

West Virginia University-Potomac State College  
*Student Handbook*  
(2019-2020)

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**Appendix 1**-West Virginia University, Board of Governors, Policy 31  
*WVU-POTOMAC STATE COLLEGE STUDENT CONDUCT CODE*

**Appendix 2**-West Virginia University, Board of Governors Rule 1.6  
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DOMESTIC MISCONDUCT, STALKING, RETALIATION, AND RELATIONSHIPS*

*Alma Mater  
Catamount Fight Song*

*(West Virginia University-Potomac State College 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

Welcome to West Virginia University-Potomac State College.

The *Student Handbook* is provided to you by the Division of Student Experience 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 you should familiarize yourself with as you embark on or continue your educational journey.

The Division of Student Experience's mission is to provide programs and services that support and enhance student success. Our goals are to:

1. Prepare students to be productive members of society.
2. Engage students in campus life.
3. Create experiences that prepare students for success at PSC and beyond.
4. Offer programs and services that promote healthy lifestyle choices.
5. Nurture and model a caring and inclusive culture where all students are welcome.

I encourage you to take advantage of the array of services, activities, student organizations and programs available to you.

Check out the <https://studentexperience.potomacstatecollege.edu/> link or to stop in the Student Experience office, located in room 104 of the Administration Building, to learn more about student life at WVU-PSC.

Please don't hesitate to contact me, or anyone in Student Experience if you need assistance or if you have questions.

Good luck on your educational journey.

## 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](mailto: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 (OAS) is dedicated to enhancing the educational opportunities for students with temporary and permanent disabilities at West Virginia University (WVU) and all of its campuses. To ensure access to University programs, accessibility specialist work individually with students to help them achieve academic success. A specialist for the Potomac State College Campus is located on the Ground Floor of the Mary F. Shipper Library.

Our website [Home / Accessibility Services / West Virginia University](#) provides additional information regarding accommodations and documentation standards. Students may also register for services online.

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

The AOD Prevention office is located Reynolds Hall, Room 104D. Hours of operation are M-F from 8:30 AM until 4:30 PM.

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 email at [kaanderson@mail.wvu.edu](mailto:kaanderson@mail.wvu.edu) or by telephone at 304-788-6910.

### 2.4 Care Team (If You See Something Say Something)

The Care Team at WVU Potomac State is a group of committed professionals on a multidisciplinary team taking a proactive approach to effectively assess and address threatening and/or concerning behaviors. Contact [PSC-Cares@mail.wvu.edu](mailto:PSC-Cares@mail.wvu.edu) if you experience concerns about the well-being or safety of a WVU-PSC student or any other person affecting the college 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.**

Send a referral to [PSC-Cares@mail.wvu.edu](mailto:PSC-Cares@mail.wvu.edu).

### 2.5 Bookstore

The WVU Potomac State College Bookstore, a branch of the Barnes and Noble WVU Bookstore, is located in the Student Union. New, Used, and Digital 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 [wvupotomac.bncollege.com](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 free photo Catamount ID card at the time of course registration. There is a \$30 replacement fee for lost, stolen, broken and/or damaged ID cards. You can get a replacement card in the Student Experience office during regular business hours.

You will swipe your ID card for: door and elevator access; meal plans; laundry in residence halls; purchases at the campus bookstore; printing and copying; borrowing from the library; and purchasing WVU basketball and football tickets when they are available. For information on how to add money, account balances, spending history, add meal plans, report lost cards, submit ID photo, and manage laundry services visit this site: [Mountie Bounty](#).

Students must carry ID cards at all times and produce them when requested by University Police, night monitors, Resident Assistants and other College employees. ID cards are required for admittance to student activities, open gym, intramural programs, recreational/social activities.

ID cards must not be shared or used by anyone other than the cardholder. Doing so is a violation of the [Acceptable Use of Data and Technology Resources policy](#), as well as terms and conditions of the card program.

Students may submit your own photo according to the guidelines at [mymountaineercard.wvu.edu](http://mymountaineercard.wvu.edu) and upload the photo and required identification information. WVU will review the information and once approved, if it meets the guidelines, the ID can be printed at the NSO days or in the Student Experience office in room 104 of the Administration Building.

## **2.7 Mountie Bounty**

Your ID Card has a [pre-paid debit card feature called Mountie Bounty](#). You can add money to your account at [mymountaineercard.wvu.edu](http://mymountaineercard.wvu.edu). Parents, guardians and others may deposit money to your account by clicking the "Parent/Guest Add Mountie Bounty". Guests will need your WVU username ONLY, not your password, to make a deposit for you. Sharing your Login password with anyone is a violation of the [Acceptable Use policy](#).

PSC students and staff also can use Mountie Bounty make purchases on the Keyser campus at The Commons, The Rapids the WVU-PSC Bookstore. for laundry facilities in the residence halls, and for printing services in the Mary F Shipper Library, University Place, the Student Union. Purchases can also be made at various WVU-Morgantown facilities and at off-campus businesses that accept Mountie Bounty.

There are no setup or transaction fees, and no minimum balances are required.

## **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 Mountie Bounty to pay electronically for laundry machines in the residence halls since the laundry machines do not accept cash.

## **2.9 Campus and Community Involvement**

We create opportunities for students and community members to work together through volunteering at the local food pantry, after school program, Habitat for Humanity projects, and monthly visits to nursing home residents. One goal of our program is to help students find life-long passions for serving communities in which they will live. Students, faculty and staff are welcome to contact Pastor Sally Bartling (304-813-0889) or Pastor Lauren Godwin (304-617-3975) for information about service and community involvement opportunities.

## **2.10 Computer Access**

WVU-Potomac State College 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. 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 6.9 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 a 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/>. You will need to know your WVU ID number when you activate your account.

The computer labs and wireless network are part of the WVU-Potomac State College computer network and are subject to WVU's Information Technology Services and WVU-PSC's policies and guidelines. Please refer to section 6.9 Computer Usage/ITS 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 in room 104A of Reynolds Hall. A wide range of direct and indirect services in the areas of counseling, training, consultation, and outreach are available. Tele-psychiatry services are provided by WVU-Morgantown and coordinated through WVU-PSC Counseling Services.

On-campus counseling services in the Counseling Center are free for currently enrolled students. 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.

### **2.12 Dining Services**

WVU-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 WVU-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 are 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	8:00 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 6:30 p.m. on Friday

The Rapids Hours of Operation:

Monday through Thursday	8:00 a.m. – 11:00 p.m.
Friday	7:45 a.m. – 2:00 p.m.
Sunday	6:30 p.m. – 11:00 p.m.

***\*Hours of operation may change due to inclement weather, holidays, and unforeseen emergency situations.***

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 provides the best value. Two other options are designed for students who are not expecting to be on campus for weekends. The 15 meals per week option allows access to any 15 meals Saturday through Friday. The third plan allows access to any 10 meals Monday through Friday and has the lowest total cost. Meal plans with more access have higher costs per semester but they average less per meal. Students should evaluate the options to determine which best suits their needs. All plans include \$50 Dining Dollars that can be used outside normal meal periods and on weekends at either dining location. NOTE: Residence Hall students may increase their meal plan any time throughout the year, however, decreases are only allowed for the first two weeks of the first semester on campus.

Commuter students who are interested in participating 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 come in two styles, a block plan set for a specified number of meals for the semester or one of the weekly plans described above. Block plans may be purchased in 25, 50, or 80 count packages with or without \$100 Dining Dollars. If a block plan is not giving enough access, commuter students may choose a plan that provides 10, 15, or 19 meals per week and they all come with \$50 Dining Dollars. Please contact Dining Services to discuss your options and sign up for the meal plan that best fits your needs.

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 may be obtained in the Student Experience office. A \$30 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. Public etiquette is an essential skill for a well-rounded educational experience and Dining Services is committed to 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: [PSC-FinAid@mail.wvu.edu](mailto:PSC-FinAid@mail.wvu.edu)

Web: <https://admissions.potomacstatecollege.edu/cost-and-aid/financial-aid>

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>. The FAFSA must be submitted annually with a filing deadline of March 1 for priority 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 <https://www.studentloans.gov>.

Learn more about the Federal Work Study program at <https://admissions.potomacstatecollege.edu/cost-and-aid/student-employment>.

If you have not yet applied for financial aid but wish to do so, you can still complete the 2019-2020 Free Application for Federal Student Aid (FAFSA). 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 <http://financialaid.wvu.edu/home/maintain/academic-progress>.

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

Contact Information

Telephone: 304-788-6820 Email: [PSC-Records@mail.wvu.edu](mailto:PSC-Records@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 <https://admissions.potomacstatecollege.edu/current-student/withdrawal-from-college>. 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 <https://academics.potomacstatecollege.edu/academic-calendar>.

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 <https://academics.potomacstatecollege.edu/academic-calendar>.

Students who are unable to access the form may mail a request to the Office of Enrollment Services, WVU-Potomac State College, 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**

**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 2019-20 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 [\*\*BETINS International Health and Travel Insurance\*\*](#) as a starting point to research, compare and purchase insurance. Another site that may be worth checking out is [\*\*eHealth\*\*](#). Some International students have used personal credit card insurance coverage. (Please note, WVU-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 WVU-PSC students purchase health insurance through WVU-Morgantown?* No. PSC students do not need to complete the insurance waiver listed on the WVU-Morgantown 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.
- 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 receive 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.

### **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 8:00 AM until 4:30 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 in need of 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, local urgent care clinics or call 911.

**Notes: Students are financially responsible for all medical costs incurred at other health care facilities. Students are strongly encouraged to have a copy of health insurance coverage with them should they need medical care 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 Lacrosse  
Women's Soccer  
Women's Softball  
Women's Volleyball  
Men's Baseball  
Men's Basketball  
Men's Lacrosse  
Men's Soccer  
Cheerleading  
Esports

### **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, and other outdoor adventure programs.

For more information, please go to [http://potomacstatecollege.edu/campus\\_life/student\\_activities/intramurals.html](http://potomacstatecollege.edu/campus_life/student_activities/intramurals.html).

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

### **2.18 Lost and Found**

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

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

All residence hall students are assigned an individual mailbox for the academic year. Students will receive their mailbox key when they move into the residence hall, and will return the key when they move out. 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

Student mailboxes are located in The Loft of the Student Union. Mail is delivered Monday through Friday only. There is no outgoing mail service.

Packages will be kept in the mailroom. Students will receive notification of packages through their WVU email, and may pick up packages during the mailroom's listed hours of operation.

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

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 after the two weeks period of the end of spring semester.*

## **2.20 Mary F. Shipper Library**

Mary F. Shipper Library provides services, resources, and programs to support the teaching and learning initiatives of Potomac State College. We are a member of the WVU Libraries system which includes eight different libraries in locations around the state of West Virginia.

We are . . .

### **A Library without Walls**

Potomac State College students and faculty have access to electronic resources—anytime, anywhere. You can physically visit the library (open nearly 70 hours a week) or use electronic resources anywhere there's an Internet connection.

### **Knowledgeable Library Staff**

We can help you to locate and use a wide array of information resources and services. We know where to find the answers. We'll show you how to find resources that are available on demand or we can borrow materials from other libraries. Just...Ask A Librarian!

