If you have any questions or would like to report a Student Code of Conduct Violation, please contact:

The Office of Housing and Residence Life
Turley Student Services Center
1201 Locust Ave
Fairmont, WV 26554
reslife@fairmontstate.edu
304.367.4216

FAIRMONT STATE UNIVERSITY
STUDENT CODE OF CONDUCT
2017-2018 Edition
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Dear Fairmont State University Students:

The Student Code of Conduct is designed to be a resource for you to help you make the most of your college experience. Within the Student Code of Conduct we outline for you our policies, procedures, and expectations. It is our hope that while you are a member of our campus community that you uphold these expectations. The Code of Conduct is founded on principles of fairness and due process.

Any student, faculty, or staff member may report a violation of the Student Code of Conduct. Once the complaint is received it will be reviewed by the Office of Student Conduct & Campus Judicial Officer. The Student Code of Conduct is designed to be educational in nature and not punitive. Behavioral plans imposed with students can range anywhere from community service hours to Expulsion. Please take the time to review the Code of Conduct. It is the commitment of this office to ensure the educational development of students are being met while ensuring the campus community is safe. If you have any questions you may contact us at 304-367-4216.

Sincerely,

Alicia M. Kalka
Director of Housing and Residence Life
Campus Judicial Officer
4. The University will not request special consideration for students charged with violations of a city, county, or state 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.

5. Students charged with violations of the Student Code of Conduct will be provided substantive and procedural due process. Their right to be treated with respect and dignity will be protected.

6. When a student is charged with a specific violation, the University will employ procedures for determining if the charge is fair and accurate.

7. Opportunities for participation in the process and equality of treatment are afforded all students, irrespective of race, religion, age, sex, handicap, or national origin. To ensure this, state and federal regulations and the guidelines and requirements of Title VI of the Civil Rights Act and Title IX of the Higher Education Act of 1972 are followed.

**E: Definitions**

1. The term “University” means Fairmont State University and any of its satellite campuses;

2. The term “student” includes all persons taking courses at either Fairmont State University full-time or part-time, pursuing non-degree, certificate, undergraduate, graduate, or professional studies. Persons who are not officially enrolled, but who have a continuing relationship with the University are considered “students” as are persons who are living in the residence halls, although not enrolled in the institution.

3. The term “faculty member” means any person hired by either institution to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of its respective faculty.

4. The term “member of the University community” includes any person who is a faculty member, official or any other person employed by the institution.

5. The term “Institutional premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University (including adjacent streets and sidewalks).

6. The term “Student Conduct Appeal Board” means a panel constituted in accordance with the terms set forth in this Code.

7. The Campus Judicial Officer, or designated representative, is the person responsible for the administration of the Student Code of Conduct. The Campus Judicial Officer is charged with the responsibility of conducting initial hearings pursuant to complaints of student misconduct and taking appropriate disciplinary actions in those instances students have been found “responsible.”

8. The term “procedure” is defined as the written regulations of Fairmont State University as found in, but not limited to, the Student Code of Conduct, Residence Hall Guidebook, the institution’s web pages, and Graduate/Undergraduate Catalogs or successors.

9. The term “complainant” means a person who submits a charge alleging that a student violated this Code. When a student believes that s/he has been a victim of another student’s misconduct, the student who believes s/he has been a victim will have the same rights under this Code, even if another member of the University community submitted the charge itself.

10. The term “accused” means any student accused of violating this Code.

**F: Incident Reporting**

Who can report an incident? You. Not only can you report an incident, but any student, faculty member, staff member, administrator, or a concerned party may bring a complaint to the attention of the Student Conduct Office for resolution.
Persons who plan to bring a complaint against a student should notify the office as quickly as possible.

How do I report an incident? You may file a report with Campus Police (located on the third floor of the Falcon Center or at 304-367-4157) or the Student Conduct Office (located at 303 Turley Center or at 304-367-4754).

The report should include:
- Date(s)
- Time(s)
- Student(s) involved
- Witness(s)
- A factual account of what occurred (no opinions).

Once a report is received, it will be investigated and appropriate action(s) will be taken. If the student is deemed to be an immediate threat to an individual or the campus community, s/he will be removed from campus pending the completion of the investigation.

