplinary sanctions. This policy applies both to the person requiring help and the person or organization*

**reporting their concern. When students encounter another person who may be dangerously intoxicated, overdosed or ill, they have a responsibility to call EMS by dialing 9-911 from a College phone or 911 from a cell phone. After calling EMS, the student or organization should immediately notify a person in a position of authority at the College such as an RA, RHC, Night Monitor, or a University Police Officer to report the emergency.**

This policy reflects the College's priority on "safety first." The policy does not rule out educational sanctions for those involved with the incident however, an educational sanction is NOT a punitive sanction like being removed from the residence halls or expelled from the College. In addition, the student's permanent educational record will reflect no formal college disciplinary action.

In situations where a student's life may be in jeopardy, College personnel may contact the student's parents as a health precaution and may require a professional alcohol/drug evaluation to return to the residential community.

This policy refers to isolated incidents only and does not protect those students from punitive judicial sanctions who choose to flagrantly and repeatedly violate the College's alcohol/drug policies.

If you fail to immediately report such incidents you are seriously endangering the life of another person(s). If that student is incapacitated or dies as a result of you taking no action you may face College sanctions along with criminal and civil legal action from the student or his/her family.

The College can't stress enough the value we place on human life and the importance of you getting help for persons who are in need of medical attention. Please don't run away from or turn your back on a sick or injured person. Do the right thing and call for help.

### **7.15 Immunizations Required for Enrollment**

To ensure the health and safety of our campus, immunization against communicable diseases is extremely important.

**The following vaccinations are required of all first-time freshmen and transfer students:**

- MMR (Measles, Mumps, Rubella), two doses
- Meningococcal Vaccine (if under age 21), within five years
- Polio, three doses
- Tetanus (TDaP), most recent within ten years
- Hepatitis B, three doses

If you are enrolled in a healthcare major, you may have additional immunization and reporting requirements. Contact your department chair with questions about additional requirements.

**Additionally, the following immunizations are recommended prior to enrollment at WVU:**

- Varicella vaccine (chicken pox)
- Tuberculosis screening
- Hepatitis A vaccine or combined Hepatitis A&B vaccine
- Annual Influenza vaccines
- Pneumovax, if indicated
- HPV series – Gardasil (for females and males)

Questions about any of the vaccinations and how they may be obtained should be addressed to PSC Student Health Center at 304-788-6913.

New freshmen or transfer students are required to complete the Immunization Form which is available online at <http://potomacstatecollege.edu/admissions/freshmanadmission.html>.

Exemption from this requirement is granted for religious or medical reasons. Please request an exemption form from the Office of Enrollment Services. Failure to provide immunization records could prevent further registration for courses.

Some vaccines are available in the College's Student Health Center depending on availability of vaccine including:

- Meningitis (Menactra) (\$125): Protects against the most common strains of Meningococcal Meningitis.
- PPD / Tuberculosis Skin Test (\$10.00): Determines if an exposure to TB has occurred. A positive reaction usually means that the person has been infected with the TB germ. It does not necessarily mean the person has TB disease. Other tests, such as an x-ray or sputum sample are needed to see if the person has TB disease.
- Tetanus / Diphtheria (\$40.00): Tetanus (lockjaw) and Diphtheria are serious diseases. Tetanus is caused by a germ that enters the body through a cut or wound. Diphtheria spreads when germs pass from an infected person to the nose and throat of others.

Flu shots clinics are offered in the fall in the Student Health Center by an off-campus provider. A campus-wide announcement will be made when Flu shot clinics are scheduled. Patients should bring their health insurance card or cash for payment.

### **7.16 Items Not Permitted on Campus or in Vehicles on Campus Property**

The use or possession of firearms, explosives, or other weapons including but not limited to handguns, rifles, knives, BB guns, pellet guns, “air soft” guns, ammunition of any kind, bows/arrows, crossbows, black powder, firing caps, firecrackers, fuses, incense, lasers, candles, fireworks, paintballs, paintball guns, dangerous chemicals, fake weapons, sling shots, alcohol/alcohol containers, narcotics or other controlled substances, illegal drugs, synthetic drugs, bath salts, drug paraphernalia, over-the-counter medications that are not taken properly, extension cords, and dial-up modems. This is not an exhaustive list. If you reside in College-owned housing, refer to the *Residence Hall Handbook* for additional items that are not permitted in the halls.

### **7.17 Library Circulation and Fines Policy**

Fees for damaged/lost materials must be resolved with the Librarian at the Access Services Desk and the Technical Services Department. Overdue fines include holidays and weekends. Place materials in the 24-hour book-return slot located on the left hand side of the front entrance to the building. Your PSC ID or a photo ID and your WVU ID number are required for checkouts and reserves.

Books: 14-day loan period except the end of the semester; item may be renewed twice unless on hold (6-weeks total); 25 cents per day fine (maximum fine = \$7.50); \$5 fee if the item is returned without its bar code.

Journals, Magazines, & Newspapers: In-Library use only.

Reserve Materials: Most reserves do not leave the library; inquire at the Access Services Desk. Over-night reserve materials can only be checked out one half-hour prior to Library closing and must be returned one half-hour after the next day’s opening; fine = 25 cents per hour.

Archives: Ask at the Media Services Desk for these items; in-Library use only. Return to Media Services Desk when finished.

Damaged/Lost Materials: Total charge = the replacement cost + a \$20 processing fee. The replacement cost is verified by Technical Services staff. Paperback copies do not replace hard cover copies. Out-of-print materials replacement cost = a minimum of \$50.

### **7.18 Online Prevention Programs (AlcoholEdu, Campus Clarity and Kognito)**

#### **AlcoholEdu**

West Virginia University, including Potomac State College, has partnered with EverFi, whose mission is to help students address critical life skills such as alcohol abuse prevention. Each year over ½ million students complete AlcoholEdu.

As part of our comprehensive alcohol abuse prevention program for students, Potomac State College expects every new or transfer student (including WVU transfer students) under the age of 21 to take AlcoholEdu for College.

This online course will empower you to make well-informed decisions about issues that affect your college years and beyond.

Directions to login and begin the course are emailed to students via MIX email in early late July or early August. The course has two parts. Part 1 must be completed by late August and Part 2 must be completed by mid-October (deadline dates are provided in the email). There is also an online exam and students are required to pass it with a score of at least 75%.

Students who choose not to take the course or fail to complete the course are assessed a \$50 fine.

Information about AlcoholEdu can be found at: [http://potomacstatecollege.edu/campus\\_life/health\\_and\\_counseling/alcohol\\_edu.html](http://potomacstatecollege.edu/campus_life/health_and_counseling/alcohol_edu.html).

#### **Campus Clarity**

Potomac State College is committed to promoting diversity, inclusion, equality, and safety, through education, collaboration, and communication.

All incoming freshman and transfer students are required to complete the *Campus Clarity Think About It* online training module as a component of their WVUe course.

This training will examine the interconnected issues of hooking up, substance abuse, sexual violence, and healthy relationships through a variety of interactive, realistic scenarios and guided self-reflection. The course promotes a healthier and safer campus environment for everyone.

#### **Suicide Awareness and Prevention (Kognito)**

Our college community is becoming increasingly aware of the amount of stress our students are experiencing and its negative impact on their health and academic performance. Student veterans and LGBTQ students may be facing additional challenges.

To address this concern, we have adopted Kognito, a suite of free, online training simulations that will assist students, faculty, and staff, to better identify, support, and refer these students to campus and community resources. Each simulation allows the user to interact with student avatars, receive feedback, and test various approaches in a risk-free environment. The Kognito program was funded [in part] by SAMHSA Grant 1U79SM061444-01.

To learn more, please visit [well.wvu.edu/helpwell](http://well.wvu.edu/helpwell).

### **7.19 Overnight Camping**

Overnight camping on College property is prohibited unless authorized by the Dean of Student Affairs.

### **7.20 Parking Regulations/ Motor Vehicles**

The Potomac State College University Police Department is responsible for development and enforcement of traffic and parking regulations under the authority vested in the University by West Virginia Code, Chapter 18B, Article 4, Section 6. In addition to these regulations, all applicable state laws and city ordinances will be enforced on campus. The regulations were formulated after consultation with faculty, staff and students and are subject to approval by the Campus President. University Police officers and parking control attendants will enforce the provisions of the document.

Potomac State College reserves the right to change these rules as the need arises. Official changes will be published in the *Pasquino* (the student newspaper), PSC E-News, student MIX accounts, and widely disseminated by other means. Faculty, staff, and students are expected to know and comply fully with current regulations.