### **A Great Place to Study or Meet Friends**

The Library offers study spaces and areas where you can comfortably work in groups or study by yourself. Help is available from a talented staff who will personally assist you with your academic research assignments and work. You can borrow a laptop computer or work at one of the desktop computers throughout the building.

### **One WVU Libraries**

Half a million electronic books...hundreds of databases...streaming video and audio...thousands of periodicals, journals, and magazines. Electronic resources in Keyser are identical to those used by students and faculty at West Virginia University in Morgantown. We offer a dynamic collection of current research and resources – all at your fingertips!

### **Borrow Books...and More!**

Whatever your major, we can help you succeed. We lend laptops, microscopes, GoPro and 360 cameras and other multimedia equipment. The Library also can help you create videos, use a green screen, download software, or create an ePortfolio. And we're more than happy to help you with any research papers or projects.

### **A Great Place to Work**

If you are eligible for Federal Work-Study, we may have a job for you. Employment opportunities exist for talented, hard-working students. We'd be glad to have you as a member of our team.

For more information, stop by the Library's Information Desk.

## **2.21 WVU Portal**

Portal.wvu.edu is a single gateway to a variety of services and applications. You log in using your WVU username and password, and [Duo two-factor authentication](#). What you see in the Portal depends on who you are. Students see different content than faculty or staff. Students can see grades, schedules, announcements and resource links. Learn more about portal at [it.wvu.edu/help](http://it.wvu.edu/help). Some key services include:

- [STAR \(Banner\)](#) is the system used to view financial aid, pay tuition, register for classes, view class schedules and more.
- [eCampus \(Blackboard\)](#) is an online learning tool that students use to complete assignments for both online and lecture-based classes. Health Sciences students may also use a system called [SOLE](#).
- [Schedule Builder](#) lets you create a course schedule and factor in other activities, such as work or extracurriculars.
- MIX email, the official communication channel for both PSC and WVU-Morgantown. [Learn more about MIX email](#).

Learn more about other technology tools for students at [it.wvu.edu/services/students](http://it.wvu.edu/services/students).

## **2.22 Parent/Guest Portal**

The [Parent-Guest Portal](#) is the exclusive method by which a University student may grant a third-party access to his or her records. Information that is protected from disclosure pursuant to the Family Educational Rights and Privacy Act (FERPA), such as grades, financial aid details, and student account/billing information is maintained in a secure online environment. A student may grant permission to a parent or guest to access this information and make payments through this portal. Students may also restrict the access to which a parent or guest is entitled at any time.

Granting access will let parents see grade, dining or financial aid information and pay bills using their own username and password, not yours. Students must never share their username and passwords with anyone, including parents. This is a violation of the Acceptable Use policy.

### **2.23 Radio Station (102.9 FM)**

WKYW–LP a.k.a. “Mountain Streams Radio,” a partnership with the Mineral County Historical Society, went on air February 2017 and will broadcast from facilities in Catamount Place residence hall. The station offers a broad mix of music with roots in West Virginia and the Appalachian region along with information of particular importance to Mineral County. The station offers a wide range of opportunities for learning and work experience for students interested in such areas as journalism, engineering, computer science, marketing, office management, and traditional music, as well as students who are interested in radio and its operation as a hobby. Students will have the opportunity to get involved by writing and producing radio segments and "ripping" music. For further information, contact Station Manager Ed McDonald at 304-790-2321 or by email at [ed@eioproductions.com](mailto:ed@eioproductions.com) or Division Chair Thomas Sydow at [Tom.Sydow@mail.wvu.edu](mailto:Tom.Sydow@mail.wvu.edu) about JRL 393: a class that writes and produces content for the radio station.

### **2.24 Recycling**

WVU-PSC 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.

### **2.25 Sex Offender Registry**

The State of West Virginia requires sex offenders to register with the State Police. WV 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/Student Involvement**

The Office of Student Involvement, located in room 109 of the Student Union, serves as the on campus "hub" for student activities and involvements opportunities. Personnel oversee weekly events such as Game Night, Pinterest Night, Craft Night, and Late Nights. In tandem with Housing and Residence Life, the Welcome Week Committee, Health Services, the Social Justice Committee and other departments across campus, Student Involvement personnel implement theme named events throughout the year, including Welcome Week, Diversity Week, Women’s Empowerment Week, Halloween Week, and Fall/Spring Bash (these may change each year).

Student Involvement personnel also work with students and faculty/staff advisors in operating the numerous Student Organizations on campus. Specifically, the Office of Student Involvement tracks student membership for each Student Organization, including officers and members, and acts as a resource for Student Organizations planning events on campus. The Office of Student Involvement 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 a Constitution, and 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 either in person or by telephone at 788-6837 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: 304-788-6835 Email: [psc-osa@mail.wvu.edu](mailto:psc-osa@mail.wvu.edu)

Web: <https://studentaccounts.wvu.edu/billing>

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, email us, or contact us at the numbers provided above.

## Student Billing

WVU uses an electronic system for billing. Students preregistered for classes will be notified via MIX 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 the Office of Student Accounts at PSC, which needs to be done each new term. Please visit the WVU Office of Student Accounts website at <https://studentaccounts.wvu.edu/billing> for more information about billing.

## Payment of Tuition and Fees

Students will receive notifications in their MIX email account regarding the payment due date for tuition and fees, room and board, and other student account charges. A 2.25% 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 regarding student account deadlines.

## How to Make a Payment

- To pay online, log into WVU Portal at <portal.wvu.edu> to access STAR. Click “Electronic Bill by Term” and then click the “PAY” link at the top of the page or “PAY NOW” at the bottom of the bill.
- Payment can be made in the STAR system with a VISA, MasterCard, Discover, or American Express. A 2.25% processing fee will be charged for all credit/debit card transactions. If you are paying via debit card please consider using the electronic check option instead to avoid the fee.
- Pay by mail. If paying by check, please make the check payable to West Virginia University and provide the student’s WVU ID number on the memo line of the check. Checks can be mailed to:  
WVU-Potomac State College - 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.

## Payment Plans

WVU offers Tuition Payment Plans through CashNet. CashNet offers monthly tuition payment plans for fall, spring, and summer semesters. The CashNet tuition payment plans are interest free and can help you avoid large lump-sum payments. Paying monthly is a more affordable option that makes education costs easier to manage. We encourage all students to sign up early. The earlier you join, the lower your monthly payments will be because you will be spreading your total amount due over a longer period of time. The one semester plans, for either the fall *or* spring *or* summer, have a \$35.00 non-refundable application fee per semester and enrollment dates vary. The first monthly payment and the application fee must be paid upon enrollment. All payments (application fee and monthly) should be paid directly to CashNet. CashNet will then disburse your monthly payments automatically to PSC in a daily/weekly disbursement file. For more details or to enroll, please visit: <https://commerce.cashnet.com/paymentportal>

NOTE: When signing up for a CashNet tuition payment plan, it is the student’s responsibility to ensure that they have budgeted correctly. For any accounts that are under budget, students will be responsible for either increasing their contract budget or paying the difference directly to WVU -Potomac State College prior to the start of the term. Accounts that are not budgeted correctly will be assessed late payment fees, when applicable.

## Student Refunds

Refund-eligible students can receive their money quickly and efficiently with an E-Refund through TMS.

Students who chose E-Refund will receive funds via an ACH (direct deposit) in an account at the financial institution of their choice.

Students selecting a direct deposit option for their refund can receive their funds in as little as 3-5 business days from the date they receive their refund notification. A paper check will be mailed to the student mailing address if students do not choose E-Refund.

Please visit the WVU website for more information or to enroll in a new account today: <http://studentaccounts.wvu.edu/refunds>.

## Non-Sufficient Funds (NSF) Check Policy

Payments of tuition, fees, and other charges by check, draft, or money 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 2.25% may also be assessed since WVU considers a returned item as nonpayment. A copy of the full policy is available at <https://revenueservices.wvu.edu/policies/nsf-non-sufficient-fund-check>.

## 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 <https://studentaccounts.wvu.edu/billing> for further questions on our late fee policy.

Past due accounts will be sent to a collection agency.

### **2.28 Student Legal Services**

The mission of WVU's Student Legal Services (SLS) team is to provide counseling, advice, education, and representation to students to assist them to resolve legal issues and to foster and support students' learning development. SLS is committed to protecting the legal rights and interests of the student body by providing high quality legal and mediation services at no cost to undergraduate students, individually and collectively, as well as student government and student organizations.

SLS is available to educate students about their legal rights, responsibilities, and obligations. SLS provides services to all students with legal issues including, but not limited to, the following areas of law: leases, contracts, landlord/tenant issues, consumer issues, notary services, insurance matters, wills and powers of attorney, debt collection, expungement of criminal records, employment grievances, family law and domestic matters, and general civil matters.

Students must schedule an appointment in advance in order for SLS to meet with them. Students may contact ***WVU's Student Legal Services*** by telephone at 304-293-4897 or by email at [sls@mail.wvu.edu](mailto:sls@mail.wvu.edu).

### **2.29 Student Experience Office**

Contact information

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

Web: <https://studentexperience.potomacstatecollege.edu/>

The Division of Student Experience provides student services including the PSC Care Team, AlcoholEdu, Health Services, Counseling Services, the Catamount Debit Plan, Catamount ID Card Services, Intercollegiate Athletics, Alcohol and Other Drug Prevention Services, Student Legal Services, Title IX Investigations, Community Service, Student Activities and Recreation, Student Organizations, and the Student Government Association.

The Student Experience 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 Experience maintains an official student activities calendar, is the "lost and found" depository for the college, issues student Catamount ID cards, and maintains a "complaint "log.

### **2.30 Student Conduct Services**

The Office of Student Conduct is located on the right side of the University Police Duplex, located on A Street behind University Place. 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 and the email address is [kaanderson@mail.wvu.edu](mailto:kaanderson@mail.wvu.edu).

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 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 including 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.



### **2.31 Student Newspaper (*Pasquino*)**

(Pronounced Pass-QUEEN-o) is published two 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. The students also publish an online edition and post to the Twitter account.

*Pasquino* is provided free to the college community and is available on the College Web site. Contributing to the college newspaper is a rewarding experience and a great resume builder. For more information, please contact the Division Chair Thomas Sydow at Tom.Sydow@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.*

### **2.32 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 residence hall student 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 computer/study lounge in the Loft, several vending machines, pool tables, Ping-Pong tables, and a 10-person Game Table for cards and board games.

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 Joshua Steger via email at Joshua.Steger@mail.wvu.edu.

### **2.33 Text Messaging Systems and Apps**

#### **Understanding the PSC Emergency Alert System**

Students who provided the College with their cell phone numbers have automatically been added to the PSC Emergency Alert System. PSC Alert uses text messaging and/or email notifications when there is an imminent threat to the health and safety of the on-campus community. Other than tests each semester, this system will be used only for extreme emergencies or when extreme weather conditions cause the College to close.

To update your account, report a missed PSC Alert message, or subscribe your parents, go to:

<http://alert.potomacstatecollege.edu/students>

We highly recommend that you do not opt out of the alerts, but if you do not wish to receive emergency alerts on your cell phone, you may opt out by going to: <http://alert.potomacstatecollege.edu/students>

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.