G: The Campus Judicial Officer: The Campus Judicial Officer and staff member(s) therein will:
1. Advise any group or individual within the institutions wishing to bring charges against one or more students;
2. Advise any student against whom charges have been brought of substantive rights, due process rights, and procedures forthcoming, including the right of appeal in certain situations;
3. Serve as Chairperson, advise and assist the Student Conduct Office and the Student Conduct Board in setting up hearings, being certain that all conditions of the Board of Governors for such procedures are met;
4. Prepare all papers necessary for the hearing and resultant from the hearing for appropriate dispensation and signature;

All information that comes to this office shall be held in the strictest confidence as required by the Board of Governors and the Family Educational Rights and Privacy Act, 1974 (Buckley Amendment), and all records will be filed in the Student Conduct Office.

A. Initial Hearings: Off Campus, on campus (including, but not limited to Residential Housing), or Magistrate/City Police Involvement: When a student violates a student conduct policy off campus, on campus (including, but not limited to in Residence Halls), or receives a Magistrate Citation, s/he first is scheduled to attend a Student Conduct Hearing conducted by the Campus Judicial Officer (CJO);
1. During this hearing the CJO reviews the initial report, police report, and witness statement(s). The conduct officer will talk directly to the accused. At the conclusion of this hearing, the student will plea responsible or not responsible for his/her action(s).
2. If s/he accepts responsibility, student conduct sanctions will be imposed including but not limited to: alcohol and drug counseling; online reflection exercise; community service; other University or Residence Hall Sanctioning (if applicable), University warning, suspension, or expulsion.
3. If s/he denies being involved in the alleged incident, the CJO would continue his/her investigation. Once the hearing officer has made a determination based on all aspects of the case, the hearing officer will render an informed decision based off all information provided. Decisions are made under preponderance of the evidence. “Preponderance of the evidence” means evidence which is of greater weight of more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the facts sought to be proved is more probable than not.
4. Decisions made by the CJO shall be final, pending the appeal process to the Student Conduct Appeal Board (if applicable).
5. Only cases involving disciplinary suspensions or expulsions may be appealed to the Student Conduct Appeal Board. In all other cases, the student may file an appeal with the Vice President of Student Services.
B. **Grounds to Appeal:** In cases involving student conduct sanctioning, the student has five business days from the date the outcome letter was sent to submit a written appeal to the Vice President of Student Services (Fairmont State University). Grounds for an appeal are considered if any of the following are met:

1. The decisions is not supported by the findings
2. There was unfairness in the proceedings that prejudiced the result (e.g. the denial for due process)
3. There is newly discovered evidence not known at the time of the review that would have affected the result; or
4. The sanction(s) imposed was grossly disproportionate to the violation committed
   - a. The written appeal should include any supporting documents, videos, or witness statements.
   - b. Sanctions originally imposed will stay until the outcome has been determined. If a student has been removed from the residence halls or from the University this may remain in place until the appeal process is complete, especially when there is perceived danger.
   - c. The Vice President for Student Services will review the records and supporting documents to consider the following:
      1) Affirm the finding of responsibility
      2) Affirm the finding of responsibility and reduce but not eliminate the sanction(s) or
      3) Remand the case to the same or a new Hearing Officer

**The Student Conduct Appeal Board**
The Student Conduct Appeal Board (SCAB) hears all suspensions and expulsions. The SCAB is composed of seven members. The members are selected representatives from:

1) Two faculty members from Fairmont State University, or two faculty members from Pierpont Community & Technical College,
2) Two administrative (staff) person from Fairmont State University or two administrative (staff) person from Pierpont Community & Technical College,
3) Two student representative from Fairmont State University, or two student representative from Pierpont Community & Technical College,
4) The CJO shall serve as chairperson of the Board.

**The Student Conduct Appeal Board Proceedings. Below is a synapse of a SCAB hearing:**

1) The complainant, accused student, and their advisors, if any, shall be allowed to attend the entire portion of the Student Conduct Board Hearing at which information is received. Administration of any other person to the hearing shall be at the discretion of the SCAB and/or the CJO
2) Both parties may present witnesses
3) During the hearing(s), the SCAB may hear and consider any relevant information. The determination of what is and is not relevant rests solely with the CJO
4) After reviewing all information, the SCAB will ask the accused to exit the room while the discussion occurs. This discussion will not be recorded and must be confidential. They may render one of the following decisions:
   - a) Uphold the original imposed sanctions
   - b) Grant the appeal and dismiss the case, or
   - c) Modify the original sanctions
   - d) Ask for further investigation to occur by any of the following offices: Campus Judicial, Title IX, Department of Public Safety

**C: Final Review of SCAB Cases**
If the student desires, s/he may submit a written appeal to the President. Based upon the written documentation, he/she may uphold the original decision or reverse the decision.
A. Jurisdiction of the Student Code of Conduct

1. The Student Code of Conduct shall apply to conduct that occurs on University premises, at University sponsored activities, and to off-campus conduct that adversely affects the University communities and/or the pursuit of their objectives.

2. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded).

3. The Student Code of Conduct shall apply to conduct while a student as defined in this code, even if the student withdraws from school while a disciplinary matter is pending.

4. The Campus Judicial Officer or his/her designee shall decide whether the Student Code shall be applied to conduct occurring off campus, on a case by case basis.

B. Violations:

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

1. Abusive Conduct
   Physical abuse, verbal abuse, threats, intimidation, coercion and/or other conduct which threatens or endangers the health or safety of any person.

2. Alcohol
   Use, possession, manufacturing, furnishing, or distribution of alcoholic beverages (except as expressly permitted by University regulations), or public intoxication. Students may not furnish alcohol to a person under the age of twenty-one. Students may not operate a motor vehicle under the influence of alcohol or while impaired by the consumption of alcohol.

3. Disruption or Obstruction
   Leading or inciting others to disrupt or obstruct, teaching, research, administration, disciplinary proceedings, other University activities, including their public-service functions on or off campus, or other authorized activities occurring on the campus but are not under the direct control of the University.

4. Disorderly Conduct
   Conduct which is disorderly, lewd, or indecent; breach of peace.

5. Drug Possession/Use
   Students may not possess, use or distribute controlled substances. Students may not possess or use drug paraphernalia. Students may not use any prescribed drug in a manner inconsistent with the prescription, nor may a student distribute drugs to others. Students may not intentionally or recklessly inhale or ingest substances (e.g., nitrous oxide, glue, paint, etc.) that will alter one’s mental state, or use products in a manner inconsistent with their intended and lawful use.

6. Misuse of Student ID Card/Keys
   Unauthorized possession, duplication or use of keys to any University premises or unauthorized entry to or use of University premises.

7. Failure to Comply/Uncooperative Behavior
   Failure to comply with directions of University officials or law enforcement officers acting in performance of their duties and/or failure to identify to these persons when requested to do so.

8. Firearms/Weapons
   Using, possessing, or storing of firearms, explosives, other weapons, or dangerous chemicals on any campus property.

9. Fire Safety
   Actions which cause or attempt to cause a fire or explosion, falsely reporting a fire, explosion or an explosive device, tampering with fire safety equipment or intentionally failing to evacuate university buildings during a fire alarm.
10. **Forgery, Misrepresentation, or Fraud**
- Forging or altering, or causing to be altered, the record of any grade in a grade book or other educational record;
- Use of university documents or instruments of identification with intent to defraud;
- Presenting false data or intentionally misrepresenting one’s records for admission, registration, or withdrawal from the university or from a university course;
- Knowingly presenting false data or intentionally misrepresenting one’s records for personal gain;
- Knowingly furnishing the results of research projects or experiments for the inclusion in another’s work without proper citation;
- Knowingly furnishing false statements in any university academic proceeding.

11. **Harassment**
Repeated, unwelcomed, verbal, written, physical, or any other conduct that disrupts or interferes with a student’s rights to a healthy environment.

12. **Hazing**
No student shall, individually or by joining with one or more other persons, engage in any act of hazing involving another member of the institutional community.
Hazing may be defined as follows:
- To subject to cruel horseplay
- To harass or punish by the imposition of disagreeable tasks
- To frighten, scold, beat, or annoy by playing abusing tricks upon an individual

Fairmont State University prohibit any action, which subjects a new member, initiate, or member of a student organization to activities, which are personally demeaning or involve a substantial risk of physical injury. This includes both organized rites of initiations, and informal activities. Hazing may also include but is not limited to any brutality such as:
- Paddling
- Whipping
- Forced calisthenics
- Exposure to the elements
- Forced consumption of food, liquor, or other substance

- Any other forced physical activity which could adversely affect the physical health or safety of the individual
- Shall not include any activity which would subject the individual to extreme mental stress such as: sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment or adversely affect the individual

Students involved in hazing activities are subject to institutional disciplinary action and criminal prosecution.