Students are permitted to have motor vehicles on campus. For a complete list of Traffic and Parking Regulations, please contact the University Police.

Between 5 AM and 5 PM, every vehicle, including motorcycles, driven and parked anywhere on campus by a student or college employee, must display a valid parking permit. At the time of vehicle registration, a fee of \$40 will be charged and a permit valid for one calendar year (beginning August 16) will be issued. Lost or stolen permits can be replaced by purchasing a new parking permit at regular permit prices. Permit refunds will not be considered after the first week of any semester or after a permit has been used. To be considered for a refund during the first week, the student must have withdrawn from school and not attended any classes. The plastic hangtag permit is valid for any vehicle registered in your name, and it should be hung on the rear view mirror. It must be clearly displayed while the vehicle is parked on College property.

A color-coded parking map designating parking lots on campus will be given to students when purchasing their parking permits. Visitors to campus must park in the clearly designated spaces on Campus Drive near the Administration Building. Temporary visitor's permits will be issued at the University Police office, Student Affairs office, Enrollment Services, Business office, Maintenance office, the Office of the Campus President, and the College Library. Only visitor's permits issued from these areas will be honored. If any office or department is planning an event that will bring several visitors' vehicles to campus on a given day, additional visitors' parking spaces may be reserved for that day by calling the University Police at least 72 hours in advance.

Standard blue signs currently identify handicapped parking spaces. Such spaces are reserved strictly for vehicles bearing handicapped license plates or identification as verified by other states. Any vehicle parking in a handicapped spot without proper certification as an officially recognized handicapped vehicle will be subject to a fine up to \$500 (WV Code 17C-13-6 Amended). Handicapped parking spaces are located near the Science Hall, Academy Hall, Library, Administration Building, in the Upper Gym Parking Lot, and near the Church-McKee Arts Center. Temporary handicapped permits will be issued at the University Police office upon official documentation of the handicap. Handicapped parking regulations are enforced 24 hours a day.

### **Important Reminder about Parking on City Streets**

Commuter and residence hall students are strongly encouraged to purchase a Potomac State College Parking Permit and to park in designated College-owned parking lots to avoid being ticketed and/or towed by the City of Keyser. It is illegal to park vehicles on city streets adjacent to the College from 4 p.m. until 7 a.m., Monday through Friday. To ensure positive campus/community relations, please observe this new ordinance and all other parking and traffic instructions.

### **Designated Parking Areas**

Parking areas are now designated by Letter, Number, and are Color-coded. Please refer to the Parking Map that you were given when you purchased your parking permit. The following is a listing of Letters and Colors designating parking areas:

- Signs that are BLUE and have letter A are for All permits (commuter, residence hall, and staff); anyone who has any of these parking permits can park in these areas.
- Signs that are GOLD and have letter C are for commuters only; anyone who has a Commuter parking permit may park in these areas.
- Signs that are GRAY and have letter S are for staff only; anyone who has a Staff permit may park in these areas.

Students are prohibited from parking in these areas, clearly designated with signs. Violators will be ticketed. If a child or other dependent of an employee, who is a student, uses the employee's permitted vehicle on campus, the regulations governing student permits will apply. The student cannot park in staff permit areas.

Parked vehicles must display a valid parking permit.

All parking lots and spaces located campus wide are designated parking permit areas.

Parking permits are non-transferrable. Anyone found responsible for transferring parking permits from one person to another may be subject to legal prosecution and College sanctions.

### **Purchasing a Parking Permit**

Parking permits cost \$40 for the entire academic year. All members of the campus community who plan to park a vehicle on campus must display a valid PSC parking permit. Parking permits may be purchased during Student Services Days prior to the start of each semester in the Church-McKee Auditorium. Once classes have begun, permits may be purchased by going to the University Police Office and obtaining a permit and then going to the Student Accounts Office located on the 100-level of the Administration Building to actually pay for their permit.

Once purchased, students/staff who are either Active Military or Military Veterans should go to the Student Affairs Office to obtain a placard that allows you to park in Active Military/Veteran reserved parking spaces.

### **Purchasing a parking permit does not guarantee that you will find a parking space on campus. Strategies that have proven successful in the past for students who are looking for a parking space include:**

- Drive around campus and orient yourself with all parking lots prior to the start of class
- Arrive early for class
- Don't just look in parking areas around the quad or next to Science Hall. Accept the fact that all parking spaces aren't in front of the building where your class is scheduled
- Look in lots behind Enrollment Services and University Police, adjacent to soccer field and next to Church-McKee Arts Center
- Don't take spaces that are designated for commuters if you are a residence hall student and don't take residence hall student spaces if you are a commuter
- Be a Good Neighbor to the families and individuals who live on the streets adjacent to the College by not parking in their spaces in front of their homes
- Please be courteous to your classmates

### **Parking Regulations**

There is absolutely no overnight parking around the quad (Campus Drive) from 12 midnight Sunday night through 7 AM Friday morning. After 12 midnight on Sunday night, only students unloading belongings from their vehicles will be allowed to *temporarily park* in this area.

Students will be allowed to park on Campus Drive, in the commuter lot at the west end of Science Hall, and in the gymnasium lot without being ticketed between the hours of 5 PM and 12 midnight, Sunday through Thursday.

From 5 PM Friday through 12 midnight Sunday, an open parking policy will be in effect: students will be allowed to park on Campus Drive and in the commuter lot at the west end of Science Hall, and in the gymnasium lot without being ticketed. After 12 midnight Sunday night, regular parking regulations will be enforced.

Overnight parking is allowed in any blue "A" lot at any time.

Vehicles parked on Potomac State College property must display a valid PSC parking permit.

Vehicles parked at the upper and lower college farms must also display a valid PSC parking permit.

### **Parking and Traffic Enforcement**

The campus is patrolled by University Police Officers. Some Parking regulations are enforced from 5 AM to 5 PM, i.e., parking on campus without valid permit, while others are enforced 24 hours per day, i.e., handicap parking, yellow lines, military veteran/active military spaces, or parking in fire lane.

### **Parking and Traffic Violations Enforced from 5 AM to 5 PM**

- Parking on campus without a valid permit
- Parking in areas other than those for which a particular permit is valid
- Failure to display a current permit

### **Parking and Traffic Violations Enforced 24 Hours a Day**

- Parking along yellow curbing or in areas where "No Parking" signs are posted
- Parking in areas marked "Loading Zones"
- Parking that blocks any pedestrian crosswalk
- Parking on sidewalks, grass, or in any other area not designated for vehicular use
- Blocking other parked vehicles or blocking any roadway on campus.
- Parking registered vehicles with permits in visitors or handicapped spaces
- Failure to park within marked spaces on lots or roads
- Military veteran/active military spaces
- Other flagrant parking violations

All persons operating motor vehicles on the Potomac State College of WVU campus must adhere to all laws governing the operation of motor vehicles in the State of West Virginia, e.g., observing posted speed limits and stop signs, refraining from reckless driving, excessive vehicle noise including sound systems, stopping for pedestrians in cross walks, etc. They must also obey all posted signs, including those printed on curbs and roadways.

**Note: State law mandates that persons must be inside a vehicle when in motion. Persons must be seated in the bed area of pickup trucks while being driven.**

### **Parking Violations and Towing**

Vehicles in violation of Potomac State College parking regulations and who are obstructing the safe flow of traffic will be towed and stored at the owner's expense. Vehicles, which are towed, will not be released from storage until all outstanding parking tickets, plus towing and storage fees, are paid in full. Be advised that WV Code 18B-4-6, Section G, allows PSC to tow vehicles after three parking tickets.

### **Penalties for Parking or Traffic Violations**

A state law passed in 1983 gives each state college or university the authority to formulate a set of parking regulations and to assess a civil penalty of \$10 per offense for violating parking regulations. If necessary, the College may also tow the offending vehicle and assess towing costs in addition to the civil penalty. A copy of current parking regulations is given to each student, faculty, and/or staff member at the time an annual permit is purchased, or a copy may be obtained any time from the University Police Office. Generally speaking, a driver will not violate parking or traffic rules if all posted signs are obeyed. Parked cars or motorcycles are liable to be towed or removed if they are blocking traffic or other parked vehicles.

