

**WEST VIRGINIA UNIVERSITY
BOARD OF GOVERNORS
POLICY 10**

STUDENT RIGHTS AND RESPONSIBILITIES

Section 1. General.

- 1.1. Scope. – Policies, rules and regulations regarding student rights and responsibilities at West Virginia University and its campuses.
- 1.2. Authority. – W. Va. Code § 18B-1-6; W. Va. Code § 18B-2A-4
- 1.3. Effective Date. – September 6, 2002; amended April 12, 2013

Section 2. Purpose.

- 2.1. Purpose - The purpose of this Policy includes, but is not limited to, the following:
 - (a) To establish a general policy on student life, including a statement on student rights and responsibilities, at West Virginia University and its campuses.
 - (b) To define generally the powers, authority and duties to be exercised under the control of the Board of Governors, by the president of West Virginia University in applying this Policy.

Section 3. Definitions.

For purposes of this policy only, the following terms are defined as:

- 3.1. “Board of Governors” means the West Virginia University Board of Governors.
- 3.2. “Institution” means West Virginia University and its divisional campuses, including Potomac State College of West Virginia University, West Virginia University Institute of Technology, and any other division of West Virginia University over which the Board of Governors shall have authority, responsibility or control.
- 3.3. “President” means the chief executive officer of the institution, whatever the title, whether responsible directly to the Board of Governors or through some other officer to the Board of Governors and shall include all those acting for or on behalf of such chief executive officer, at or by his/her discretion, or at or by the direction of the Board of Governors.

- 3.4. "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).
- 3.5. "Faculty," for purposes of this Policy, means those employees of the Board of Governors who are assigned to teaching or research or service functions at the University, and who hold academic rank.
- 3.6. "Staff," for purposes of this Policy, means those employees of the Board of Governors who are assigned to teaching or research or service or administrative functions at the institution, and who are not members of the faculty.
- 3.7. "Student" has the same meaning as set forth in West Virginia University Board of Governors Policy 31, University Student Conduct and Discipline Policy.

Section 4. Policies Regarding Student Rights and Responsibilities.

- 4.1. The submission of an application for admission to the institution represents an optional and voluntary decision on the part of the prospective student to partake of the program and privileges offered by the institution pursuant to the policies, rules and regulations of the Board of Governors and the institution. Institutional approval of that application, in turn, represents the extension of a right or privilege to join the institutional community and to remain a part of it so long as the student fulfills the academic and the behavioral expectations that are set forth in the policies, rules and regulations of the Board of Governors and the institution.
- 4.2. Freedom of expression and assembly - Students enjoy the essential freedoms of scholarship and inquiry central to all institutions of higher education. *See* WVU BOG Policy 11. In exercising these freedoms, students have certain rights and responsibilities, including, but not limited to, the following:
 - (a) To have access to campus resources and facilities;
 - (b) To espouse causes;
 - (c) To inquire, discuss, listen to and evaluate;
 - (d) To listen to any person through the invitation of organizations recognized by the institution;
 - (e) To have a free and independent student press which adheres to the canons of responsible journalism;
 - (f) To not violate the rights of others in matters of expression and assembly;

- (g) To abide by policies, rules and regulations of the Board of Governors and the institution and federal, state, and local statutes and ordinances pertaining to freedom of expression and assembly.
- 4.3. Freedom of association - Students may organize whatever associations they deem desirable and are entitled to affiliate with any group or organization for which they meet membership qualifications. However, institutional recognition of student organizations shall be at the institution's discretion and shall be limited to those whose purposes comport with the educational mission of the institution.
- 4.4. Right to privacy - Students are entitled to the same safeguards of the rights and freedoms of citizenship as are afforded those outside the academic community, including, but not limited to, the following:
- (a) Confidential communication on a one-to-one relationship with faculty, administrators, counselors and other institutional staff as permitted;
 - (b) Respect for personalty, including freedom from unreasonable and unauthorized searches of student living quarters;
 - (c) Confidentiality of academic and disciplinary records in accordance with the Family Educational Rights and Privacy Act of 1974 and implementing regulations; and
 - (d) Legitimate evaluations made from student records.
- 4.5. Responsibilities of citizenship - Students are expected, as are all citizens, to respect and abide by local ordinances and state and federal statutes, both on and off campus. As a member of the educational community, students are expected to abide by the institution's code of student conduct which clarifies those behavioral standards considered essential to its educational mission. *See* West Virginia University Board of Governors Policy 31.
- 4.6. Disciplinary proceedings - See West Virginia University Board of Governors Policy 31 for the process applicable to student disciplinary proceedings. Consistent with Policy 31, disciplinary proceedings for students accused of committing offenses must be consistent with such constitutional provisions guaranteeing due process of law as are applicable to them. In all disciplinary proceedings, students shall be considered innocent until proven responsible of any charge.

Section 5. Standards of Conduct; Rules and Regulations.

- 5.1. For the standards of conduct, rules, and regulations governing student conduct at West Virginia University and its campuses, see West Virginia University Board of Governors Policy 31.