13. **Federal, State, or Local Law Violations**
A violation of any federal, state, or local law.

14. **Plagiarism**
Plagiarism is defined in terms of proscribed acts. Students are expected to understand that such practices constitute academic dishonesty regardless of motive. Those who deny deceitful intent, claim not to have known that the act constituted plagiarism, or maintain that what they did was inadvertent are nevertheless subject to penalties when plagiarism has been confirmed. Plagiarism includes, but is not limited to the following:

1) Submitting as one’s own work the product of someone else’s research, writing, artistic conception, invention, or design; that is, submitting as one’s work any report, notebook, speech, outline, theme, thesis, dissertation, commercially prepared electronic/computerized material that has been copied in whole or in part from the work of others, whether such source is published or unpublished;

2) Incorporating in one’s submission, without appropriate acknowledgment and attribution, portions of the works of others; that is, failing to use the conventional marks and symbols to acknowledge the use of verbatim and near-verbatim passages of pictures, graphs, etc., other than one’s own, which are incorporated into any work submitted as one’s own;

3) Cheating and dishonest practices in connection with examinations, papers, and projects including, but not limited to;
a. Obtaining help from another student during examinations;
b. Knowingly giving help to another student during examinations, taking an examination or doing academic work for another student, or providing one's own work for another student to copy and submit as his/her own;
c. The unauthorized use of notes, books, or other sources of information during examinations;
d. Obtaining without authorization an examination or any part thereof.

15. Physical Assault or Battery
The use of physical force against an individual or acts that cause physical injury. Intentionally making physical contact of an insulting or provoking nature with another person or intentionally causing harm to another person.

16. Policy Violations
Violation of any published University/College policies, rules or regulations in hard copy or available electronically on the University/College websites.

17. Sexual Assault
Sexual intercourse with, and/or sexual intrusion against, a person capable of giving consent, without such person's consent, or a person incapable of giving consent; Sexual assault or abuse, statutory or acquaintance rape, sexual harassment.

18. Sexual Exploitation
Nonconsensual recording or photographing of sexual activity not limited to recordings, photos, or other images of an individual's sexual activity. Allowing third parties to observe sexual activity.

19. Stalking
Occurs when a person engages in a course of conduct directed at a specific person under a set of circumstances that would cause a person to fear bodily injury or to experience emotional distress.

Department of Justice Definition of Stalking: Repeated, unwanted, intrusive, and frightening communications from a perpetrator by phone, mail, or email. Repeatedly leaving or sending victims unwanted items, presents, flowers. Following or waiting for a victim at places such as home, school, work, or place of recreation. Making direct or indirect threats to harm the victim, victim's children, family, or pets. Damaging or threatening to damage the victim's property. Posting information or spreading rumors about the victim on the internet in a public place or by word of mouth.

20. Student Conduct Violations
a. Failure to obey the notice from a Student Conduct Board or University official to appear for a meeting or hearing for violations of the University Student Code of Conduct.
b. Falsification, distortion, or misrepresentation of information before a Student Conduct Board.
c. Disruption or interference with the orderly conduct of a judicial proceeding.
d. Institution of a student conduct code proceeding in bad faith.
e. Attempting to discourage an individual's proper participation in, or use of, the judicial and other proceedings associated with the University Student Code of Conduct.
f. Attempting to influence the impartiality of a member of a Student Conduct Board prior to, and/or during the course of, the judicial proceeding.
g. Harassment (verbal or physical) and/or intimidation of a member of a Student Conduct Board prior to, during, and/or after a judicial proceeding.
h. Failure to comply with the sanction(s) imposed under the student code.
i. Influencing or attempting to influence another person to commit an abuse of the judicial system.

21. Technology Violations
a. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
b. Unauthorized transfer of a file.
c. Unauthorized use of another individual’s identification and password.
d. Use of computing facilities to improperly interfere with the work of another student, faculty member, or University official.
e. Use of computing facilities to send obscene or abusive messages.
f. Use of computing facilities to send obscene or abusive messages.
g. Use of computing facilities to improperly interfere with normal operation of the University computing system.
h. Any violation of the University Computer Use Policy.

22. **Theft**
   Attempted or actual theft of and/or damage property.