The \$10 civil penalty for a violation may be paid by bringing or sending a \$10 check made out to *Potomac State College Parking Fund*, along with the yellow copy of the ticket, to the University Police or the College Cashier. Payment of this penalty must be made within 10 days and be on a "no-contest" basis. After 10 days, or if the person receiving the ticket wishes to contest (argue) the charge, the alleged violation comes under the jurisdiction of the Magistrate Court of Mineral County. If that Court handles the case, the citation may carry a penalty of an additional \$10 assessment plus court costs. On the other hand, the Magistrate may judge the citation was not justified, in which case there is no penalty. Most traffic/motor vehicle citations issued for violations are processed through the Mineral County Magistrate's Court.

Not all traffic tickets are state tickets. Some may be issued under the **College's Diversion Program**, where the University Police Officer has discretion to issue a WV Citation or a University Violator Ticket for allegedly violating state law that is covered under the PSC Student Conduct Code. Once a University Violator Ticket has been issued, the Office of Student Conduct normally contacts the student via MIX E-mail usually within two business days of the ticket being issued to schedule an administrative hearing for the alleged violation. The Diversion Program is in lieu of the criminal prosecution process. Students who choose to complete the program on time will avoid criminal prosecution. Failure by student to complete the program will result in the University Police converting your ticket into a criminal citation.

The College has access to the State Department of Motor Vehicles' records nationwide, so please do not think you can avoid payment of penalties if you do not register your car or if you have a license from another state. Your license number will be recorded and traced, and you may be summoned to appear before the Magistrate if you ignore a College ticket. If you have questions about the traffic or parking regulations, call the University Police at 304-788-6931.

### **7.21 Pets/Animals on Campus**

For health and safety reasons, dogs, cats, hamsters, mice, rats, reptiles, and other pets are not permitted in College facilities, including residence halls. Exceptions are made for the visually-impaired and for professional staff who are required to live on campus.

Dogs must be properly leashed and controlled at all times. Animal wastes must be properly cleaned up and disposed of by the person responsible for the animal.

**Note: If anyone takes an animal into the residence halls or into any other College building that individual will be responsible for all costs associated with that animal, i.e., the cost to spray the entire building for fleas. If an animal is kept in a residence hall room, all persons who knew about the animal will be held responsible for the costs associated with sanitizing the building as a result of the animal.**

### **7.22 Recommendations on What to do If You Have Been Sexually Assaulted**

The following recommendations should be read in conjunction with the *WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS POLICY 44, POLICY REGARDING DISCRIMINATION, HARASSMENT, SEXUAL & DOMESTIC MISCONDUCT, STALKING, AND RETALIATION*, found in Appendix 2 of this *Handbook*.

Potomac State College of WVU is committed to providing its students with a campus environment free of sexual offenses. Potomac State College does not tolerate sexual misconduct in any form.

### **What to Do If You Have Been Sexually Assaulted**

- 1. Get Help!** This is not the time to be alone. If there is no one to go to, and then call someone you can talk to, no matter how late it is.
- 2. Get medical attention.** Any student who feels he/she has been sexually assaulted should call 911, go to the Emergency Room at Potomac Valley Hospital, or go to PSC's Student Health Center (M-F, 8:30 AM -5:00 PM).



*Note: The sooner a sexual assault is reported, the easier it is to collect valuable evidence and initiate support services for the victim. Within 96 hours of the assault, the medical evaluation and rape evidence exam are available through a local hospital. If you decide to press charges, physical specimens collected soon after the rape will be valuable evidence. Completing the evidence collection does not commit you to filing charges.*

To facilitate evidence collection the victim:

- Should not bathe or douche
- Should not eat or brush their teeth if oral contact has occurred
- Should place soiled clothing in a paper bag (plastic bags destroy crucial evidence) to be taken to the emergency room or police department

Medical attention is crucial for assessing internal injuries, sexually transmitted diseases, and possible pregnancy.

University Police may transport the victim to the hospital for medical attention. If the victim does not want to contact the Police, a friend or relative may transport the student to the hospital.

When the victim arrives at the emergency room, the hospital will offer to call the Family Crisis Center 1-800-698-1240 to arrange for a volunteer advocate to accompany the victim throughout the exam if she/he chooses.

Follow-up medical services can be arranged through PSC's Student Health Center at (304)788-6913.

3. **Report the assault** to the Police and/or College officials, whether or not you plan to file charges. (Reporting a rape does NOT commit you to filing charges. You can make that decision later.) Have someone go with you. You can go the next day, but the sooner the better. Sexual assault is a crime and we encourage all victims to report.

Victims and/or witnesses are strongly encouraged to report the assault to the WVU Title IX Coordinator:

Mr. James Goins  
Director of Equity Assurance and Title IX Coordinator  
WVU Division of Diversity, Equity and Inclusion  
P.O. Box 6202  
1085 Van Voorhis Road  
Morgantown, WV 26506-6202  
Phone: 304-293-5600  
Fax: 304-293-8279  
Email: james.goins@mail.wvu.edu

If the assault takes place off campus, students and/or victims should call 911 to contact the Keyser Police, Mineral County Sheriff's Department or WV State Police. In addition, the victim should notify the University Police.

4. **Consider** whether you want to file charges with the Police and /or through the Potomac State College of WVU Student Conduct Office. The following is a list of contacts:

University Police: 304-788-6931 or 911

PSC's Student Conduct Office: 304-788-6910

PSC's Dean of Student Affairs: 304-788-6843

PSC's Social Justice Liaison: 304-788-6959

WVU's Division of Diversity, Equity and Inclusion: 304-293-5600

Mineral County Sheriff's Office: 304-788-0441 or 911

WV State Police: 304-788-1101 or 911

**5. Other** local and College Support Services and Personnel include:

Rape and Domestic Violence Information Center: 304-292-5100 (Hotline 24-hour advocacy)

Mineral County Health Department: 304-788-1321

WVU's Sexual Assault/Education Specialist: 304-293-1377

PSC's Licensed Counselor: 304-788-6976

PSC Pastoral Services: 304-788-6868

**PSC's Social Justice Liaison is**

Ms. Mollie Ravenscroft,  
Sociology Professor.  
Potomac State College of WVU  
Administration Building Room 117  
Phone: 304-788-6959  
Email: Mollie.Ravenscroft@mail.wvu.edu

**6. Other resources include:**

West Virginia University Division of Diversity, Equity and Inclusion

WellWVU

**7. Policies and Laws Relating to Sexual Misconduct:**

Board of Governor's Policy 44: *POLICY REGARDING DISCRIMINATION, HARASSMENT, SEXUAL & DOMESTIC MISCONDUCT, STALKING, AND RETALIATION*

Title IX Procedures from the WVU Division of Diversity, Equity and Inclusion

West Virginia Code, Chapter 61, Crimes and their Punishments, Article 8B, Sexual Offenses

WV Laws Related to Domestic Violence and Sexual Assault

PSC Student Conduct Code and Discipline Procedure  
[http://potomacstatecollege.edu/campus\\_life/PSC-HANDBOOK-2015.pdf](http://potomacstatecollege.edu/campus_life/PSC-HANDBOOK-2015.pdf)

**Victim Advocacy**

The purpose of this notification is to try to help victims of sexual harassment including domestic violence, sexual assault, sexual battery, sexual harassment, etc. to deal with the effects of being victimized.

Persons who have questions about the student conduct process are encouraged to meet with either Student Conduct personnel located in room 109A on the top floor of the Student Union or with the Dean of Student Affairs in the Student Affairs office located in room 104 of the

Administration Building. If you, the victim, are not sure about what will happen or your role in the process, please ask. We will work with you to help you through this process.

You do not have to file a police report in order for the Potomac State College student conduct process to be implemented. It is very helpful to the Student Conduct Board if you participate in the conduct process in order for your voice to be heard.

If you believe that you have been the victim of sexual harassment, you are strongly encouraged to contact the WVU Division of Diversity, Equity and Inclusion at 304-293-5600 to talk with a trained professional about steps that you should take to file an official complaint. You are also strongly encouraged to contact the PSC Student Conduct Office at 304-788-6910 to learn about your rights as a victim through the student conduct process.

It is important for you to know that the victim and the person who is accused of the behavior have the same rights under the *PSC Student Conduct Code*. Both you and the victim may have a representative with you during the hearing and in cases of expulsion; the representative may be an attorney who may participate in the hearing. Please note, the College does not pay for either attorney.

The College will take steps to help to ensure your safety, i.e., temporary suspension from College or residence halls, room relocation, behavior contract, trespassing notices, etc., however the College cannot absolutely guarantee anyone's safety so if you, the victim, ever feel unsafe because of the behavior of the accused student then you should immediately call 911.

The Student Conduct Board may accommodate concerns for the personal safety and/or well-being of the Complainant, Accused Student, and/or a witness during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by videophone, closed circuit television, video conferencing, videotape, or other means, where and as determined in the sole judgment of the Vice President of Student Affairs or his/her designee to be appropriate.