Section 6. Powers, Authority and Duties of the President.

- 6.1. General powers, authority and duties of the president - The president shall be responsible for the entire administration of the institution, subject to the control of the Board of Governors. It shall be the president's duty to attend to and administer the laws of the State of West Virginia which may be applicable on the campus; the policies, rules and regulations of the Board of Governors; and policies, rules and regulations of the institution. Accordingly, the president is vested with authority requisite to that end, subject to the control of the Board of Governors, including, but not limited to, the ability to develop procedures and issue directives to accomplish these duties.
- 6.2. Delegation of authority and responsibility - Any authority, responsibility, or duty granted to or imposed upon the president by the University's Board of Governors and/or policies, rules and regulations may be delegated by the president, subject to the control of the Board of Governors, to another person or persons on the faculty, staff or student body of the institution. Further, the president may designate the authority to certify that another University official has been delegated with a specific authority, responsibility, or duty.

All persons dealing in the matters so delegated by the president shall be required to deal with the persons to whom the president shall have delegated such authority, responsibility or duty and such persons shall be required to deal with the institution or the president through such designees, except on appeal to the president as specified by the president.

- 6.3. Promulgation of institutional regulations for student discipline - The president shall have authority and responsibility, subject to the control of the Board of Governors, for the discipline of all students at the institution. *See West Virginia University Board of Governors Policy 31.*

The president, with the advice of faculty and students and subject to the control of the Board of Governors, shall develop, promulgate and use disciplinary regulations and channels at each institution not inconsistent with the policies, rules and regulations of the Board of Governors. *See West Virginia University Board of Governors Policy 31.*

- 6.4. Activities on, and use of, institutional property or facilities - The use by any person of the property or facilities of the institution shall be controlled and governed by the policies, rules and regulations of the Board of Governors.

Regulations governing the use of such property or facilities shall be promulgated by the president, with the advice of faculty and students, and shall conform to these policies, rules and regulations and be subject to the control of the Board of Governors. *See West Virginia University Board of Governors Policy 11 and Policy 16.*

- 6.5. Public use of institutional property or facilities and restrictions imposed - Subject to the control of the Board of Governors and applicable law, notwithstanding any rule, regulation, policy or express or implied permission for the use of, or presence in or on, the property or facilities of the institution, any person who (a) is not a student presently registered for current classes or course work at the institution or is not an employee of the Board of Governors currently on duty at the institution, and (b) by his/her conduct or speech or expressions, causes or, in the opinion of the president or the president's delegate of authority, may be reasonably expected to cause harm to persons, property or facilities or disruption of, or interference with, any activity of the institution, is no longer authorized to be in or on the property or facilities of the institution. In such instance, the president, or the president's delegate of authority, shall cause such person to be ejected from, kept off, and kept out of the property and facilities of the institution. *See West Virginia University Board of Governors Policy 11.* The president or delegate of authority, subject to applicable law, may take whatever legal or institutional action is necessary to effectuate this authority.
- 6.6. Use of institutional property or facilities; activities which interfere with, disrupt or inhibit institutional operations - The assertion by any person or persons of rights of speech, assembly, press or other expression with the intention to interfere with access to, or use of, the institution's property, facilities, activities, programs, or operations by those properly and regularly using the same is expressly prohibited, any rule, regulation or permission express or implied notwithstanding. *See West Virginia University Board of Governors Policy 11.*
- 6.7. Limitations of assembly and student use of institutional property or facilities - Subject to the control of the Board of Governors and applicable law, when, in the judgment of the president, an assembly is not in the best interests of the institution or the individuals concerned, in that it presents a clear and present danger of harm to persons, property, or facilities or interference with or disruption of activities, the president or his delegate of authority shall prohibit such assembly and shall take measures to prevent harm to persons, property or facilities, or to prevent interference with or disruption of activities, as may be necessary in the circumstances or may be reasonably expected to come into existence. *See West Virginia University Board of Governors Policy 11.*
- 6.8. Limitation of activities and emergency measures - When there has been harm or damage to persons, property or facilities, or when there has been disruption of or interference with institutional activities, or when there has been seizure or occupation of property or facilities by persons no longer authorized, then, subject to the control of the Board of Governors and applicable law, when the president deems it necessary to end or to control such occurrences and the circumstances caused thereby, the president shall take any or all of the following actions or other appropriate actions:
- (a) Declare a state of emergency to exist at the University; and

- (1) Close down any part of the institution for any length of time, or limit use of certain parts of the campus, property or facilities to certain persons at certain times;
- (2) Enlist the aid of any public authority, police or otherwise, as may be necessary to restore order, protect persons, property, health, safety or welfare.
- (3) See to the enforcement of the laws of the State of West Virginia; the policies, rules and regulations of the Board of Governors or the Higher Education Policy Commission; and the policies, rules and regulations of the institution, including any emergency orders imposed as a result of the state of emergency so declared.