Student expiration dates are set for one academic year.

#### **LiveSafe App**

The free LiveSafe app will improve communication between students, faculty, staff, 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 [Potomac State College - LiveSafe](#) 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 and MIX email 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 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 @pscre to 81010. You may unsubscribe at any time by texting “unsubscribe @pscre” to the same phone number.

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.

### **2.34 University Police**

University Police is responsible for all law enforcement, security, and public safety concerns at WVU-Potomac State College. 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 171 Fort Avenue, 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**

WVU-PSC 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. WVU-PSC’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 Student Union.

### **3.1 Student Clubs/Organizations (Current as of 2019)**

- Agriculture and Forestry
- Black Student Alliance
- Campus and Community Involvement
- Campus Crusade for Christ
- Campus Ministry International
- Catamounts Against Cancer (Relay for Life)
- Catamount Gamers
- Circle K
- Collegiate DECA
- Collegiate 4-H
- Computer Science
- Creative Arts
- Criminal Justice
- Cross Impact



Cyber Security  
DESIGN Campus Ministry  
Engineering Club  
Gay Student Alliance  
International Club  
Japanese  
Life Science  
National Wild Turkey Federation PSC Chapter  
Outdoor Adventure  
*Pasquino* (Student Newspaper)  
PSC Book Worms  
PSC Collegiate Horseman Association  
PSC Film Club  
Queens to Queens  
Rotaract  
Sip n' Stitch  
Ski Club  
Student Government Association  
Student Nurses Association  
Student Veteran's Organization

### **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 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 Involvement Coordinator), put up Recruitment Flyers (ALL flyers must be approved by Office of Housing and Residence Life prior to being posted in the Residence Halls and/or by the Office of Student Experience (AD 104) 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. 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 and signed by the Dean of Student Experience, 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 Officially 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 *WVU-PSC Student Conduct Code* and other WVU-PSC rules governing student organizations

Student organizations must operate within the following guidelines:

- WVU-PSC 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**

#### **The West Virginia University Potomac State College-Community Concert 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.

#### **The West Virginia University Potomac State College/Community Jazz Ensemble**

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 publicly 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 in the academic buildings on campus must be approved prior to posting by Student Experience in room 104 of the Administration Building.

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: STUDENT CONDUCT CODE AND DISCIPLINE PROCEDURE**

### **WEST VIRGINIA UNIVERSITY/POTOMAC STATE COLLEGE DIVISION OF STUDENT EXPERIENCE**

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

- 1.1. Purpose: To establish written rules, regulations, and procedures concerning student conduct and discipline for West Virginia University/Potomac State College (“College”).
- 1.2. Authority: Board of Governors Policy 31
- 1.3. Scope: This code applies to all students associated with West Virginia University/Potomac State College under the authority of the West Virginia University Board of Governors.
- 1.4. Effective Date: August 12, 2013; amended August 21, 2015; amended October 17, 2018.

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

- 2.1 “Campus” means the campus of West Virginia University/Potomac State College.
- 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 Dean of Student Experience, as the Campus 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 Administrators.**

- 4.1 The professional staff member of the Office of Student Conduct 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 Reynolds Hall, room 104D and 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 Coordinator of Student Conduct 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 West Virginia University/Potomac State 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, audio recordings, other electronic media, 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 standards of conduct which are 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 in undergraduate programs; and to all student organizations, as further outlined in Section 15. 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 Colleges, Schools, and academic programs.

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

### **6.1 General.**

All students of the College and, to the extent applicable, all student organizations 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 and, to the extent applicable, any student organization 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 Governance Rule 1.6. In summary, it means "Sexual Assault" or "Sexual Exploitation".
- b) Prohibited drug related conduct. "Prohibited drug related conduct" means (1) possessing; (2) manufacturing; (3) producing; (4) distributing; (5) selling; (6) possessing with the intent to distribute or sell; or (7) being under the influence of any illicit drug, synthetic drug, or other controlled substance. It also means (8) using any prescribed drug in a manner inconsistent with the prescription; (9) driving or operating a vehicle while under the influence of any illicit drug, synthetic drug, or other controlled substance; or (10) intentionally or recklessly inhaling, ingesting, or using in any manner inconsistent with its purpose any chemical, liquid, substance or other compound.
- c) Prohibited alcohol related conduct. "Prohibited 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) who drives or operates a vehicle while under the influence of alcohol; (4) who is in public or on College premises in an intoxicated condition; or (5) who possess an open container of alcohol, regardless of their age, in or on any public sidewalk, street, or other place; (6) failure of a student organization to take all necessary steps to ensure that no person under the legal drinking age is provided alcoholic beverages at a function it sponsors or within any property or transportation it owns, operates, or rents.
- d) Impermissible burning. "Impermissible burning" means (1) setting fire to; (2) causing a fire to be set to; or (3) 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) Attempting or Causing Physical Harm to Another. "Attempting or Causing Physical Harm to Another" 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. It also 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 University athletic events, concerts, or other events. For purposes of this subsection 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) Violation of West Virginia University Board of Governors policies, institutional rules and regulations, or campus rules and regulations. “Violation of West Virginia University Board of Governors policies, institutional rules and regulations, or campus rules and regulations” means engaging in conduct that violates West Virginia University Board of Governors policies, institutional rules and regulations, or campus rules and regulations, including any violations of published University housing and residence life rules or policies. A charge alleging a violation of a College 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, (1) misconduct in the classroom or other college setting; (2) 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; (3) any act that damages or interferes with a utility service or equipment, communication service or equipment, College computers, computer programs, computer records or computer networks accessible through the College’s computer resources; or (4) any action of a student that fails to comply with lawful directions of College officials or law enforcement officers acting in the performance of their duties.
- m) Indecent exposure. “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.
- n) Obscene conduct. “Obscene conduct” means conduct which the average individual applying contemporary College standards would find (i) taken as a whole, appeals to the shameful or morbid interest in sex; (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.
- o) Theft. “Theft” means the taking of possession of the property of another without consent.
- p) Damage, vandalism, or misuse of property. “Damage, vandalism, or misuse of property” means destroying or otherwise rendering another person’s property unusable for its intended purpose.
- q) 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 College’s network; or (7) use of a computer or other electronic device in violation of copyright laws.
- r) 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.
- s) 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.

- t) 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.
- u) Stalking. “Stalking” is defined in West Virginia University Board of Governors Governance Rule 1.6. In summary, it 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.
- v) Harassment. “Harassment” is defined in West Virginia University Board of Governors Governance Rule 1.6. In summary, it means conduct that creates a Hostile Environment 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. In no event shall this provision be used to discipline a student for speech protected by the First Amendment.
- w) Discrimination. “Discrimination” is defined in West Virginia University Board of Governors Governance Rule 1.6. In summary, it means 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 College program or activity.
- x) Domestic misconduct. “Domestic misconduct” is defined in West Virginia University Board of Governors Governance Rule 1.6. In summary, it means “Domestic Violence” and “Dating Violence.”
- y) Retaliation. “Retaliation” is defined in West Virginia University Board of Governors Governance Rule 1.6. In summary, it means to take an adverse action against an individual or subject an individual to conduct that has the purpose or effect of unreasonable 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 Governance Rule 1.6.
- z) 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.
- 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 College 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 College 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 College or from a College 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 College academic proceeding.
- aa) 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 College 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 College. This conduct may result in a prohibition against readmission, revocation of degree, and/or withdrawal of diploma.

- bb) 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 College community without permission or knowledge, when such member of the College community has a reasonable expectation of privacy.
- cc) 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 College 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 College policy or procedure to possess such items.
- dd) Unauthorized Entry or Uses. “Unauthorized Entry or Use” means to enter or remain without consent or lawful purpose in any building, room, structure, facility, vehicle, construction area, roof top, or other premises.
- ee) Unauthorized Use of Keys or Other Access Devices. “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 building, room, structure, facility, vehicle, construction area, roof top, or other related premises without proper authorization.
- ff) 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.
- gg) Deceptive Organizational Practices. “Deceptive Organizational Practices: means (1) fraudulently or improperly holding out an organization as being recognized by the University when in fact the organization is not officially recognized by the Division of Student Experience and has not followed the applicable recognition requirements; (2) any behavior that utilizes deception to mislead any student regarding the organization; or (3) failing to utilize organization funds or dues consistent with the purpose in which those funds or dues were collected.
- hh) Abuse of the Student Code. “Abuse of the Student Code” means any of the following:
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.
  11. Knowingly violating the terms of a disciplinary sanction imposed in accordance with 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. To that end, a student found responsible for a violation or violations of the Campus Student Code shall be subject to sanctions commensurate with the offense with consideration given to any aggravating and mitigating circumstances, including the student's conduct record. 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 any of the following:
- a) **Expulsion:** Permanent separation of the student from West Virginia University and its divisional campuses. Permanent notification will appear on the student's transcript. The student may be denied access to College premises, provided that such restrictions are stipulated in the Outcome Letter and bear a reasonable relationship to the violation. If a student is expelled, the student will not receive a refund of any tuition or fees that have been paid to the College.
  - b) **Suspension:** Separation of the student from West Virginia University and its divisional campuses for a specified period of time. Permanent notification will appear on the student's transcript. The student may be denied access to College premises and to all other College 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. If a student is suspended, the student will not receive a refund of any tuition or fees that have been paid to the College. Any student who is serving a suspension may be subject to a review and evaluation meeting prior to re-enrolling to ensure that all conditions of the suspension have been satisfied and that the student is prepared for return.
  - c) **Deferred Suspension:** The student will be officially suspended from West Virginia University and its divisional campuses for a definite interim time period and given a certain set of expectations, but the suspension will be deferred and does not go into effect as long as the student complies with all requirements during the interim period. In those cases where the student completes all expectations during the interim period, the student's record will show that the sanction was never imposed. In the event that a student fails to comply with a sanction and the Office of Student Conduct has decided to impose a suspension, the student will be notified of the apparent failure to comply and of the intent to suspend, and provided an opportunity to meet and explain the circumstances prior to a final decision.
  - d) **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.
  - e) **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.
  - f) **Loss of Privileges:** Denial of specified privileges for a designated period of time.
  - g) **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. Once restitution is satisfied, the student must provide documentation to the Office of Student Conduct.
  - h) **Revocation:** Admission to the College may be revoked for a violation of the Code if the violation was committed before the student arrives on campus. Likewise, a degree awarded from the College may be revoked for a violation of the Code if the violation was committed before the student graduates.
  - i) **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, fines (if such fines are established by the Office of Student Conduct), and other work or research projects may also be assigned.
  - j) **No Contact Order:** Students may be issued a permanent no contact order, which is a directive to refrain from any intentional contact, whether direct or indirect, with one or more designated persons or group(s) through any means, including, but not limited to, personal contact, e-mail, telephone, social media or third parties.
- 7.2 Attempts to commit acts prohibited by a Student Code may be punished to the same extent as completed violations.
- 7.3 Repeated or aggravated violations of any section of this Student Code may also result in expulsion or suspension or in the imposition of such lesser penalties as may be appropriate.