23. **Traffic Obstruction**
   Improper obstruction of the free flow of pedestrian or vehicular traffic.

24. **Unauthorized Entry/Presence**
   Students and their guests may not enter any residence property without permission. This includes but is not limited to occupying any restricted, locked, or closed residence hall or campus facility (including roofs and housekeeper’s closets, offices, dining hall, computer labs, mechanical areas, fitness centers, student’s rooms, or elevators). Students and their guests may not enter the restroom of the opposite sex, enter a residence hall through a residence hall window, or any other unauthorized entrance, and are not permitted to prop or use (except in an emergency situation) an exterior, emergency exit, or alarmed door. Students and their guests are strictly prohibited from entering a construction area or safety zone without authorization. Furthermore, residents may not enter a residence hall or campus property after having been evicted or restricted from a residence hall or campus property, or allow access to others who have been restricted from a residence hall or campus property. Department of Public Safety will be contact for reported or suspected cases of trespassing. Typical sanctions will be at the discretion of the Campus Judicial Officer.

18. **Sexual Exploitation**
   Nonconsensual recording or photographing of sexual activity not limited to recordings, photos, or other images of an individual’s sexual activity. Allowing third parties to observe sexual activity.

19. **Stalking**
   Occurs when a person engages in a course of conduct directed at a specific person under a set of circumstances that would cause a person to fear bodily injury or to experience emotional distress.

C. **Violation of Law and Fairmont State University Discipline**

1. When a student is charged by federal, state, or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of his or her status as a student. Proceedings under this Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Campus Judicial Officer or his/her designee.

2. If the alleged offense is also the subject of a proceeding pursuant to the Student Code of Conduct, the Campus Judicial Officer may advise off campus authorities of the existence of the Student Code of Conduct and of how such matters will be handled internally within the University community.

3. The University will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and with the conditions imposed by the criminal courts for the rehabilitation of student violators.

4. Individual students and faculty members, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.
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 of Conduct. Any further prohibited conduct could result in more severe disciplinary action.

Probation I: An official disciplinary status enacted for a specified duration admonishing a student that any further misconduct during this time period may result in suspension.

Probation II: An official disciplinary status enacted for a specified duration stipulating that a student, in lieu of active suspension, is being allowed to remain at the University provided that the student adheres to certain conditions, as set by the Campus Judicial Officer or Student Conduct Appeal Board. Failure to meet these conditions will result in automatic suspension from the University. The Campus Judicial Officers or his/her designee shall determine whether the conditions have been satisfied or violated.

Interim Suspension: Imposed when the Campus Judicial Officer or his/her designee has reasonable cause to believe that a student’s presence on campus presents a significant risk of substantial harm to the student, other individuals, or property; or an ongoing threat of disrupting the normal operations of the University.

Suspension: Complete separation from all University activities, grounds, services, or facilities. Upon return to the University, the student will be placed, automatically on Disciplinary Probation II for a minimum of one academic year. A suspension shall be noted as a “disciplinary suspension” on student records. Suspensions are indicated for a period of time that may be one semester, one academic year, or two academic years. After he/she completes their suspension the student may reapply to the University.

Expulsion: Permanent separation of the student from the University/College. This includes all activities, services, facilities, grounds, as well as any satellite campus, on-line courses, undergraduate, and graduate schools. The student will have a notification of “expulsion” on his/her transcript. Students are not eligible for re-entry to the University/college.

Other sanctions: other sanctions may be imposed by the Campus Judicial Officer or Student Conduct Appeal Board. For example Students may be required to complete alcohol or drug counseling, write a reflective paper, complete an online exercise or community service hours, or be placed on a behavioral contract.
article 5: code of conduct practices

A. Policy Violations and Hearings

1. Any member of the University community may file a complaint against any student for misconduct.
   a. The alleged complaint shall be prepared in writing and directed to the Campus Judicial Officer or his/her designee.
   b. The alleged complaint should be submitted as soon as possible after the event takes place or the discovery of the same, but in no event later than ninety (90) days after the event takes place or the discovery of the same.

2. In some cases, an employee designated by the Campus Judicial Officer may be authorized to investigate the validity of alleged student conduct violations.
   a. The Department of Public Safety or Title IX Office may also be directed to conduct or assist with an investigation.
   b. Upon completion of such an investigation, the Campus Judicial Officer or his/her designee will decide whether or not sufficient cause exists to proceed with the student conduct process.