You, as the victim, will be kept informed throughout the student conduct process. You will be made aware in writing of the hearing information as well as the outcome and appeal decisions of the Student Conduct Board at approximately the same time as the accused.

Below is a list of useful WVU/PSC contacts, resources, and policies that you are encouraged to research. If you have question, please ask them. We will guide you through this difficult time.

#### **Useful Campus and WVU Contacts/Resources:**

WVU's Division of Diversity, Equity and Inclusion  
304-293-5600  
<http://diversity.wvu.edu/>

WellWVU  
<http://well.wvu.edu/>

WVU Faculty and Staff Assistance Program  
304-293-5590  
<http://www.hsc.wvu.edu/fsap/>

PSC Student Health Center  
788-6913

PSC College Counselor  
788-6976

PSC Student Conduct Office  
788-7910

PSC University Police  
788-6931

PSC's Social Justice Liaison  
788-6959

#### **7.23 Solicitation, Concessions and Fundraising**

The term "solicitation" is defined to include: (1) the sale of products or services; (2) the seeking of funds, signatures, merchandise, or applications for services, including credit cards.

No person, organization, agency or corporation that is not an authorized representative of the West Virginia University Board of Governors may take orders for any item or service or solicit funds in any Potomac State College facility or at a College-sponsored event without specific permission from the Dean of Student Affairs.

Commercial for-profit solicitation is not permitted on University property except by contract with the Student Affairs Office.

Fundraising activities on College property by PSC-recognized student organizations is permitted only with a Student Organization Fundraising Application, which must be obtained from and submitted for approval to Student Affairs. If the Application is approved, the profits from the solicitation must be solely for the direct use of the organization. The Application must specify the bank account into which the income will be deposited. Student Affairs reserves the right to audit the account, receipts, and other relevant records before, during, and after the solicitation event. Individual students and informal student groups are not permitted to solicit funds on campus.

**Note: Solicitation and fundraising requests for College-owned residence halls must be approved in advance by the Director of Auxiliary Services.**

#### **7.24 Telephone Use**

Use of college-owned telephones and/or the college telephone system in a manner other than its intended purpose constitutes a violation of the *PSC Student Conduct Code*. Such violations include but are not limited to harassment, fraud, solicitation, etc., and will be considered from both a college judicial and from a criminal perspective.

#### **7.25 Threats to Self or Others**

To ensure the health and safety of the College community, it is Student Affairs' practice to temporarily separate from the residence hall community students who demonstrate significant emotional instability or those who engage in thoughts and behaviors that put themselves or others at risk until they are able to safely return to the residence hall community. *Each situation is considered on a case by case basis.*

What is defined as significant emotional instability or thoughts and behaviors will be determined by College personnel. Parents/guardians of students will be informed by College personnel as necessary and appropriate. When parent/guardians are notified, it is expected that they will promptly come to PSC and pick up their son/daughter or make arrangements for another person to do so. College personnel will work with parents/guardians throughout the process.

Any student who has been temporarily separated from the residence halls for behavioral and/or health-related reasons must meet with the Dean of Student Affairs or his designee prior to returning to the residence hall community to discuss residence hall return and/or other options.

#### **7.26 Tobacco-Smokeless**

The following is a list of areas on the Potomac State College of WVU campus that are considered "tobacco-free" where smokeless tobacco is not permitted: Administration Building; Science Hall; Library; Potomac Commons; Student Union; Gymnasium; Church McKee Arts Center; Field House; Academy Hall; Health Center; Agriculture Technology classroom areas, the Equine Center, all athletic facilities, and all residence halls.

**Note: Violations may result in College sanctions.**

#### **7.27 Tobacco-Smoking (including electronic cigarettes)**

In accordance with the existing West Virginia University Smoking Policy, Potomac State College of WVU has designated the following as "Smoking Permitted" areas on the Potomac State College of WVU campus:

- Outdoors where cigarette urns have been placed
- At least fifteen (15) feet from academic, athletic, residential and administrative building entrances and windows
- At the smokers hut located next to the Lough Gymnasium

Smoking and the use of electronic cigarettes are not permitted in the residence halls, the Library, and other designated smoke-free areas. The following is a list of areas on the Potomac State College of WVU campus that are considered smoke-free: Residence halls, Administration Building; Science Hall; Library; Potomac Commons; Potomac Rapids; Student Union and porch; Gymnasium; Church-McKee Arts Center; Field House; Maintenance Shop; Farm Shop; College Farms, Equine Center, Barns, and Farm Buildings; Agriculture Technology Facility; Greenhouse; Academy Hall; Health Center; all outdoor athletic event seating areas, and common areas of residence halls including porches and near open windows.

**Note: Violations may result in College sanctions.**

#### **7.28 Use of Student Union and Recreational/ Athletic Facilities by Students and Visitors**

When a recreational facility (other than the softball and baseball fields) is not being used for a regularly scheduled class, an official practice by an athletic team, an official intramural event, or any other official event, the facility is available for informal leisure-time use by all students, faculty, and staff of the College. If non-student guests wish to participate in these casual games or workouts, the host PSC student must accompany them at all times. Under no circumstances are athletic/recreational facilities open to the general public without written approval from the College's Athletic Director. Baseball and softball fields are restricted areas and are not open to general student use. The major facilities available are the gymnasium and Stayman Field. Contact the Athletic Office in Lough Gymnasium to schedule such usage.

If non-students and student guests wish to use the Student Union, the host PSC student must accompany them at all times. Under no circumstances is the Student Union open to the general public without written approval from the Dean of Student Affairs.

Exercise rooms are available in University Place and Catamount Commons (students and staff can access the rooms with a valid Catamount ID Card). If non-students and student guests wish to use these facilities, the host PSC student must accompany them at all times. Under no circumstances are these facilities open to the general public without written approval from the Director of Auxiliary Services.

The gym and the weight room located in the gym are typically not open on weekends and not past 11 PM on Sunday through Thursday. If non-students and student guests wish to use these facilities, the host PSC student must accompany them at all times. Under no circumstances are these facilities open to the general public without written approval from the Athletic Director.

Students are encouraged to join privately-owned health clubs in the community. The College is located within driving distance to several highly rated ski resorts, white-water rivers, lakes, and other outdoor recreational areas. It is often possible for students to get discount rates at these resorts and health clubs.

Students are discouraged from playing baseball, softball, or using toys that shoot any type of projectile on the quad because of the high probability that vehicles may be hit and damaged, windows broken or a bystander being accidentally hit and injured. *Students engaged in any type of activity on the quad or anywhere on campus that could jeopardize the health and safety of them or others or pose a potential threat to state or personal property will be directed to cease the activity or to find an alternate location.* The quad area may be closed during wet weather to prevent damage to the grass and sod, during inclement weather including lightning storms, while maintenance work is completed, and while other scheduled activities and events are occurring.

### **7.29 Warning about Computer Social Networks**

Student Affairs personnel encourage students to become involved and connected to the Potomac State College community in any way possible. The Internet has provided additional ways for community members to connect and communicate. However, with these additional means of networking and communicating, extra care and diligence must be taken by community members. Students need to be aware of the added responsibility associated with these forms of networking and communicating. Students are encouraged to read and adhere to WVU's Social Media Guidelines online at <http://universityrelations.wvu.edu/digital-services/policies-and-guidelines/social-media-guidelines>.

As with other public arenas, information found on internet sites is admissible as evidence in Student Conduct hearings and other proceedings. Information that is admissible will be, but not limited to: wall postings, journal entries, blog postings, pictures, comments, and other openly accessible communications.

Messages between individuals can also be used in Residence Life Community Standards process. Harassing communications can involve instant messaging, text messaging, e-mail, Facebook messages, or other electronic forms of communications.

Students should be aware that the Internet is considered a public forum and information posted on the internet can be viewed by anyone including College administrators, future employers, parents and sexual predators just to name a few. Please be cautious of the information you make available to others.

### **7.30 Weapons**

Weapons, including but not limited to rifles, shotguns, bows and arrows, knives, BB guns, pellet guns, sling shots, paintball guns and any instrument used for purpose of intimidation, are prohibited on property owned or controlled by the College, including in parked vehicles in College parking areas, except by authorized College personnel. Possession of other dangerous substances, chemicals or materials, including but not limited to, ammunition (arrows, bullets, paintballs, etc.), black powder, dynamite, dynamite caps, fireworks, fire crackers, lasers, etc., is also prohibited on campus property except by authorized College personnel.