- 7.4 Sanctions for prohibited conduct occurring off campus shall not be more severe than for similar on-campus conduct.
- 7.5 Misconduct, other than constitutionally protected expression, motivated by bias based on 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 should be considered an aggravating factor for sanctioning.

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

- 8.1 Imposition of Interim Measures: When the alleged actions of a student threaten the operations or safety of the College, interim measures may be put into place. Interim measures are administrative directives that are intended to insure the safety of the College and prevent a situation from escalating; they are not disciplinary in nature. Interim measures may be made at any point after a referral is received and may include, but are not limited to:

- i. Administrative directives for no contact;
- ii. Temporary or permanent re-assignment of college housing; and/or
- iii. Restriction of access to particular areas of campus.

The Campus Student Code Administrator will make decisions on interim measures after appropriate consultation. Professional staff in housing and residence life may initiate an immediate residential move in the case of allegations of sexual misconduct, violence, or threats of violence. They may also issue temporary administrative directives for no contact under the same circumstances. Housing and residence life will notify Office of Student Conduct in writing of any interim measures they initiate as soon as possible. All interim measures described above will be documented in writing and will be made on an individualized basis.

- 8.2 Imposition of Interim Suspension. The Student Code Administrator may impose an interim suspension prior to a formal hearing or other disposition of allegations against a student when the Student Code Administrator 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.
- 8.3 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 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 to some or all other College activities or privileges for which the student might otherwise be eligible, provided that such restrictions are stipulated in the interim suspension notice.
- 8.4 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, that an administrative hold will be placed on the student's account, and the student's review rights.
  - b) Review. Within three (3) academic days of the imposition of the interim suspension, the student may petition the Dean of Students 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 Students 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 Students 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.<sup>1</sup>**

### **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 and misconduct of a student organization 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 misconduct will be investigated more than one (1) year 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 College or, in certain circumstances, an investigator appointed by the College, shall investigate each formal complaint or allegation of student misconduct from a credible source. The investigator may summon by written or electronic request any member of the College 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 investigator.
- 9.2.2 If, after investigating the complaint or allegation of student misconduct, the College finds that it is reasonable to believe that the accused student violated the Student Code, then charges will be brought against the student.
  - 9.2.2.1 Before charges are brought against a student, the Office of Student Conduct, the Accused Student, and a Complainant (if applicable) may agree to an Agreed Resolution consistent with Section 9.4.
- 9.2.3 If, after investigating the complaint or allegation of student misconduct, the investigator does not find that it is reasonable to believe 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 College shall indicate the reason for the dismissal and notify the accused student in writing.

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

- 9.3.1 If it is reasonable to believe that a violation of the Student Code has occurred, then the Student Code Administrator shall prepare a formal written charge of alleged prohibited conduct (“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.
- 9.3.3 The Charge shall be addressed to the student who allegedly violated the Student Code (“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 potential sanctions, the Student Code Administrator may consult with the appropriate College and /or West Virginia 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 email system regardless of where the student resides or, if necessary, by any other means reasonably designed to ensure the Accused Student receives it.
- 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.

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<sup>1</sup> Note: Certain modifications apply in cases where the complaint or allegation involves discrimination, harassment, sexual or domestic misconduct, stalking, or retaliation, as defined in Rule 1.6. Please see Section 11 for more details.

- 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 ten (10) 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 (“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) 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.

- c) 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 or, if necessary, by any other means reasonably designed to ensure the appropriate individuals receive notice.

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 (5) academic days prior to the scheduled hearing, the Accused Student shall submit to the Student Code Administrator and the Student Code Administrator shall send 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 (5) 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 Complainant(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 Members of the College's 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 College's Student Conduct Board consists of: no less than five faculty members, one of which who serves as faculty chairperson, who are nominated and approved by the Faculty Assembly in the fall of each year to serve a one year term from September 1 to August 31; and no less than five students, who are nominated and approved by the Student Government Association in the fall of each year to serve a one-year term, from September 16 to September 15. 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 Student Conduct Board Membership List.

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 ("Chair").

9.7.6 Prior to the hearing, the Accused Student will have an opportunity to review a list of the potential Hearing Board 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 Student Conduct Board Membership shall recuse themselves if, for any reason, their ability to render an unbiased decision is compromised.

9.7.7 Notwithstanding anything else in this Code, the College reserves the right to select appropriate individuals to serve on a Hearing Panel in order to ensure that both the due process rights of the Accused Student and the fairness of the process are preserved.

## **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 and the 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 any other student participating in the conduct process, 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 WVU Potomac State College. Advisors may not participate in the proceedings and are only present to advise the students.

Instead 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 must 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 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 may receive additional information regarding the student's academic transcript and student conduct history, request proposed sanctions from the Accused Student, and hear impact statements by both the Accused Student and victim(s) (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 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 ("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.

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

- 9.15.1 All hearings will be recorded. The College will maintain the audio recordings of all hearings (not including deliberations) which remain the property of the College. 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 (2015)) and pursuant to any other conditions for access as may be deemed necessary by the Dean of Students 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) academic 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 Students with a copy to the Student Code Administrator.
- 10.3 Subject to Section 11.3(g), 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 College may remain in place until the appeal process is complete.
- 10.4 The Dean of Students 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 clearly unreasonable based on the information presented; and
  - d) To determine whether the sanction(s) imposed were appropriate.
- 10.4.1 The Dean of Students 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 Students or 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 Students 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 Students or designee, as applicable, the matter shall be considered final and binding upon all involved.

**Section 11: Complaints or Reports of Discrimination, Harassment, Sexual & Domestic Misconduct, Stalking, and Retaliation.**

- 11.1 This Student Code is intended to complement West Virginia University Board of Governors Governance Rule 1.6, Policy Regarding Discrimination, Harassment, Sexual & Domestic Misconduct, Stalking, and Retaliation, and any procedure implemented in support of Governance Rule 1.6.
- 11.2 In matters involving discrimination, harassment, sexual or domestic misconduct, stalking, or retaliation, as defined in Governance Rule 1.6, the Complainant 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, stalking, or retaliation charges will be handled in accordance with the provisions set forth above, except to the following extent:

a) Advisors.

Both the Complainant and the Accused Student shall have the right to have an advisor of their choice present at any meeting during the conduct process.

b) Investigation.

Allegations of a student's alleged discrimination, harassment, sexual or domestic misconduct, stalking, or retaliation, from any credible source, will be thoroughly investigated by West Virginia University or an appointed investigator. Such an investigation will take place in the same manner set forth in Section 9.2, except that the decision of whether it is reasonable to believe that the Accused Student committed discrimination, harassment, or sexual or domestic misconduct, or stalking will be made jointly by the WVU Title IX Coordinator and the PSC Dean of Students.

If it is not reasonable to believe that the Accused Student committed discrimination, harassment, sexual or domestic misconduct, stalking, or retaliation, the College will notify, in writing, both the Accused Student and the Complainant and the matter will be closed.

c) Charge.

- 1. If, after investigating the complaint or allegation of discrimination, harassment, sexual or domestic misconduct, stalking, or retaliation, it is reasonable to believe that the Accused Student violated the Student Code, the Student Code Administrator, under the direction of the WVU 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 the WVU 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 Complainant.

d) Interim Support for Complaints of Discrimination, Harassment, Sexual or Domestic Misconduct, 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, 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 PSC departments, offices, units, or employees shall implement interim remedial measures immediately. Such measures shall continue until the discrimination, harassment, sexual or domestic misconduct, 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 College sponsored events and activities for either the Accused Student or the Complainant, as appropriate; altering academic, housing, financial aid, or other employment arrangements for either the Accused Student or the Complainant; 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.

e) Agreed Resolution.

In non-violent discrimination, harassment, sexual or domestic misconduct, 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, stalking, or retaliation is based and both the Accused

Student and Complainant agree to the sanctions which are assessed, subject to the approval of the Dean of Students in collaboration with WVU's Title IX Coordinator.

f) Hearing Procedures.

At any hearing, both the Accused Student and the Complainant must have an equal access to information and opportunity to present relevant witnesses and other evidence. However, the Accused Student is not permitted to question the Complainant directly. Rather, the Accused Student must submit all questions that the Accused Student wishes to ask of the Complainant to the Chair of the Hearing Panel, who will then ask the questions. Or, in the alternative, the Accused Student's legal counsel may question the Complainant directly.

In addition to notification that is provided to the Accused Student, the Complainant shall receive an Outcome Letter that specifies the outcome of the hearing, and any sanctions relevant to the Complainant.

The Dean of Students, or designee, shall present the facts and information obtained from the investigation to the Hearing Panel on behalf of the College.

g) Legal Counsel.

At any hearing where the Accused Student is provided the opportunity to have legal counsel present, the Complainant 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.

h) Sanctions.

The available sanctions for a student found responsible for discrimination, harassment, sexual or domestic misconduct, stalking, or retaliation are set forth in Section 7.

i) Appeal.

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

A written appeal and supporting documents, if any, shall be submitted to the Campus President with a copy to the Dean of Students.

The Campus President, 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.

The Appeal Outcome will be provided to the Complainant and to the Accused Student.

If an Accused Student is found responsible for discrimination, harassment, sexual or domestic misconduct, stalking or retaliation, sanctions will not be stayed pending the outcome of the appeal, unless good cause is shown.

**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 and the Dean of Students, the best interests of the College 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) academic 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 or will be subject to discipline under this 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 (2018), then, pursuant to 34 C.F.R. § 99.31(a)(14)(i) (2018) and WVU's Family Educational Rights and Privacy Act notification, the College may disclose the final results of the proceedings to anyone. 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.

Further, consistent with 34 C.F.R. § 99.31 (a) (15) (2018), in certain circumstances, the College may disclose final results to a parent regarding a student's violation of Federal, State, or local law, or of any rule or policy of the institution, governing use or possession of alcohol or a controlled substance if student is found responsible under the Campus Student Conduct Code and the student is under the age of 21.

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

15.1 Definition of Student Organization: For purposes of this Code, the term "student organization" means any group of students who have complied with the formal requirements for College recognition or who have submitted an application for recognition.

15.2 Authority of the Office of Student Conduct. If a student organization is alleged to have engaged in specific acts of prohibited conduct or violations of other College policies or organizational policies, including but not limited to rules promulgated by the respective student governance organization, the matter may be referred to the Office of Student Conduct.

a. Investigation of the Alleged Conduct. The Office of Student Conduct, or its designees, will investigate alleged violations of College policies by student organizations pursuant to Section 9.1 and as set forth below.

- i. During the investigation, the ranking or other designated representative(s) of the student organization will be notified of the allegations in writing and given an opportunity to meet with the investigator to explain the organization's side of the incident prior to the issuance of the final investigative decision.
- ii. The student organization representative(s) also has the opportunity to submit documents and other relevant evidence to the investigator and identify witnesses who may have relevant information.
- iii. Nothing prohibits the Office of Student Conduct from simultaneously investigating an individual student(s) and a student organization. The Office of Student Conduct will determine whether an alleged policy violation was committed by a student organization or by an individual student(s); such determination will be made on a case-by-case basis by considering the following:
  - How many of the members of the student organization were involved in the incident?
  - Did the incident occur at a sponsored event of the organization?
  - Did a member(s) of the organization violate College rules at an event sponsored by the organization or in the course of the organization's affairs, and the organization failed to exercise reasonable preventive measures?
  - Did the organization's leadership have knowledge/notice that the event was going to occur?
  - What was the nature of the incident?
- iv. Investigations of student organizations should be completed as promptly as possible under the circumstances.

b. Interim Sanctions. Based on information available at that time, interim sanctions may be placed on the student organization by the Office of Student Conduct.