3. Upon conclusion of an investigation warranting further student conduct action, the Campus Judicial Officer shall notify the student of the alleged violation(s), the complainant(s), the date(s) of alleged occurrence(s), and the date and time of the student conduct meeting with a Campus Judicial Officer.
   a. This notice shall be given in writing to the student via StarRez (the Housing Management System), mailed by way of U.S. mail or campus mail, to the last known address of the student as provided by the student to the Registrar, or e-mailed to the student at the official address. Delivery of the notice shall be deemed complete three (3) calendar days from the date of sending unless the student indicates receipt of the notice prior to the expiration of the three (3) calendar days. The student may be given the written notice by personal delivery, such delivery acknowledged in writing by the Campus Judicial Officer.

4. Student Conduct Hearing(s)
   The following procedures apply to formal hearings conducted by the Campus Judicial Officer.
   a. If a student fails to attend a hearing, the case will be heard in the student’s absence and they will be informed of the decision in writing as set forth in this code.
   b. The Campus Judicial Officer may order the removal of any person from the hearing, including, but not limited to, the student, advisors or any other person, who is disruptive during the hearing. “Disruptive” conduct may include, but is not limited to, continued interruption of the proceedings and/or attempts to participate in the hearing.
   c. There shall be a single record, such as recording or summary notes, of all Student Conduct Hearings. The note taking may be a representative of the Campus Judicial Officer.
   d. The Campus Judicial Officer may accommodate concerns for the personal safety and/or well-being of the complainant, accused student and/or witness(es) during the hearing by providing separate facilities, where and as determined in the sole judgment of the CJO or his/her designee to be appropriate.
   e. During the hearing(s), the CJO may hear and consider any relevant information. The determination of what is and is not relevant rests solely with the CJO.
      1. In cases involving multiply students charged, information provided at one hearing may be used as relevant information in the related case(s).
      2. When two or more individual cases stem from the same incident those cases may be heard jointly.
      3. In cases where information regarding an accused student may prejudice other accused student(s), the case may be heard separately.
   f. The Campus Judicial Officer shall summarize the information in writing; and
      1. Determine that there is not sufficient information
      2. Impose appropriate sanctions. Sanctions shall become effective within five business days after notice (verbal or written) thereof has been given to the student.
article 5: student code of conduct practices

A. Purpose:

This policy outlines the standards for an emergency withdrawal and hearing process for students to be involuntary withdrawn from Fairmont State University. Involuntary Withdrawals will be administered by the Campus Judicial Officer. These procedures are designed for students who are deemed an alleged or real threat to themselves, the institutions’ students, faculty, staff, and/or community. Whenever appropriate, as well as feasible, all available resources (e.g., Counseling Services, Health Services, Public Safety, and appropriate academic departments) will be consulted.

B. Standards for Policy Application

This policy applies to students who:

1. Display behavior that might endanger other individuals within the campus, residential housing, or the local community.
2. Renders specific or non-specific threats toward an individual or group within the campus and local community.
3. Could negatively impact the psychological wellbeing of other students, faculty, and/or staff.
4. Impede campus activities and events.
5. Through the assessment of the institution’s CARE Team, are deemed a risk to themselves, other students, faculty, staff, or the communities that we serve.

Furthermore, this policy applies when a student, who is in imminent and/or chronic danger of self-harm that cannot be reasonably managed by the counseling services staff, will be asked to leave campus and classes temporarily and encouraged to receive treatment in any form (e.g., inpatient, intensive outpatient) that will result in stabilization of their mental status to a degree that will allow the student to safely resume campus activities according to their treating health professional. A student’s well-being and survival is of the utmost importance to our institutions, thus this policy serves to protect the student from additional stress during a difficult time.

(Sanctions shall be stayed in the event the student appeals to the Student Conduct Appeals Board (if applicable).

3. Conduct further investigation as may be necessary.

article 6: involuntary withdrawal

A. Purpose: This policy outlines the standards for an emergency withdrawal and hearing process for students to be involuntary withdrawn from Fairmont State University. Involuntary Withdrawals will be administered by the Campus Judicial Officer. These procedures are designed for students who are deemed an alleged or real threat to themselves, the institutions’ students, faculty, staff, and/or community. Whenever appropriate, as well as feasible, all available resources (e.g., Counseling Services, Health Services, Public Safety, and appropriate academic departments) will be consulted.