Pocket knives are permitted so long as they are carried in a closed position with a blade of three inches or less or cutlery knives of a reasonable size when used in the culinary course are permitted.

***Note: College employees are not permitted to keep or store such weapons or materials on College property for students.***

## APPENDIX 1

### WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS POLICY 31

#### *STUDENT CONDUCT CODE AND DISCIPLINE POLICY FOR POTOMAC STATE COLLEGE OF WEST VIRGINIA UNIVERSITY*

##### **Section 1: General.**

1.1. Scope: The purpose of this policy is to encourage West Virginia University students to engage in proactive and intentional efforts to build connections and relationships with their community and to set forth a policy regarding student conduct and discipline at West Virginia University.

1.2. Authority: W. Va. Code § 18B-1-6; § 18B-2A-4.

1.3. Effective Date: August 12, 2013.

1.4. Revision History: This is a revision to Policy 31, which was originally effective August 15, 2006 and amended September 8, 2006 and again April 12, 2013. The prior version remains in effect until August 11, 2013, subject to any procedures adopted in accordance with it or Policy 44.

##### **Section 2: Preamble.**

Students of West Virginia University (the “University”), whether on the main campus, its divisional campus(es), or at any of its instructional locations throughout the state of West Virginia, the nation, or the world, are citizens of a broader academic community. As such, the University expects that every member of its academic community share its historic and traditional commitment to honesty, integrity, and the search for truth. In addition, the University is concerned with the living and learning environment of all of its students. It is expected that each person will grow to have greater respect for self, others, and property. In implementing this Policy, the University is not intending to create a substitute for civil or criminal penalties. The collegiate nature of the educational mission requires that all members of the academic community unite to administer and support this Policy and to suggest change and improvement as necessary.

The University seeks to establish basic guidelines for University students to be good neighbors and expects all students to adhere to generally accepted standards of conduct for actions and events occurring within the formal boundaries of the University’s campuses and also to actions and events occurring in the communities off of the University campus. Further, students and student organizations are required to engage in responsible social conduct that reflects credit upon the University and to model good citizenship for the greater academic community. It is the University’s expectation and priority that students feel integrated into the rich fabric of this diverse community and make a positive contribution to it.

It is further expected that every member of the University’s academic community will respect the democratic process, a society based on law, and the basic tenets on which our nation was founded. Rights and responsibilities under local, state, and national law are neither abridged nor extended because of student status, and each student must be mindful of these responsibilities. The University will not request special consideration for any students charged with violations of any law on the basis of their status as students, nor will prosecution by federal, state, or local authorities necessarily preclude disciplinary action by the University.

The University has the inherent authority to discipline and to protect itself and its property. However, when such authority must be exercised, students will be provided any substantive and procedural due process rights and the right of appeal, as required by law. The student’s right to be treated with respect and dignity will be protected.

When a student is charged with a specific violation, the University will use procedures for determining if the charge is fair and accurate. This Policy enumerates and explains that specific procedures shall be used in determining the fairness and accuracy of such charges and the sanctions which might be imposed if the charges are found to be true. In adjudicating alleged violations, the process is not intended to be punitive or deterrent in the criminal sense, but rather seeks to determine whether the student is qualified to continue as a member of the University community. Thus, the standards applicable to this administrative process are, by their very nature, distinct from those found in criminal or other courts of law.

Opportunities for participation in the process and equality of treatment are afforded all students. The University does not discriminate on the basis of race, gender, age, disability, veteran status, religion, sexual orientation, color, or national origin in the administration of any of its educational programs or activities, or with respect to admission or employment. In this regard, compliance with all applicable state and federal regulations and the requirements of Title VI of the Civil Rights Act and Title IX of the Higher Education Act of 1972 is expected.

The primary mission of the University is to educate its students and prepare them for responsible and full participation in society. The implementation of this Policy is designed to ensure that University students conduct themselves in an acceptable manner in accordance with the mission and values of the University.

### **Section 3. Off-Campus Conduct and Community Responsibility.**

University students are expected to be good neighbors to the families, professionals, retired individuals, and others who make up the diverse communities adjacent to and near each University campus. Students who live in these neighborhoods should keep these individuals and their own personal rights in mind when living off campus. Importantly, students must understand that behavior that violates the Campus Student Code, even though it occurs off campus, may result in sanctions.

### **Section 4: Definitions.**

4.1. The term “University” means West Virginia University and its divisional campuses.

4.2. The term “student” means all persons taking or auditing courses at the University, either full-time or part-time, pursuing undergraduate, graduate, or professional studies; persons 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; or persons who are living in University supervised housing at any time, even if not enrolled at the University. A person will continue to be a “student” until such status is terminated upon the occurrence of one or more of the following events:

- a. Graduation (without any indication of intent to pursue post graduate activities at the University during the following semester);
- b. Voluntary withdrawal of the student from West Virginia University; or
- c. Involuntary dismissal (or other withdrawal of the student initiated by the University) from all programs and activities of the University, and the exhaustion of all internal grievance procedures to redress the dismissal or withdrawal (if applicable).

4.3. The term “University official” means any person employed by, or acting on behalf of, the University, performing assigned academic, administrative or professional responsibilities.

4.4. The term “member of the University community” means an individual engaged in any University activity or program, whether on or off campus, or an individual lawfully on University property, including, but not limited to, any person who is a student, staff, faculty member, other University official, or a visitor.

4.5. The term “University premises” means all land, buildings, facilities, and other property owned, leased, operated, used, supervised or controlled by the University (including adjacent streets and sidewalks).

4.6. The term “student organization” means any number of students who have complied with the formal requirements for University recognition.

## **Section 5: Campus Student Code.**

### **5.1. General.**

The President or the President’s designee shall establish appropriate procedures for each of the University’s campuses that contain written rules and regulations concerning student conduct and discipline (the “Campus Student Code”). Each Campus Student Code shall comply with this Policy and contain within it, at a minimum, the requirements set forth here.

### **5.2. Campus Student Code Administrators.**

On each campus, at least one professional shall be responsible for implementing and maintaining efficient administration of the Campus Student Code and performing all necessary functions mandated by the Campus Student Code and this Policy (a “Campus Student Code Administrator”). The Campus Student Code Administrator(s) shall be available to assist any student, student organization, or University official in understanding and applying the Campus Student Code and this Policy.

### **5.3. Statement of Jurisdiction.**

Each Campus Student Code should include a statement of jurisdiction indicating that the Campus Student Code shall apply to student conduct that occurs on University premises; at University sponsored activities; to conduct that does not occur on University premises but adversely affects or interferes with the educational or orderly operation of the University, its mission, or the pursuit of its objectives; to conduct that does not occur on University premises but, in light of all of the facts and circumstances, would endanger the health, safety, or property of the University, the University community, or its neighboring communities; and to conduct that occurs on or off of University premises or property which violates federal, state, or local laws, policies of the West Virginia University Board of Governors, institutional or campus rules or regulations, directives of University officials, including failing to observe conduct which is appropriate for an academic institution.

Conduct from the time of application for admission through the actual awarding of a degree, even if conduct occurs before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment, is subject to the applicable Campus Student Code and this Policy. The applicable Campus Student Code shall apply to a student’s conduct even if the student withdraws from school while a disciplinary matter is pending, and even if the student’s conduct is not discovered until after a degree is awarded.

Further, each Campus Student Code shall apply to all students enrolled in undergraduate, graduate, and professional programs. Academic and professional standards of conduct may also apply to students enrolled in programs that have adopted such standards, i.e., all students are subject to this Policy and some students may be concurrently subject to additional standards as determined by the respective academic programs.

## ***Section 6: Requirements of Each Campus Student Code.***

Each Campus Student Code is expected to reflect the culture, resources, and organization of the associated campus. Regardless, each Campus Student Code shall ensure due process under the law for all students; outline necessary time frames or scheduling deadlines; clearly articulate requirements or prohibitions with respect to witnesses, evidence, or hearing matters; and include the following:

### **6.1. Prohibited Conduct.**

All students of the University are expected and required to obey applicable laws, to comply with the policies of the West Virginia University Board of Governors, with institutional or campus rules and regulations, with directives



issued by any University official acting in the course of his or her authorized duties, and to observe standards of conduct appropriate for an academic institution. These standards apply on or off of University premises or property.

Accordingly, each Campus Student Code shall list specific acts of prohibited conduct that will result in sanctions being sought by the Campus Student Code Administrator. The list of specific acts of prohibited conduct should further the goals and mission of the University and the statements located in the preamble of this Policy.