- i. The student organization will be notified within five (5) academic days if interim sanctions are being placed on the student organization.
- ii. The student organization will have five (5) academic days after receipt of the notice of an interim sanction to request a review and reconsideration of the interim sanctions to the issuer of the interim sanctions.

15.3 Resolution of Allegations.

- a. If the investigator determines that it is not reasonable to believe that the student organization violated the Student Code, the student organization and any complainant will be notified and the matter will be closed.
- b. If the investigator determines that it is reasonable to believe that the student organization has violated the Student Code, then the case will be resolved as set forth below:
  - i. The Office of Student Conduct will schedule a time to meet and discuss the case with the student organization representative(s) following the investigation.
  - ii. The student organization representative(s) will be given five (5) academic days to schedule this meeting. If a meeting is not scheduled within five (5) academic days, then the Office of Student Conduct may issue a decision in the case and impose sanctions.
  - iii. The Office of Student Conduct's decision shall be based on a preponderance of the evidence.

#### 15.4 Sanctions Applicable to Student Organizations.

1. Sanctions will vary based upon the facts and circumstances of any specific offense. Sanctions are usually progressive in nature and include the probability of more severe disciplinary sanctions if the student organization or student organization representative(s) are found to violate the same or any other College policies.
2. To the extent applicable, Section 7.1 will apply to student organizations; additionally, student organizations may also face the following non-exclusive list of sanctions that may be utilized individually or in combination:
  - i. Disciplinary Reprimand: A written notice to the student organization or explaining that the violation of institutional policy warrants an official record be kept in the Office of the Dean of Students.
  - ii. Educational Sanction: A student organization may be required to provide an identified service or participate in a particular program, receive specific instruction, or complete a designated assignment. The student organization is responsible for any related expenses, including expenses for education, counseling, and/or services.
  - iv. Attainment of Standards: A student organization or student organization representative(s) may be required to attain a specific standard(s) over the course of a designated period of time. Examples of these standards include, but are not limited to, the following: organizational grade point average, organizational arrest and citation rate, organizational member retention, organizational member certifications/trainings.
  - v. Disciplinary Probation: A written admonishment for a violation of specified regulations. With respect to the non-academic disciplinary system, a student organization on disciplinary probation is not considered to be in good standing for a designated period of time. If the student organization or its representative(s) are found to violate any institutional regulation(s) during the probationary period, more severe disciplinary sanctions may be imposed. Once the designated period of time has elapsed, the student organization will be considered in good standing; however, a record of the sanction will be kept in the Office of the Dean of Students.
  - vi. Restitution: A student organization may be assessed reasonable expenses related to the misconduct. This may include, but is not limited to, the following: the repair/replacement cost for any damage to property or any related expenses incurred by the complainant.
  - vii. Recommendation for Charter Revocation: An official request to a national office that the local chapter's charter be revoked.
  - viii. Full or Limited Suspension of College Recognition: Temporary severance of the organization's recognition by the College for a specific period of time, not to exceed five (5) years. This may include loss of College funding, loss of use of allocated College space, and restricted access to campus and/or other specified activities. Some of the restrictions that may be placed on the student organization during a limited suspension for the suspension period include, but are not limited to barring or limiting some or all of the organization's activities and/or privileges (including, but not limited to: social activities; intramural competition; organizational competition; Homecoming; eligibility to receive any College award or honorary recognition; privilege to occupy a position of leadership or responsibility in any College student organization governing body, publication, or activity; or ability to represent the College in an official capacity or position), entrance into College residence halls or other areas of campus, or contact with another specified person(s). While on full suspension the student organization loses its College recognition and/or registration for the suspension period; in such instances, it may not use College resources or participate as an organization in any College activities or events. Re-recognition is possible but not guaranteed and will only be

considered after the end of the suspension period and based on meeting all re-recognition criteria and obtaining clearance from the College. If a sanction issued by the National or other governing bodies exceeds that of the College, the College may concur with that sanction.

- ix. **Deferred Suspension of College Recognition:** The sanction does not go into effect as long as the student organization complies with all requirements during the interim period. In those cases where the student organization completes all expectations during the interim period, the student organization's record will show that the sanction was never imposed. In the event that a student organization or student organization representative(s) fail to comply with a sanction and the Office of Student Conduct has decided to impose a suspension, the student organization will be notified of the apparent failure to comply and of the intent to suspend, and provided an opportunity to meet and explain the circumstances prior to a final decision
- x. **Revocation of College Recognition:** Permanent severance of the organization's recognition by the College.

#### 15.5 Appeals Regarding Student Organizations.

- a. The accused student organization may appeal the decision by filing a written notice of appeal within ten (10) academic days following the receipt of the decision. The notice of appeal shall be filed with the Office of the Dean of Students. Grounds for appeal:
  - i. To determine whether jurisdiction was improperly asserted under this Student Code;
  - ii. 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 the student organization, a student, or the College resulted;
  - iii. To determine whether the decision reached was clearly unreasonable based on the information presented;
  - iv. To determine whether the sanction(s) imposed were appropriate.
- b. On appeal, the decision may be affirmed, reversed, remanded back with instructions for further investigation, or modified as deemed appropriate by the Dean of Students.
- c. The Dean of Students, 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 not be feasible, in which case such time period shall be extended as warranted by the particular circumstances.
- d. The Dean of Students may forward the decision on appeal to appropriate College offices. In cases involving allegations of sexual misconduct, dating violence, or stalking, the Dean of Students will forward the appeal decision to the WVU Title IX Coordinator.

#### **Section 16: Drug or Alcohol Amnesty**

**Bystander:** Any student or student organization who, in good faith and in a timely manner, seeks emergency medical assistance for a person who reasonably appears to be experiencing an overdose from alcohol or drugs may not be held responsible for a violation of prohibited alcohol or drug related conduct only, as defined in this Code, if the student or student organization does all of the following:

- a. Remains with the person who reasonably appears to be in need of emergency medical assistance due to an overdose until such assistance is provided;
- b. Identifies himself or herself, if requested by emergency medical assistance personnel, law-enforcement officers, or College officials;
- c. Cooperates with and provides any relevant information requested by emergency medical assistance personnel, law-enforcement officers, or College officials needed to treat the person reasonably believed to be experiencing an overdose; and
- d. Completes any additional conditions imposed on the student or student organization by the Student Code Administrator.

Distressed Student: If the person who reasonably appears to be experiencing an overdose from alcohol or drugs is also a student, he or she will not be held responsible for a violation of prohibited alcohol or drug related conduct, as defined in this Code, but may be required to complete additional conditions imposed by the Student Code Administrator in order to receive amnesty.

This provision only applies to violations of this Code. As it relates to any criminal prosecution, students should see the West Virginia Alcohol and Drug Overdose Prevention and Clemency Act, W. Va. Code §§ 16-47-1 to -6, which can be found here:

<http://www.legis.state.wv.us/wvcode/Code.cfm?chap=16&art=47#47>

## **Section 17: Campus Discretion.**

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

An Accused Student or Student Organization 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 or Student Organization.

## **SECTION 5: RESIDENCE LIFE AND HOUSING**

WVU-PSC 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.

### **5.1 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 15th
- Students who will be residing with a parent or guardian within reasonable commuting distance (50 miles) of the College
- Single or married parents with children who reside with them
- Married students living with their spouse

WVU-PSC recognizes that there are always exceptions to this rule. Housing appeals may be submitted by email to [PSCHousing@mail.wvu.edu](mailto: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.

### **5.2 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 Office of Housing and Residence Life to discuss their eligibility to continue residing 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 signed when applying for housing.

### **5.3 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
- 10 meals per week with \$50 Dining Dollars

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.

Changes to meal plans are limited. Meal plans may be increased any time throughout the year and may be adjusted by logging into at [mymountaineercard.wvu.edu](http://mymountaineercard.wvu.edu). Changes take effect immediately and access is provided in real time. 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 Mountie Bounty account for use in either location.

#### **5.4 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 Office of Housing and Residence Life. Exceptions may be made for students participating in commencement, intercollegiate athletics, or other College-sponsored events.

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

Residence Hall policies of WVU-PSC 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 at [\*Potomac State College - Housing and Residence Life\*](#). Alleged Residence Hall policy violations will be adjudicated by the Residence Hall Coordinator, the Director of Residence Life, the Student Conduct Officer, or other University staff member.

University Police may be 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: No refunds for Room or Board will be provided 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.

#### **5.6 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.

#### **5.7 Residence Hall Handbook**

The [\*Residence Hall Handbook\*](#) contains more detailed information about residence hall policies and basic standards of conduct. All residents in University housing are expected to read and comply with policies outlined in the WVU-PSC Residence Hall Handbook. For information relating to residence hall living, please contact WVU-PSC's Office of Housing and Residence Life.

#### **5.8 PSC Housing & Residence Life Electronic 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 [\*@pscrc\*](#) to 81010. You may unsubscribe at any time by texting "unsubscribe [\*@pscrc\*](#)" to the same phone number.

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.

## SECTION 6: SELECTED LAWS, POLICIES, COLLEGE REGULATIONS

### 6.1 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 WVU-PSC property, including the College-owned residence halls and College-leased housing units.

WVU-PSC 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 typically removed from the residence halls. Students are typically also 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 from the residence halls 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. *Note: WVU-PSC does not notify parents/guardians in all cases involving alcohol and/or drugs.*

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.*

### 6.2 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.

### 6.3 Assembly Areas (Large Group)

The following large group assembly areas have been identified for the WVU-PSC campus:

#### Outdoor Assembly Areas

The quadrangle area around the flagpole

Church-McKee Plaza

(Reservations for these areas are handled through the Dean of Student Experience office in AD 104.)

#### **6.4 Behavioral Expectations at Athletic, Recreational and Social Events/Activities**

Disorderly conduct or lewd, indecent, profane, or obscene conduct or expression at athletic recreational and social events/activities may result in expulsion from the facility/venue, a ban from attending such events in the future, possible legal action, and students will be subject to College disciplinary action.

The possession or consumption of alcoholic beverages, including drugs, or being under the influence, will not be tolerated at athletic, recreational and social events/activities.

To help ensure full compliance with these regulations, students, their guests, and other persons attending such events may not be permitted to enter with backpacks, bags, bottles, cans, or water bottles, or thermos jugs.

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

#### **6.5 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, hover boards, 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, hover boards, or bicycles permitted to be used in any building, including residence halls.

#### **6.6 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.

#### **6.7 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 the Dean of Student Experience in AD 104 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 in UP 101 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. If the person posting signs is a student, he/she may face College sanctions as well as legal ramifications.

#### **6.8 Camp Fires/Bonfires/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 Students and by the Director of Facilities. A burning permit must also be secured in advance from the Keyser Fire Chief. Violators will be subject to College sanctions and criminal prosecution.