B. Standards for Policy Application

This policy applies to students who:

1. Display behavior that might endanger other individuals within the campus, residential housing, or the local community.
2. Renders specific or non-specific threats toward an individual or group within the campus and local community.
3. Could negatively impact the psychological wellbeing of other students, faculty, and/or staff.
4. Impede campus activities and events.
5. Through the assessment of the institution’s CARE Team, are deemed a risk to themselves, other students, faculty, staff, or the communities that we serve.

Furthermore, this policy applies when a student, who is in imminent and/or chronic danger of self-harm that cannot be reasonably managed by the counseling services staff, will be asked to leave campus and classes temporarily and encouraged to receive treatment in any form (e.g., inpatient, intensive outpatient) that will result in stabilization of their mental status to a degree that will allow the student to safely resume campus activities according to their treating health professional. A student’s well-being and survival is of the utmost importance to our institutions, thus this policy serves to protect the student from additional stress during a difficult time.
C. **Guidelines for Policy Implementation**

Students may be referred to the Campus Judicial Officer under this policy by:

1. Professional Residence Life Staff
2. Students
3. Public Safety
4. Health Services
5. Faculty and Staff
6. Medical Personnel
7. Mental Health Personnel

The person or department referring the student must have the incident(s) and/or causes for concern(s) documented. The case will be assigned a case number for tracking purposes. This information will immediately be submitted to the Campus Judicial Officer. If s/he deems necessary, the information may be acted upon by the CARE Team. However, in most instances, the Campus Judicial Officers staff will handle the case.

Students may be referred to mental or medical health professionals for further assessments. This will be determined by institutions’ health or counseling services.

D. **Involuntary Withdrawal**

If the student is deemed to pose an immediate threat to a faculty member, administrator or staff, as well as another student or community, and does not voluntarily agree to withdraw from classes, s/he may be involuntarily withdrawn. Involuntary Withdrawals may be indefinite based upon the specific circumstances. Before a student is permitted to continue their student status, they must:

1. Obtain a mental health analysis by a physician indicating that s/he is mentally stable enough to continue their academic studies with success.
2. Provide a physician’s analysis which must ensure the former student does not pose any of the issues noted under the Standard for Policy Administration section.
3. Produce a physician’s note on his/her letterhead suggesting a potential date for re-admittance to the institutions.
4. Be adjudicated by the legal system in the event criminal charges or civil process were filed.

The Campus Judicial Officer must verify the information contained in the mental health professional, and/or physician’s letter. The previous letter(s) does not guarantee re-admittance to the institutions; this must be determined by the CARE Team and/or the Campus Judicial Officer after the consultation with counseling and/or health services.

E: **Hearing Protocol:**

The hearing process for Involuntary Withdrawals is designed to be informal. The intent is three-fold: 1) to protect students, faculty, staff, and the community from potential threats; 2) to assist students who have medical issues in receiving the treatment/therapy necessary to assimilate them back into the community; and 3) re-admit who were involuntarily withdrawn.

The hearing protocol follows the following steps:

1. Identification and documentation
2. Informal hearing
3. Re-admittance to the institutions (optional)

F: **Informal Hearing**

The CJO will review the documentation to determine if there is sufficient evidence to justify an Involuntary Withdrawal. S/he will contact the student and establish a date to meet him/her. Based on the potential or perceived threat, the informal hearing must occur as soon as possible.

Once the informal hearing is concluded the Campus Judicial Officer will write his/her conclusion through an outcome letter. This documentation will be submitted to the student, as well as any other person that should be notified (e.g., Vice President for Student Services, Chief of Public Safety, Director of Counseling Services). If possible, the Campus Judicial Officer’s decision should be relayed to the student at the conclusion of the hearing. The written decision should contain relevant information as to the potential threat, suspension dates (if imposed); sanction specifics, and terms for re-admittance if relevant.

G: **Re-Admittance (Optional)**

This Involuntary Withdrawal section outlines the conditions required for re-admittance to the institutions. The former student must submit a letter for re-admittance to the Judicial Affairs Officer accompanied by the appropriate documentation.
as described in the Involuntary Withdrawal section no later than 60 days prior being re-admitted. If the former student disagrees with the Campus Judicial Officer recommendation for re-admittance, s/he may appeal to the Student Hearing Board as described in the Student Code of Conduct.