## **6.2. Sanctions.**

It is expected that the Campus Student Code Administrator and/or the Hearing Panel will impose or seek a sanction that is fair under the circumstances. Each Campus Student Code should include and explain, at a minimum, the following sanctions: Expulsion; Suspension; Probation; Warning; Community Service; Loss of Privileges; Fines; and Restitution.

## **6.3. Reporting.**

Each Campus Student Code must establish a manner by which allegations of a student's prohibited conduct are to be reported to the Campus Student Code Administrator.

## **6.4. Investigation.**

Each Campus Student Code must establish a process by which allegations of a student's prohibited conduct, from any credible source, are thoroughly investigated by the Campus Student Code Administrator or his or her designee(s). To ensure a thorough investigation, the Campus Student Code Administrator shall have the authority to summon by written or electronic request any member of the University community for a meeting for the purposes of investigating and/or discussing allegations of prohibited conduct and those summoned shall be obliged to attend any such meeting. Finally, each Campus Student Code must establish a minimal threshold for allegations to proceed through the conduct process.

## **6.5. Procedures and Processes Required.**

At a minimum, each Campus Student Code shall incorporate the following for each of the processes listed below. Based on the facts and evidence obtained during the investigation, the Campus Student Code Administrator will determine the sanction being sought, which, in turn, will determine the process to be followed. In deciding which sanction to seek, the Campus Student Code Administrator shall consult with appropriate University officials, including academic officials, so that any impact on a student's current academic program is considered.

### **6.5.1. Complaints Seeking Suspension or Expulsion.**

Each Campus Student Code shall provide a process for determining responsibility and a sanction for matters or situations in which the alleged actions, if true, would justify a suspension or an expulsion. This process must incorporate each of the following, to the extent required by law: notice of the charge, which at a minimum shall include a brief, but detailed, statement of facts that support the allegation and put the accused student on notice of the alleged conduct and the potential sanction(s) which may result if it is determined that the accused student is responsible for the alleged prohibited conduct, and also clearly articulates whether past code violations will be considered in determining a sanction for the alleged current conduct; an agreed resolution procedure; a hearing process procedure; the procedure for selecting an impartial hearing panel, which at a minimum, shall be comprised of at least three members with at least one student and a faculty majority; a notice of outcome, which at a minimum, shall plainly state the decision and shall plainly state the rationale for the decision; in the event that the student is found responsible for violating the Campus Student Code, the notice of outcome should include a brief statement of the facts relied upon by the decision maker, the assigned sanction, the impact that the student's past conduct may have had on the determination of the assigned sanction, and an explanation of any appeal rights; the right to counsel; and appeal.

### **6.5.2. Complaints Not Seeking Suspension or Expulsion – Conduct Conference.**

Each Campus Student Code shall have a process for the administrative disposition of complaints not seeking suspension or expulsion through an informal conference (“Conduct Conference”). The Conduct Conference will be used for determining responsibility and a sanction for matters or situations in which the alleged actions, if true, would not justify a suspension or an expulsion and must incorporate each of the following: notice of the charge; an opportunity for an agreed resolution; opportunity to present evidence; notice of outcome; and appeal.

### **6.5.3. All Complaints of Sexual Misconduct.**

In matters or situations involving complaints of sexual misconduct, as defined in West Virginia University Board of Governors Policy 44, Policy Regarding Sexual Misconduct, the interests of the victim and the accused must be protected. The process for determining responsibility and a sanction for matters or situations in which the alleged sexual misconduct, if true, would justify sanctions must ensure that the accused student and victim are afforded the same rights. Therefore, each campus should have a process for investigating and resolving complaints of sexual misconduct in such a manner so as to achieve a prompt and equitable resolution. This process should complement Policy 44 and any procedure implemented in support of the same.

### **6.5.4. Cases of Academic Dishonesty.**

Cases of academic dishonesty shall be concurrently subject to this Policy and its disciplinary sanctions as well as to academic sanctions in accordance with West Virginia University Policy 15 or other applicable academic procedures. Such matters may be brought to the Student Code Administrator for investigation in accordance with the applicable Campus Student Code and/or may be addressed in accordance with Policy 15 or other applicable academic procedures.

### **6.6. Interim Suspension.**

Each Campus Student Code will have a process for the interim suspension of students. The President or the President’s designee shall be authorized to impose an interim suspension prior to a formal hearing or other disposition of allegations against a student. Such immediate interim disciplinary action may be taken as is appropriate under the circumstances for a time period and under those conditions as may be determined by the President or the President’s designee when it is necessary to ensure the safety and wellbeing of members of the University community or to preserve University property; to ensure the student’s own physical or emotional safety and well-being; or to deter a threat of disruption or interference with the normal operations of the University. At a minimum, the process for the interim suspension must require that written notice be given as soon as possible to a student issued an interim suspension and the matter promptly brought to hearing or other disposition.

### **6.7. Additional Necessary Procedures.**

Subject to applicable state and federal law, the President or the President’s designee shall be authorized to establish processes through which the welfare of the members of the University community shall be preserved, including a process to address any student who poses a direct threat. The processes may or may not be an integrated part of the Campus Student Code, but must ensure due process to the student giving students a reasonable opportunity to be heard and respond before a final decision can be made. The processes shall be implemented in a nondiscriminatory manner with all determinations based on an individualized assessment of a student’s observed conduct, actions, and statements, and not merely on knowledge or belief that a student is or may be an individual with a disability. Further, all determinations to remove a student will be made in consultation with a qualified healthcare professional to interpret all available information, and will not be based on a slightly increased, speculative, or remote risk of substantial harm.

### **6.8. Appeals.**

Students who are found to have violated the Campus Student Code shall have the right to appeal any sanction imposed, except sanctions imposed as a result of an agreed resolution. Each Campus Student Code shall contain

provisions ensuring that all appeals will be processed according to clearly articulated requirements and time frames and shall identify to whom such appeals must be directed.

The Campus Student Code shall provide that on appeal, only the following issues may be considered:

- a) To determine whether jurisdiction was properly asserted under the Campus Student Code;
- b) To determine whether the underlying process was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures, such that no significant prejudice to a student resulted;
- c) To determine whether the decision reached was based on substantial evidence, that is, whether the facts in the case were sufficient to establish that a violation of the Campus Student Code occurred (this does not mean that the person to whom the appeal is directed may substitute his or her judgment for that of the original panel or administrator); or
- d) To determine whether the sanction(s) imposed were appropriate.

#### **6.9. No Reprisal or Retaliation.**

Each Campus Student Code must provide that no reprisal or retaliation of any kind shall be taken by any member of the University community against any student who asserts his/her rights under this Policy.

#### **6.10. Withholding Transcripts, Grades, and Degrees.**

Each Campus Student Code shall provide that the Campus Student Code Administrator may direct the Registrar (or other appropriate campus office) to withhold the issuance of an official transcript, grade, diploma, certificate, or degree to a student, pending a hearing or conference, agreed resolution, and/or exhaustion of appellate rights if, in the opinion of the Campus Student Code Administrator, the best interests of the University would be served by this action. In the event that such action is taken pending the conclusion of Campus Student Code proceedings, the Campus Student Code Administrator shall inform the Registrar of the action within five (5) consecutive days of the conclusion of the proceedings and shall withdraw or continue such withholding, as is determined by the Hearing Panel or in any other disposition.

### **Section 7: Residence Life.**

The President or the President's designee shall have the authority to establish a separate process to hear matters that involve Campus Student Code violations that occur within University supervised housing, whether committed by residents or nonresidents. This process may include sanctions, with the exception of expulsion or suspension.

### **Section 8: Classroom Behavior.**

The primary responsibility for managing the classroom environment rests with the faculty. Students who engage in any prohibited or unlawful behavior that results in disruption of a class may be directed by the faculty member to leave the class for the remainder of the class period. Longer suspensions from a class, or dismissal on disciplinary grounds, must be subject to the appropriate Campus Student Code. The term "prohibited or unlawful behavior" would include behavior prohibited by a faculty member. It must be emphasized that this provision shall not be used to punish classroom dissent. The lawful expression of a disagreement with a faculty member is not in itself disruptive behavior. However, dissent must be presented in a manner consistent with the classroom environment set by the faculty. A student who believes that he or she has been treated in an arbitrary manner in this regard should contact his or her Dean of Students or the Campus Student Code Administrator.

### **Section 9: Student Organizations.**

The President or the President's designee shall have the authority to establish a separate process to hear matters that involve Campus Student Code violations or unlawful activity that involve a student organization. This process may include sanctions, including the student organization's loss of selected rights and privileges or deactivation (loss of all privileges, including University recognition).