#### **6.9 Use of WVU Computers, Networks and Other Technology**

The WVU-Potomac State College computer network is part of the WVU computer network and is subject to all WVU policies and guidelines. Policies related to technology are updated by Information Technology Services and are posted at <https://it.wvu.edu/policies-and-procedures>. They fall under three broad categories – Acceptable Use, Security and Privacy. Policies include but are not limited to:

- [Electronic Mail Policy](#)
- [Acceptable Use of Data and Technology Resources Policy](#)
- [WVU Login Responsibility Statement](#)
- [Identity and Access Management Policy](#)

It is the responsibility of all PSC students to be familiar with these policies and the permitted/prohibited activities. A PSC student who is found responsible of violations 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*. Violations include but are not limited to:

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 or any other technology for other than the purpose for which it was assigned.

Students should connect mobile devices and computers to the secure [WVU.Encrypted network](#). Enter your WVU Login credentials to connect. To use gaming consoles, TVs and internet entertainment devices, you must first register the device MAC address by logging into [mydevices.wvu.edu](#), then connecting to WVU.PLAY. Wii devices will not connect because they are older technology. Visitors should [register and connect to the WVU.Guest network](#).

Students also must use Duo two-factor authentication when accessing any secure system, including portal.wvu.edu. [Learn more at twofactor.wvu.edu](#).

All smartphones, tablets, laptops and desktop computers must have anti-virus protection. Students can install Sophos anti-virus software on up to three devices for free at [freeav.wvu.edu](#).

WVU provides Microsoft Office free to all students for as long as they are enrolled. You can download and install it on up to five personally owned devices. Students can learn about other free and discounted software at [slic.wvu.edu](#).

More student technology resources are available at [it.wvu.edu/students](#). For questions or technology problems, call 304-293-4444 or go to [it.wvu.edu/help](#).

#### **6.10 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.*

#### **6.11 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. Click [here](#) to learn more about FERPA at West Virginia University.

#### **6.12 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.

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.

### **6.13 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 Experience.

### **6.14 Good Samaritan Policy (Drug or Alcohol Amnesty)**

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.

Any student or student organization who, in good faith and in a timely manner, seeks emergency medical assistance for a person who reasonably appears to be experiencing an overdose from alcohol or drugs may not be held responsible for a violation of prohibited alcohol or drug related conduct only, as defined in the PSC Student Conduct Code, if the student or student organization does all of the following:

- (1) Remains with the person who reasonably appears to be in need of emergency medical assistance due to an overdose until such assistance is provided;
- (2) Identifies himself or herself, if requested by emergency medical assistance personnel, law-enforcement officers, or University officials;
- (3) Cooperates with and provides any relevant information requested by emergency medical assistance personnel, law-enforcement officers, or University officials needed to treat the person reasonably believed to be experiencing an overdose; and
- (4) Completes any additional conditions imposed on the student or student organization by the Student Code Administrator.

If the person who reasonably appears to be experiencing an overdose from alcohol or drugs is also a student, he or she will not be held responsible for a violation of prohibited alcohol or drug related conduct, as defined in the PSC Student Conduct Code, but may be required to complete additional conditions imposed by the Student Code Administrator in order to receive amnesty.

This provision only applies to violations of the PSC Student Conduct Code. As it relates to any criminal prosecution, students should see the West Virginia Alcohol and Drug Overdose Prevention and Clemency Act, W. Va. Code §§ 16-47-1 to -6, which can be found here:

<http://www.legis.state.wv.us/wvcode/Code.cfm?chap=16&art=47#47>

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.

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 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.

### **6.15 Immunizations Required for Enrollment**

To ensure the health and safety of our campus, immunization against communicable diseases is extremely important. Immunization Requirements and the online Immunization Form are available at <http://potomacstatecollege.edu/admissions/immunization.html>.

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.

Questions about any of the vaccinations and how they may be obtained should be addressed to PSC Student Health Center at 304-788-6913 (The Health Center is not open during the months of June and July so please leave a message when you call and your call will be returned).

New freshmen or transfer students are required to complete the online **Immunization Form** by the first day of classes.

Exemption from this requirement may be requested. Please request an exemption form on the Immunization Form.

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

- PPD / Tuberculosis Skin Test (\$15.00): 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 (\$50.00): 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.

### **6.16 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, hover boards (Not permitted in campus-owned buildings), 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, and extension cords. 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.

### **6.17 Library Circulation and Fines Policy**

The Library lends a variety of books, electronic materials, technology and other equipment. The length of time that you can borrow items from the Library depends upon the type of material that you wish to use. Some materials must be used only in the Library, some have a limited duration use (3 days, 1 week, etc.), and others may be borrowed for longer periods.

You should always present your student ID card when borrowing materials from the Library. The Library will issue email notices when materials are due or overdue and bills are owed.

Costs for damaged and/or lost materials will be billed to your student account. Bills will include replacement costs for missing items as well as a standard processing fee of \$20 per item. Library users with unpaid financial obligations may have their accounts blocked until full payment is received.

For more details, Ask a Librarian! Stop in the Library or call 304-788-6901.

### **6.18 Online Prevention Programs (AlcoholEdu) AlcoholEdu for College (Alcohol Education)**

West Virginia University, including WVU-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, WVU-PSC requires every full-time new or transfer student 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 August. The course has two parts. Part 1 must be completed by mid-September and Part 2 must be completed by early November (deadline dates are provided in the email). There is also an online exam that students are required to pass 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 found at: <https://studentexperience.potomacstatecollege.edu/student-life/alcohol-edu>

### **6.19 Overnight Camping**

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

### **6.20 Parking Regulations/ Motor Vehicles**

The WVU-PSC 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.

WVU-PSC 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 \$50 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 Life 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 \$50 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 Life 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 WVU-PSC 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 WVU-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.

### **6.21 Pets/Service Animals/Emotional Support Animals on Campus**

In general, animals are not permitted in College facilities, including residence halls, except in certain limited circumstances with approval from the College. If you believe that you may qualify for an exception permitting you to bring an Animal on campus, please contact the Office of Accessibility Services (304-788-7405) for any non-employee requests. If you are a student-employee and believe you need an animal as a reasonable accommodation for your employment, please contact the Americans with Disability Act Coordinator (304-293-5600).

### **6.22 Property Insurance**

WVU-PSC 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.

### **6.23 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 WVU-PSC facility or at a College-sponsored event without specific permission from the Dean of Student Experience.

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

Fundraising activities on College property by WVU-PSC-recognized student organizations is permitted only with a Student Organization Fundraising Application, which must be obtained from and submitted for approval to the Student Involvement Office located in the Student Union. 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 Life 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 activities planned in College-owned residence halls must be approved in advance by the Director of Residence Life.*

### **6.24 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 *WVU-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.

### **6.25 Threats to Self or Others**

To help ensure the health and safety of the College community, it is Student Experience's practice to temporarily separate from the College community and/or 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 college and/or residence hall community. *Each situation and decision 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 WVU-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 College community and/or the residence halls for behavioral and/or health-related reasons must meet with the Dean of Student Experience or his designee prior to returning to the residence hall community to discuss return and/or other options.

### **6.26 Smoking Policy**

In accordance with the existing West Virginia University Smoking Policy, smoking and the use of electronic cigarettes are not permitted on college property. Read the full policy at

*Note: Violations may result in College sanctions.*

### **6.27 Use of Student Union, Recreation Center, Turf Field and Athletic Facilities by Students and Visitors**

When a recreational or athletic 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 use by all students, faculty, and staff of the College. Students must present a Student ID Card to use the Recreation Center.

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 for athletic venues or from the Recreation Coordinator for the Recreation Center. Baseball and softball fields are restricted areas and are not open to general student use. The major facilities available for student use are the Lough Gymnasium, Stayman Field (the turf field), and the Recreation Center.

Exercise rooms are available in University Place and Catamount Commons (students and staff can access the rooms with a valid 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.

Students are discouraged from playing baseball, throwing water balloons, playing 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.

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 Student Activities Coordinator.

#### **6.28 Warning about Social Networks and Online Privacy**

Students are encouraged to read and adhere to [WVU's Social Media Guidelines](#). As with other public arenas, information found online is admissible as evidence in student conduct hearings, disciplinary and law enforcement proceedings.

Students also should learn how to protect their digital identity and privacy. [DefendYourData.wvu.edu](http://DefendYourData.wvu.edu) offers [privacy awareness tips](#), tips to [recognize phishing scams](#) and more.

ITS will NEVER send you an unsolicited email asking for your Login username and password or other personally identifiable information. The only time you may be asked for that information is after you've contacted the Service Desk for assistance. Forward suspicious-looking emails as an attachment to [DefendYourData@mail.wvu.edu](mailto:DefendYourData@mail.wvu.edu).

#### **6.29 Weapons**

Weapons, including but not limited to rifles, pistols, 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**

#### **UNIVERSITY STUDENT CONDUCT AND DISCIPLINE POLICY**

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

- 1.5. 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.
- 1.6. Authority: W. Va. Code § 18B-1-6; § 18B-2A-4.
- 1.7. Effective Date: December 18, 2015.

- 1.8. Revision History: This is a revision to Policy 31, which was originally effective August 15, 2006 and amended September 8, 2006, again on April 12, 2013, and December 18, 2015.

## **Section 2: Preamble.**

Students of West Virginia University (“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, 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 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 any 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, including failing to engage in conduct which is appropriate for an academic institution; and 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.

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 any hearing body or other decision maker 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 or designee(s) 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 body or other decision maker, which should ensure that both the due process rights of any accused student and the fairness of the process are preserved; 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 or Reports of Discrimination, Harassment, Sexual Harassment, Sexual Misconduct, Domestic Misconduct, Stalking, and Retaliation.

In matters or situations involving complaints of Discrimination, Harassment, Sexual Harassment, Sexual Misconduct, Domestic Misconduct, Stalking, and Retaliation, all as defined in West Virginia University Board of Governors Policy 44, the interests of the complainant and the accused must be equally protected. The process for determining responsibility and a sanction for matters or situations in which the alleged Discrimination, Harassment, Sexual Harassment, Sexual Misconduct, Domestic Misconduct, Stalking, and Retaliation, if true, would justify sanctions must ensure that the accused student and complainant are afforded the same rights. Therefore, each campus should have a process for investigating and resolving complaints of Discrimination, Harassment, Sexual Harassment, Sexual Misconduct, Domestic Misconduct, Stalking, and Retaliation 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 or Misconduct.

Cases of academic dishonesty or misconduct 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 well-being 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 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.

Each Campus Student Code shall contain a right to appeal, except matters involving 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. Moreover, in cases involving Discrimination, Harassment, Sexual Harassment, Sexual Misconduct, Domestic Misconduct, Stalking, and Retaliation, the complainant shall also have a right to appeal.