**H: Medical Withdrawal**
Medical Withdrawal is applied to the same as Involuntary Withdrawal above, except it is voluntary and for the specific time period (for example a semester or partial semester). It is designated for students who need time to adjust to new medical treatments/therapies, or other specific circumstances occurring in the student’s life (e.g., death of a family member).

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**article 7: interpretation/revision**

Any question of interpretation regarding the Student Code of Conduct shall be referred to the Campus Judicial Officer or his/her designee for final determination.

The Student Code of Conduct shall be reviewed and/or revised under the direction of the Campus Judicial Officer.
Members of a review board play a sensitive role within the institutional governance structure. Thus, it is important that the members maintain high performance and ethical standards. The following code is designed to safeguard the rights of students and to uphold the integrity of the disciplinary procedure as a whole:

- The name or status of students involved in disciplinary situations shall not be discussed with anyone outside the review board membership except as otherwise required by this Code, by law or court order.
- Even in the case of open hearings, hearing body members shall refrain from public comment on the proceedings, and in no instance shall the closed deliberations of the hearing body be discussed, nor shall confidential information be revealed except as otherwise required by this Code, law or court order.
- The votes cast by members of the hearing body shall be treated as confidential and shall not be shared outside the hearing room except as otherwise required by this Code, law or court order.
- The chairperson of the hearing body or designee shall be the official spokesperson for the hearing body. The final decision of the hearing body on any matter will be conveyed to the student charged only by the spokesperson or professional staff member in the Office of Student Conduct. However, answers to general questions about the disciplinary system and hearing procedures may be provided by a hearing body member as part of his/her mission in the intended educational process.
- Members of review bodies shall serve as models for students by upholding university regulations and performing their duties in an exemplary manner. Any such member found guilty of violating a university policy or regulation is subject to suspension from the review body.

- Before any hearing, the chairperson of the hearing board is obligated to ask if any hearing board member has prior knowledge about the case, complainant or student charged which will impair his/her ability to render an impartial decision. It is the responsibility of the hearing board member to make the chairperson aware of any personal relationship with the complainant or student charged (e.g., kinship, close friendship, fraternal, or organizational affiliation). A hearing board member with any such knowledge or relationship shall recuse himself/herself from the applicable case. Any disputes or questions regarding recusal shall be resolved by the chairperson of the hearing board.
- Each member of the hearing board will make the chairperson aware of any concurrent college service in which she/he is engaged which may present a conflict of interest. The existence of such conflict of interest shall be determined by the chairperson in consultation with other members of the hearing body in session and the member will be excused from hearing and deliberating in case of conflict, or from membership if the conflict is general.
Fine/Administrative Fee Schedule

Student conduct fines are only posted to the student account when a student does not complete an assigned sanction by the due date. Students are given the opportunity to complete the sanction even after the due date as long as it is within the same academic year as the initial date of the incident. For example, the Student Conduct Office will not remove fines from two years prior, etc.

**Common Sanctions:**

**Fines:**
- Alcohol Education: $150
- Alcohol Counseling: $300
- Anger Management: $150
- Community Service: $20/hr.
- Creative Sanction: $100
- Drug Education: $150
- Drug Counseling: $300
- Mandated Counseling: $300
- Online Reflection Exercise: $100

Residence Life Component

The Housing and Residence Life Department will develop, implement, and maintain a Student Conduct System designed to adjudicate residence life policy violations. Students may refer to the Residence Life Guidebook for more information on policies and procedures. The Housing and Residence Life Department will have the discretion of issuing sanctions, imposing fines when sanctions are not complete, and removing students from on campus residential facilities as deemed appropriate.

The Campus Judicial Officer will investigate and conduct a hearing for cases for residence life students that:

1. Involve a student who violated state and/or federal laws
2. A student is deemed to be an imminent threat to the campus community, group, a fellow student, faculty member, or staff person.
3. Involves a complaint of Title IX.
4. Receive a citation from Public Safety.
5. Involve any of the previous four mentioned incidents along with any multiple violations of residence hall policy. For example, multiple drug or alcohol offenses.

The Housing and Residence Life Department must not develop, implement, and maintain conduct policies that:

1. Are contrary to the policies and procedures expressed in the Student Code of Conduct.
2. Disregards the welfare of the greater University communities.

The Housing and Residence Life Conduct procedures must be approved by the Vice President for Student Services and the President.