## **Section 10: Institutional Discretion.**

Subject to this Policy, the President or the President's designee shall have sufficient latitude and authority to implement any reasonable process necessary for the fair and efficient administration of this Policy.

### **APPENDIX 2**

#### **WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS POLICY 44**

#### ***POLICY REGARDING DISCRIMINATION, HARASSMENT, SEXUAL & DOMESTIC MISCONDUCT, STALKING, AND RETALIATION***

### **Section 1: General.**

1.1 Scope & Purpose: West Virginia University is committed to fostering a diverse and inclusive culture by promoting diversity, inclusion, equality, and intercultural and intercommunity outreach. Accordingly, the University does not discriminate on the basis of race, color, national origin, ancestry, age, physical or mental disability, marital or family status, pregnancy, veteran status, service in the uniformed services (as defined in state and federal law), religion, creed, sex, sexual orientation, genetic information, gender identity, or gender expression in the administration of any of its educational programs, activities, or with respect to admission or employment. This Policy sets forth how discrimination, harassment, sexual and domestic misconduct, certain consensual relationships, stalking, and retaliation will be addressed by West Virginia University.

1.2 Authority: W. Va. Code §§ 18B-1-6, 18B-2A-4; Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e to 2000e-17; Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681; the West Virginia Human Rights Act, W. Va. Code §§ 5-11-1 to -20; the Campus Sexual Violence Elimination Act, 20 U.S.C. § 1092, and the Violence Against Women Act of 1994, 42 U.S.C. § 13925.

1.3 Effective Date: June 5, 2014

1.4 Revision History: Originally effective June 2, 2006 with a title of "Policy and Procedure Regarding Sexual Harassment"; amended June 7, 2012 and titled changed to "Policy Regarding Sexual Misconduct"; and amended again on June 5, 2014 and title changed to "Policy Regarding Discrimination, Harassment, Sexual & Domestic Misconduct, Stalking, and Retaliation."

### **Section 2: Free Expression, Academic Freedom, and Accountability.**

2.1 Free expression and academic freedom at West Virginia University ("University") are necessary to enable the institution to reach its goals to engage students in a challenging academic environment; excel in research, creative activity, and innovation in all disciplines; foster diversity and inclusion; advance international activity and global engagement; and enhance the well-being and the quality of life of the people of West Virginia. Consequently, while this Policy seeks to protect members of the University community from discrimination, harassment, sexual and domestic misconduct, certain consensual relationships, stalking, and retaliation, it should be read in conjunction with Board of Governors Policies 2, 10, and 11, all related to free expression and academic freedom.

2.2 Under the University President, the Division of Diversity, Equity and Inclusion, in conjunction with the Deans, Vice Presidents, Office of Student Conduct, and the appropriate members of the divisional campuses, shall implement and ensure compliance with this Policy.

### **Section 3: General Definitions.**

3.1 “Complainant” means, for purposes of this Policy, any individual that makes or files a complaint against another individual with the University or any individual that is the victim of prohibited conduct that is reported to the University.

3.2 “Respondent” means, for purposes of this Policy, an individual accused of conduct prohibited by Section 4.

3.3 “Member of the University community,” for purposes of this Policy only, means an individual engaged in any University activity or program, whether on or off campus, or any individual lawfully on University property, including, but not limited to, any person who is a student, staff, faculty member, other University official, or a visitor.

3.4 “Student” means, for purposes of this Policy, an individual subject to the West Virginia University Board of Governors Policy 31, University Student Conduct and Discipline Policy.

3.5 “Consensual relationship” means a mutually acceptable romantic, dating, or sexual relationship between individuals.

### **Section 4: Defining and Recognizing Prohibited Conduct.**

#### 4.1 General.

The University prohibits discrimination, harassment, sexual misconduct, domestic misconduct, stalking, and retaliation (collectively referred to as “prohibited conduct”) by or against any member of the University community that occurs on University premises or in connection with a University sponsored activity; off-campus conduct that unreasonably interferes with the educational or orderly operation of the University community, its mission, or its objectives determined by a reasonable person; and off campus conduct that, in light of all of the facts and circumstances, would endanger the health and safety of the University community. As a result, any individual found to have committed these acts against another is subject to appropriate discipline.

4.1.1 To further this Policy, all members of the University community are expected to engage in conduct that meets professional standards; take appropriate action to prevent prohibited conduct; and avoid behavior that a reasonable person would construe as prohibited conduct.

4.1.2 Those in supervisory positions have a special responsibility to discourage prohibited conduct as well as to implement and enforce this Policy.

#### 4.2 Discrimination

4.2.1 “Discrimination” is conduct that is based upon an individual’s race, color, national origin, ancestry, age, physical or mental disability, marital or family status, pregnancy, veteran status, service in the uniformed services (as defined in state and federal law), religion, creed, sex, sexual orientation, genetic information, gender identity, or gender expression and excludes an individual from participation, denies the individual the benefits of, treats the individual differently or otherwise adversely affects a term or condition of an individual’s employment, education, living environment or participation in a University program or activity. This includes failing to provide reasonable accommodation, consistent with state and federal law, to persons with disabilities. It does not, however, include programs or activities specifically exempt by law. *See, e.g.*, 20 U.S.C. § 1681(a) (2014).

#### 4.3 Harassment

4.3.1 “Harassment” is conduct that creates a hostile environment, as defined below, and is based upon an individual’s race, color, national origin, ancestry, age, physical or mental disability, marital or family status, pregnancy, veteran status, service in the uniformed services (as defined in state and federal law), religion, creed, sex, sexual orientation, genetic information, gender identity, or gender expression. Harassment, as defined above, may take various forms, including, but not limited to, name-calling, graphic or written statements (including the use of cell phones or the

Internet), or other conduct that may be physically threatening, harmful, or humiliating. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

4.3.2 “Hostile environment” means a situation where an individual is subjected to any conduct based on the reasons set forth in Section 4.3.1 and that conduct is sufficiently severe or pervasive and objectively offensive so as to unreasonably interfere with an individual’s educational experience, work or academic performance or deny or limit the individual’s ability to participate in or benefit from the University’s programs, services, opportunities, or activities. A hostile environment can be created by anyone involved in a University program or activity (e.g., administrators, faculty members, students, and even campus guests). Mere offensiveness is not enough to create a hostile environment. Although repeated incidents increase the likelihood that harassment has created a hostile environment, a serious incident, even if isolated, can be sufficient to create a hostile environment.

In determining whether harassment has created a hostile environment, consideration will be made not only as to whether the conduct was unwelcome to the person who feels harassed, but also whether a reasonable person in a similar situation would have perceived the conduct as sufficiently severe or pervasive and objectively offensive. Also, the following factors will be considered:

- (i) The degree to which the conduct affected one or more students’ education or individual’s employment;
- (ii) The nature, scope, frequency, duration, and location of incident or incidents;
- (iii) The identity, number, and relationships of persons involved; and
- (iv) The nature of higher education.

4.3.3 In addition to hostile environment harassment, sex-based harassment includes sexual harassment and non-sexual harassment based on stereotypical notions of what is female/feminine versus male/masculine or a failure to conform to those gender stereotypes. “Sexual harassment” means harassment that creates a hostile environment based on sex, as defined above, and also unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature on or off campus that is sufficiently severe or pervasive when (i) submission to such conduct is made either explicitly or implicitly a condition of an individual’s employment or academic performance or participation in University programs or activities; or (ii) submission to or rejection of such conduct is used as the basis for employment decisions or for academic evaluation, grades, or advancement. In determining whether alleged conduct constitutes sexual harassment, consideration shall be given to the record as a whole and to the totality of the circumstances, including the nature of sexual behavior and the context in which the alleged incident(s) occurred. Sexual harassment may occur between people of the same sex or people of different sexes. Examples of sexual harassment may include, but are not limited to, unsolicited, deliberate, or repeated touching, sexual flirtation, advances or propositions which are not welcomed and/or desired; unwelcome jokes, stories, comments, innuendos, or other sexually oriented statements which are specifically designed to embarrass or humiliate through their sexual subject matter content; unwelcome sexual communication such as graphic or degrading comments about one’s gender related to personal appearance; unwelcome display of sexually explicit materials, objects or pictures in an individual’s place of work or study. Importantly, these and any other examples in this Policy, are provided only for illustration purposes and all conduct must still meet the applicable definitions in the Policy before rising to the level of prohibited conduct.