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 body or other decision maker 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 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**

**Board of Governors Rule**

Governance  
Discrimination, Harassment, Sexual Harassment,  
Sexual Misconduct, Domestic Misconduct, Stalking,  
Retaliation, and Relationships  
Responsible Units: Office of the President and Division  
of Diversity, Equity and Inclusion  
Adopted: January 24, 2018  
Effective: February 13, 2018  
Revision History: Prior BOG Policy 44 (Originally  
effective June 2, 2006 with title changes and  
amendments occurring on June 7, 2012, June 5, 2014,  
and December 18, 2015)  
Review Date: December, 2022

**BOG GOVERNANCE RULE 1.6**  
**DISCRIMINATION, HARASSMENT, SEXUAL HARASSMENT, SEXUAL MISCONDUCT, DOMESTIC MISCONDUCT, STALKING, RETALIATION, AND RELATIONSHIPS**

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**SECTION 1: PURPOSE & SCOPE.**

- 1.1 West Virginia University is committed to fostering a diverse and inclusive culture by promoting diversity, inclusion, equality, and intercultural and intercommunity outreach.
  - 1.2 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.
  - 1.3 This Rule sets forth how discrimination, harassment, sexual harassment, sexual misconduct, domestic misconduct, stalking, retaliation, and certain relationships will be addressed by the University.
- 

**SECTION 2: COORDINATOR, JURISDICTION, AND DISCIPLINARY ACTION.**

**2.1** *Coordinator.*

- 2.1.1 The President shall appoint a University employee to serve as the University's Coordinator. This person will also serve as the University's Title IX Coordinator and the University's Section 504 and ADA Coordinator. The Coordinator may also appoint deputy coordinators to assist in the implementation of this Rule.
- 2.1.2 The Coordinator shall design and administer a comprehensive anti-discrimination and Title IX program that:
  - 2.1.2.1 Develops appropriate procedures for the reporting of complaints regarding allegations of Prohibited Conduct;
  - 2.1.2.2 Reviews and investigates complaints and reports of Prohibited Conduct;
  - 2.1.2.3 Identifies and addresses systemic patterns of Prohibited Conduct;
  - 2.1.2.4 Provides appropriate resources or interim measures to those involved in a complaint or investigation; and
  - 2.1.2.5 Develops appropriate training, education, and communication regarding this Rule, including what constitutes Prohibited Conduct, the complaint and investigation process, and preventative education for Members of the University Community. These efforts may be coordinated with other units and groups on-campus.

**2.2** *Role of Supervisor.* Those in supervisory positions have a special responsibility to discourage Prohibited Conduct and to implement and enforce this Rule.

**2.3** *Jurisdiction.*

- 2.3.1 The Coordinator shall receive complaints and investigate Prohibited Conduct that:
  - 2.3.1.1 occurs on University premises or in connection with a University sponsored activity;
  - 2.3.1.2 occurs off-campus and would unreasonably interfere with the educational or orderly operation of the University community, its mission, or its objectives determined by a reasonable person; or
  - 2.3.1.3 occurs off-campus and in light of all of the facts and circumstances, would endanger the health and safety of the University community.

## **2.4 *Corrective Action for Violations.***

- 2.4.1 Any Faculty, Staff, or University volunteer who violates this Rule shall be subject to appropriate disciplinary action, including suspension, termination, or other disciplinary action as may be appropriate.
- 2.4.2 Any Student who violates this Rule shall be subject to appropriate disciplinary action, including, in accordance with the Student Code of Conduct, suspension, expulsion, or other disciplinary action as may be appropriate.
- 2.4.3 Other Members of the University Community (excluding Faculty, Staff, Students, and University volunteers which are discussed above) who violate this Rule shall be subject to appropriate corrective action, including, but not limited to, issuance of a no trespass order or cancellation of relationship with the University.
- 2.4.4 In addition, Prohibited Conduct that constitutes a criminal law violation will be referred to the authorities for prosecution as appropriate under the circumstances.
- 2.4.5 Furthermore, although conduct may not violate this Rule, it may still be prohibited by the University under a different Rule, policy, or standard of behavior. Accordingly, the University reserves the right to take any appropriate action.

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## **SECTION 3: PROHIBITED CONDUCT.**

### **3.1 *Defined Prohibited Conduct.***

- 3.1.1 The University prohibits Discrimination, Harassment (which also includes Sexual Harassment), Sexual Misconduct, Domestic Misconduct, Stalking, and Retaliation as defined below (collectively referred to as “Prohibited Conduct”) by or against any Member of the University Community.

### **3.2 *Discrimination.***

- 3.2.1 “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.
- 3.2.2 This includes failure and refusal 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) (2017).

### **3.3 *Harassment.***

- 3.3.1 “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.
- 3.3.2 Harassment may take various forms, including, but not limited to, name-calling, graphic or written statements (including the use of social media, text messages, e-mail, or other similar forms), or other conduct that may be physically threatening, harmful, or humiliating.
- 3.3.3 Harassment does not necessarily have to include intent to harm, be directed at a specific target, or involve repeated incidents.
- 3.3.4 Harassment also includes Sexual Harassment, which is defined below.

### **3.4 *Sexual Harassment.***

- 3.4.1 “Sexual Harassment (Quid Pro Quo)” means 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.
- 3.4.2 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.
- 3.4.3 “Sexual Harassment (Hostile Environment)” means Harassment that creates a Hostile Environment based on sex, which includes, but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature.
- 3.4.4 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, such as viewing material on computers or other electronic devices where others can see. Importantly, these and any other examples in this Rule, are provided only for illustration purposes and all conduct must still meet the applicable definitions in the Rule before rising to the level of prohibited conduct.
- 3.4.5 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.

### **3.5 *Hostile Environment.***

- 3.5.1 “Hostile Environment” means a situation where an individual is subjected to any conduct based on the reasons set forth in Sections 3.3 or 3.4 and that conduct is sufficiently severe or pervasive, or so 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.
- 3.5.2 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.
- 3.5.3 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, or objectively offensive. Also, the following factors will be considered:
- 3.5.3.1 The degree to which the conduct affected one or more students’ education or individual’s employment;
  - 3.5.3.2 The nature, scope, frequency, duration, and location of incident or incidents; and
  - 3.5.3.3 The identity, number, and relationships of persons involved.

### **3.6 *Sexual Misconduct.***

- 3.6.1 “Sexual Misconduct” means “Sexual Assault” or “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, the Clery Act, and West Virginia University.
- 3.6.1.1 “Sexual Assault” means “Sexual Intercourse” or “Sexual Contact” that occurs without “Consent.” Sexual Assault also means an offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI’s UCR program.

- 3.6.1.1.1 “Sexual Contact” means any (i) intentional touching, either directly, through clothing, or with an object, of the breasts, buttocks, anus or any part of the sex organs of another person; or (ii) intentional touching of any part of another person’s body by the actor’s sex organs.
- 3.6.1.1.2 “Sexual Intercourse” is defined as anal, oral, or vaginal penetration, however slight, by an inanimate object or another’s body part.
- 3.6.1.1.3 “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. 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.
- 3.6.1.1.4 A person is not competent and therefore lacks the ability to “Consent” where there is either “Forcible Compulsion” or “Incapacity to Consent.”
  - 3.6.1.1.4.1 “Forcible Compulsion” means (i) physical force that overcomes such earnest resistance as might reasonably be expected under the circumstances; (ii) threat or intimidation, expressed or implied, placing a person in fear of immediate death or bodily injury to himself or herself or another person or in fear that he or she or another person will be kidnapped; or (iii) threat or intimidation, express or implied, that the aggressor will retaliate or cause damage to the victim’s reputation if the victim does not give into the aggressor’s sexual advances
  - 3.6.1.1.4.2 “Incapacity to Consent” means that person is (i) either less than sixteen years old; (ii) mentally incapacitated; (iii) physically unable to resist; or (iv) is so intoxicated as to be incapacitated (i.e., unable to knowingly and intentionally make decisions for him or herself).
  - 3.6.1.1.4.3 Intoxication from alcohol or drug use, alone, does not bar Consent.
  - 3.6.1.1.4.4 Incapacitation negates Consent when the alleged perpetrator knows, or a reasonable person, under the circumstances, should know, that the alleged victim is incapacitated.
- 3.6.1.2 “Sexual Exploitation” means taking sexual advantage of another person without his or her consent.
  - 3.6.1.2.1 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; disclosing, causing to be disclosed or threatening to disclose, with the intent to harass, intimidate, threaten, humiliate, embarrass, or coerce, an image of another which shows the intimate parts of the depicted person or shows the depicted person engaged in sexually explicit conduct which was captured under circumstances where the person depicted had a reasonable expectation that the image would not be publicly disclosed; and engaging in voyeurism.

1.1.1

1.1.2

### **3.7 Domestic Misconduct.**

3.7.1 “Domestic Misconduct” means “Domestic Violence” and “Dating Violence” as defined below.

3.7.1.1 “Domestic Violence” means Domestic Violence as defined under the Clery Act and W. Va. state law.

3.7.1.1.1 Under the Clery Act, Domestic Violence means a felony or misdemeanor crime of violence committed -- (A) By a current or former spouse or intimate partner of the victim; (B) By a person with whom the victim shares a child in common; (C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred,



or (E) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

3.7.1.1.2 Under W. Va. state law, "Domestic Violence" or "Abuse" means the occurrence of one or more of the following acts between Family or Household Members, as defined under W. Va. Code: (1) Intentionally making physical contact of an insulting or provoking nature or intentionally causing physical harm; (2) Attempting to commit a violent injury or committing an act causing reasonable apprehension of immediately receiving a violent injury; (3) Creating fear of physical harm by harassment, stalking, psychological abuse or threatening acts; (4) Committing either sexual assault or sexual abuse as defined in W. Va. Code; and (5) Holding, confining, detaining or abducting another person against that person's will.

3.7.1.1.3 For purposes of this subsection, "Family or Household Members" means persons who: (i) are or were married to each other; (ii) are or were living together as spouses; (iii) are or were sexual or intimate partners; (iv) 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; (v) are or were residing together in the same household; (vi) have a child in common regardless of whether they have ever married or lived together; or (vi) have the relationships described in W. Va. Code § 48-27-204.

3.7.1.2 "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: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

3.7.1.2.1 The view of the Complainant shall generally be controlling in determining whether such a relationship existed.

3.7.1.2.2 Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence, for purposes of this Rule, does not include emotional abuse.

### **3.8** *Stalking.*

3.8.1 "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.

3.8.1.1 "Course of Conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

3.8.1.2 A "Reasonable Person," for purposes of this definition, means a reasonable person under similar circumstances and with similar identities to the victim.

3.8.1.3 "Substantial Emotional Distress," for purposes of this definition, means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

### **3.9** *Retaliation.*

3.9.1 No individual may retaliate against any Reporter or Complainant, any person that assists a Complainant in the filing of a complaint of prohibited conduct, or a witness. Complaints of retaliation for such activities will be treated the same way as other complaints under this Rule.

3.9.2 "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 Rule, including but not limited to filing a complaint or being a witness in or supporter of or against a complaint.

3.9.2.1 This includes interfering with the reporting of or the investigation of prohibited behavior, such as tampering with or destroying relevant evidence; intimidating, threatening or attempting to influence, in any way, the testimony or information of a Reporter, Complainant, or witness.

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**SECTION 4: RELATIONSHIPS.****4.1 *Consensual Relationships Between Members of the University Community.***

- 4.1.1 If Members of the University Community engage in a Consensual Relationship involving: (i) persons in inherently unequal and closely related positions at the University; (ii) employees within the same reporting line; or (iii) where one individual has influence or control over another, including those between supervisors and supervisees, the individuals involved in the Consensual Relationship shall notify their immediate supervisor.
- 4.1.2 The supervisor shall notify Talent & Culture (when Staff involved) or the Provost's Office (when Faculty involved) of the reported Consensual Relationship.
  - 4.1.2.1 In consultation with Talent & Culture or the Provost's Office, as appropriate, the supervisor shall make arrangements to eliminate or to mitigate any conflict of interest, disruption, or other legitimate occupational or educational interest.
  - 4.1.2.2 However, 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.
  - 4.1.2.3 Those involved in these types of Consensual Relationships must remain aware that such relationships could lead to circumstances that result in Harassment, Sexual Misconduct, or Domestic Misconduct. Additionally, others may perceive a person involved in the Consensual Relationship as receiving favorable treatment in employment or educational decisions.
- 4.1.3 Failing to disclose a Consensual Relationship or not complying with arrangements that have been made is prohibited and may result in disciplinary action up to and including termination.

**4.2 *Relationships Involving Students.***

- 4.2.1 Faculty, Staff, or other Members of the University Community are prohibited from or attempting to initiate, pursue, or engage in a relationship (consensual or non-consensual) with a Student whom the individual evaluates, supervises, instructs, advises, or otherwise has authority or control over.

**4.3 *Pre-existing Relationships Involving Students.***

- 4.3.1 Where there is a pre-existing Consensual Relationship with a Student, the individual shall notify his or her immediate supervisor. The supervisor shall notify Talent & Culture (when Staff involved) or the Provost's Office (when Faculty involved) of the reported Consensual Relationship.
  - 4.3.1.1 In consultation with Talent & Culture or the Provost's Office, as appropriate, the supervisor shall make arrangements to eliminate or to mitigate any conflict of interest, disruption, or other legitimate occupational or educational interest.
  - 4.3.1.2 However, if no suitable way to eliminate or mitigate the conflict is reasonably feasible, the employee may be separated from employment at the University.
  - 4.3.1.3 Those involved in pre-existing Consensual Relationships with Students must remain aware that such relationships could lead to circumstances that result in Harassment, Sexual Misconduct, or Domestic Misconduct. Additionally, others may perceive a person involved in the pre-existing Consensual Relationship as receiving favorable treatment in employment or educational decisions.
- 4.3.2 Failing to disclose a pre-existing Consensual Relationships with Students or not complying with arrangements that have been made is prohibited and may result in disciplinary action up to and including termination.

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**SECTION 5: DUTY TO REPORT.**

- 5.1 Any Member of the University Community who has witnessed or is aware of any of the Prohibited Conduct is strongly encouraged to report any concerns to the Coordinator.

5.2 All Responsible Employees **must** report incidents of Prohibited Conduct to the Coordinator at:

1.1.3 Title IX Coordinator  
1.1.4 Division of Diversity, Equity and Inclusion  
Equity Assurance Office  
1085 Van Voorhis Road Suite 250 | P.O. Box 6202  
Morgantown, WV 26506-6202  
Phone: 304-293-5600 | Fax: 304-293-8279  
Email: [titleIX@mail.wvu.edu](mailto:titleIX@mail.wvu.edu)

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## **SECTION 6: PROCEDURES FOR FILING COMPLAINT.**

- 6.1 Any Member of the University Community who believes he or she has been subject to any of the Prohibited Conduct may file a complaint.
- 6.2 The Coordinator shall formulate a procedure to investigate and respond to all complaints regarding alleged misconduct in violation of this Rule.
- 6.2.1 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.
- 6.2.2 If a student has been accused of Prohibited Conduct, the complaint will be handled pursuant to West Virginia University Board of Governors Policy 31 (or its successor), which can be found:
- 1.2 [http://campuslife.wvu.edu/office\\_of\\_student\\_conduct](http://campuslife.wvu.edu/office_of_student_conduct)
- 6.2.3 If an employee has been accused of prohibited conduct, the complaint will be handled pursuant to the Division of Diversity, Equity and Inclusion Complaint and Investigation Process, which can be found: <http://titleix.wvu.edu/>
- 6.2.4 Any investigation resulting from a complaint will be separate from and in addition to any criminal investigation that may result.
- 6.3 If any Member of the University Community is found to have intentionally or maliciously been dishonest, reckless, or frivolous in making allegations of a violation under this Rule, that shall be subject to appropriate disciplinary action.
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## **SECTION 7: CONFIDENTIALITY AND ANONYMOUS REPORTING.**

### **7.1 *Confidentiality Limitations within the University.***

- 7.1.1 The University respects the privacy of those reporting Prohibited Conduct and will endeavor to respect requests for confidentiality if possible.
- 7.1.2 However, the University has certain legal obligations to address Prohibited Conduct and to prevent its recurrence and, as a result, cannot guarantee confidentiality.
- 7.1.3 When the University must proceed with an investigation against the wishes of a Complainant, the University will take necessary steps to address any safety and other considerations relevant under the circumstances.
- 7.1.4 In determining whether a Complainant's request for confidentiality can be maintained, the University may consider a range of factors and evaluate the request in the context of its responsibility to provide a safe and nondiscriminatory environment for all members of the University community.

### **7.2 *Available Confidential Resources.***

- 7.2.1 There are places where an individual can receive services without having to risk confidentiality.

- 7.2.2 Confidential resources are available for Members of the University Community who have been subject to Prohibited Conduct. Specifically, individuals may contact:

At the West Virginia University, Morgantown Campus:

**Carruth Center for Psychological and Psychiatric Services**

Health and Education Building  
390 Birch Street  
Morgantown, WV 26506-6422  
Phone: 304-293-4431  
Email: [wvucccps@mail.wvu.edu](mailto:wvucccps@mail.wvu.edu)

**The Rape and Domestic Violence Information Center (RDVIC)**

P.O. Box 4228  
Morgantown WV, 2650  
RDVIC 24-hour crisis hotline (304) 292-5100

**Ruby Memorial Hospital**

Emergency Department  
304-598-4172

<http://wvuhealthcare.com/hospitals-and-clinics/student-health/>

**Monongalia General Hospital, Emergency Department**

304-598-1460

[www.mongeneral.com](http://www.mongeneral.com)

At the West Virginia University Potomac State College Campus:

**Potomac Valley Hospital**

100 Pin Oak Lane  
Keyser, WV 26726  
Phone: (304)597-3500

**Western Maryland Health System**

12500 Willowbrook Road  
Cumberland, MD 21502  
Phone: (240) 964-7000  
[www.wmhs.com](http://www.wmhs.com)  
Email: [webmaster1@wmhs.com](mailto:webmaster1@wmhs.com)

At the West Virginia University Institute of Technology Campus:

**Raleigh General Hospital**

1710 Harper Road  
Beckley, WV 25801  
Phone: (304) 256-4100

At the West Virginia University School of Medicine, Charleston Division:

**CAMC General Hospital**

501 Morris Street  
Charleston, WV 25301  
Phone: 304-388-5421

At the West Virginia University School of Medicine, Martinsburg Division:

**Berkeley Medical Center**

2500 Hospital Drive  
Martinsburg, WV 25401  
Phone: 304-264-1000

7.2.3. For a more detailed list of confidential resources available to Members of the University Community, please see: <http://titleix.wvu.edu/confidential-resources>

### **7.3 *Anonymous Reporting at the University.***

- 7.3.1 In order to ensure that Members of the University Community can discuss their options candidly, the University’s Coordinator may designate certain individuals as anonymous resources.
- 7.3.2 An individual designated as an anonymous resource is not required to report Title IX concerns to the Coordinator. However, that individual may have other reporting obligations dictated by state or federal law.
- 7.3.3 Any developed procedures should identify anonymous resources that do not have mandatory reporting obligations, consistent with state and federal law. Information regarding anonymous resources can found by calling 304-906-9930.
- 7.3.4 Anonymous reports may also be filed through the EthicsLine by calling 866-413-1955 or by submitting a report online at the following address:  
<https://secure.ethicspoint.com/domain/media/en/gui/14303/index.html>

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## **SECTION 8: FREE EXPRESSION, ACADEMIC FREEDOM, AND ACCOUNTABILITY.**

- 8.1 Free expression and academic freedom at the 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.
- 8.2 Consequently, while this Rule 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 Governor Rules regarding free expression and academic freedom.

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## **SECTION 9: DEFINITIONS.**

- 9.1 “Complainant” means an individual who is the alleged victim of prohibited conduct that is reported to the University or, where appropriate, the University when proceeding on a complaint when the alleged victim is unavailable or unwilling to participate.
- 9.2 “Consensual Relationship” means a mutually acceptable romantic, amorous, dating, or sexual relationship between individuals.
- 9.3 “Faculty” means all faculty classifications as defined in current BOG Policy 2 (or successor BOG Rule).
- 9.4 “Member of the University Community” means (i) an individual engaged in any University activity or program, whether on or off campus; (ii) any individual lawfully on University property; (iii) any individual that is a University student, faculty, staff, University official, University volunteer, or a University visitor; and (iv) any vendor or contractor, including that vendor’s or contractor’s employees and independent contractors, who are working on campus.
- 9.5 “President” mean the President of West Virginia University or his or her designee.
- 9.6 “Reporter” means any individual that reports an incident of Prohibited Conduct to the Title IX Coordinator.
- 9.7 “Respondent” means an individual accused of Prohibited Conduct.
- 9.8 “Responsible Employees” are those employees in a leadership or supervisory position, or who have significant responsibility for the welfare of students or employees. Specifically, this term includes: Title IX Coordinator; Deputy Title IX Coordinators; University Police Officers; Senior Administrators in Residence Life, Student Life, and Athletics; University Senior Administrators, including Senior Administrators within each College or School; Resident Assistants; Faculty; and Athletic Team Coaches and their Staff.
- 9.9 “Staff” means any Classified or Non-Classified Employee, as defined in Board of Governors Talent & Culture Rule 3.1, and any individual employed as a Mountaineer Temporary Employee.

- 9.10 “Student” means an individual subject to the West Virginia University Board of Governors Policy 31 (or its successor Rule), University Student Conduct and Discipline Policy.

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**SECTION 10: DELEGATION.<sup>2</sup>**

- 10.1 The Board of Governors delegates to the President the authority to adopt additional internal anti-discrimination policies and procedures to effectuate the implementation of this Board of Governors Rule or in furtherance of any other authority that the Board of Governors has specifically delegated to the President pursuant to this Rule. Any actions taken pursuant to this delegation must be consistent with the guidelines provided by this Rule.

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**SECTION 11: AUTHORITY.**

- 11.1 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.

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**SECTION 12: SUPERSEDING PROVISIONS.**

- 12.1 This Rule also supersedes and replaces West Virginia University Board of Governors Policy 44, and any internal policy or procedure which relates to the subject matter contained within this Rule.

*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!

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<sup>2</sup> The Board of Governors specifically delegates the authority to the Coordinator to update any contact information for specific University units or outside entities listed within this Rule without going through the Board's formal rulemaking procedures. The same applies equally to any website links contained within this Rule.