#### 4.4 Sexual Misconduct

4.4.1 “Sexual misconduct” means “sexual assault” and “sexual exploitation,” as defined below. It is a broad term used to encompass unwelcome behavior of a sexual nature that is prohibited by Title IX and West Virginia University.

4.4.2 “Sexual Assault” means sexual intercourse or sexual contact that occurs without consent.

4.4.3 “Sexual Contact” means any intentional touching, either directly or through clothing, of the breasts, buttocks, anus or any part of the sex organs of another person, or intentional touching of any part of another person’s body by the actor’s sex organs.

4.4.4 “Sexual intercourse” is defined as anal, oral, or vaginal penetration, however slight, by an inanimate object or another’s body part, including, but not limited to a penis, tongue, or finger.

4.4.5 “Consent” is defined as agreement, approval, or permission as to some act or purpose that is given knowingly, willingly, and voluntarily by a competent person. A person is not competent and therefore lacks the ability to consent where there is either forcible compulsion or incapacity to consent. A person is deemed incapable of consent when that person is either less than sixteen years old, mentally incapacitated, or physically unable to resist. It is important to remember that silence, by itself, cannot constitute consent. Consent to one sexual act does not constitute or imply consent to a different sexual act. Previous consent cannot imply consent to future sexual acts. Consent is required regardless of the parties’ relationship status or sexual history together.

4.4.6 “Sexual exploitation” means taking sexual advantage of another person without his or her consent. Sexual advantage includes, without limitation, causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such other person; causing the prostitution of another person; recording, photographing or transmitting identifiable images of private sexual activity and/or the intimate parts of another person; allowing third parties to observe private sexual acts; and engaging in voyeurism.

#### 4.5 Domestic Misconduct

4.5.1 “Domestic misconduct” means “domestic violence” and “dating violence” as defined below.

4.5.2 “Domestic Violence” means (i) unlawfully and intentionally making physical contact of an insulting or provoking nature with one’s family or household member(s); (ii) unlawfully and intentionally causing physical harm to one’s family or household member(s); (iii) unlawfully attempting to commit a violent injury against one’s family or household member(s); or (iv) unlawfully committing an act which places one’s family or household member(s) in reasonable apprehension of immediately receiving a violent injury.

4.5.2.1 For purposes of this section, “family or household members” means persons who: (1) are or were married to each other; (2) are or were living together as spouses; (3) are or were sexual or intimate partners; (4) are or were dating: provided, that a casual acquaintance or ordinary fraternization between persons in a business or social context does not establish a dating relationship; (5) are or were residing together in the same household; (6) have a child in common regardless of whether they have ever married or lived together; (7) have the relationships described in W. Va. Code § 48-27-204.

4.5.3 “Dating Violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

#### 4.6 Stalking

4.6.1 “Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (i) fear for his or her safety or the safety of others; or (ii) suffer substantial emotional distress.

#### 4.7 Consequences & Corrective Action.

Violators of this policy are subject to appropriate disciplinary action that may include sanctions as severe as discharge of an employee, expulsion of a student in accord with the Student Code of Conduct, or other action depending on the particular circumstances. In addition, prohibited conduct that constitutes a criminal law violation will be referred to the appropriate authorities for prosecution. Furthermore, although conduct may not violate this policy, it may still be prohibited by the University under a different policy or standard of behavior. Accordingly, in such cases, the University reserves the ability to take any necessary action.

#### 4.8 Consensual Relationships.

Although consensual relationships are within the purview of individual privacy, those engaging in such relationships that occur between persons in inherently unequal and closely related positions at the University or employees within the same reporting line, including those between supervisors and supervisees, must remain aware that such

relationships could lead to circumstances that result in harassment or sexual or domestic misconduct. In these specific cases of consensual relationships, the individuals shall notify their immediate supervisor or other appropriate administrator. The supervisor or administrator shall be responsible for making arrangements to eliminate or to mitigate any conflict of interest or other legitimate occupational interest related to employment, the consequences of which might prove detrimental to the University or to either party in the relationship. In some instances, if no suitable way to eliminate or mitigate the conflict is reasonably feasible, one or both individuals may be separated from employment at the University. It is important to note that these types of consensual relationships also may result in a hostile or offensive environment affecting other employees or students. For example, others may perceive a person involved in the consensual relationship as receiving favorable treatment in employment or educational decisions and actions.

#### 4.9 Teacher-Student Relationships.

A faculty member or instructor is prohibited from engaging in consensual relationship with a student whom the faculty member or instructor evaluates, supervises, instructs, or advises. Where there is a pre-existing consensual relationship, the faculty member or instructor shall notify his or her immediate supervisor or other appropriate administrator. The supervisor or other appropriate administrator shall be responsible for making arrangements to eliminate or to mitigate any conflict, the consequences of which might prove detrimental to the University or to either party in the relationship.

### **Section 5: Complaints.**

#### 5.1 Coordinator.

The President or the President's designee shall appoint an administrator to act as the University's Coordinator to handle all complaints under this Policy, including acting as the University's Title IX Coordinator. The Coordinator will oversee all complaints filed under this Policy generally and identify and address any patterns or systemic problems that arise during the review of such complaints. The Coordinator is further responsible for coordination of training, education, communications, and administration of complaint procedures for faculty, staff, students, and other members of the University community. The Coordinator may also appoint deputy coordinators to assist the University in furthering this policy.

#### 5.2 Filing.

Any member of the University community who believes he or she has been subject to any of the prohibited conduct set forth in Section 4 may file a complaint in any manner set forth in the applicable procedure, as discussed below. If a complaint is received, it shall be forwarded to the appropriate department for investigation and disposition.

#### 5.3 Procedure.

The President or the President's designee(s) shall formulate a complaint procedure to investigate and respond to all complaints of prohibited misconduct. In all cases, complaints will be handled in such a manner so as to achieve a prompt and equitable resolution. Further, the University will take the appropriate steps to end the misconduct, prevent any further misconduct or retaliation, remedy the effects of misconduct, and eliminate any hostile environment that has been created.

If a student has been accused of prohibited conduct, the complaint will be handled pursuant to West Virginia University Board of Governors Policy 31. Any investigation resulting from a complaint will be separate from and in addition to any criminal investigation that may result. Finally, the procedure shall also include and incorporate all of the necessary and appropriate policy requirements, statements, and guidance of the Campus Sexual Violence Act provision, Section 304, of the Violence Against Women Reauthorization Act of 2013, any amendments, as set forth in the University's Annual Campus Security and Fire Safety Report, or applicable guidance from the United States Department of Education, Office of Civil Rights and the White House Task Force to Protect Students from Sexual Assault.



#### 5.4 Disclosure and Confidentiality.

The University respects the privacy of those reporting prohibited conduct and will endeavor to respect requests for confidentiality to the extent permissible by law. However, the University has certain legal obligations to address this conduct and to prevent its recurrence and, as a result, cannot guarantee confidentiality to a complainant in all cases. That said, there are places where a victim can receive confidential services and the complaint procedure must identify clearly where a victim can go to receive such services without having to risk confidentiality.

#### 5.5 Dishonest or Frivolous Complaints.

If a complainant is found to have been intentionally or maliciously dishonest, reckless, or frivolous in making the allegations, the complainant shall be subject to appropriate disciplinary action.

### **Section 6: Retaliation Prohibited.**

6.1 No individual may retaliate against any complainant, any person that assists a complainant in the filing of a complaint under this policy, or a witness. Complaints of retaliation for such activities will be treated the same way as other complaints under this policy.

6.2 “Retaliate” means to take an adverse action against an individual or subject an individual to conduct that has the purpose or effect of unreasonably interfering with that individual’s educational experience, work or academic performance, or creates an educational experience or academic or work environment that a reasonable person would find intimidating or hostile because of something that individual did to further this policy, including but not limited to filing a complaint or being a witness in or supporter of or against a complaint.

*Alma Mater*

Potomac State, Potomac State,  
Our Alma Mater dear,  
We'll sing thy praises far and wide,  
For gold and blue we'll cheer.  
Potomac State, Potomac State,  
May thine the honor be,  
Thy sons and daughters live for thee.  
All Hail, Potomac State.

-Paul Rouzer

*Catamount Fight Song*

Oh, Cat-a-mounts, we're here be-side you,  
We'll al-ways stand for you and cheer,  
With all out spir-it here behind you,  
No teams of ours should ev-er fear.

Come on and fight and win for State, boys,  
Our col-ors, Gold and Blue, they'll see.  
And you will Fight, Fight, Men of Might,  
March on to Vic-tor-y!