

**SHEPHERD UNIVERSITY  
BOARD OF GOVERNORS  
POLICY 20**

**TITLE: STUDENT RIGHTS and RESPONSIBILITIES**

*SECTION 1.GENERAL*

- 1.1 Scope - Policy regarding student rights, responsibilities, and conduct at Shepherd University.
- 1.2 Authority - West Virginia Code § 18B-1-6, 18B-2A-4
- 1.3 Effective Date - June 22, 2006, amending the March 14, 2002 version of the Policy.

*SECTION 2.PURPOSE*

- 2.1 The purpose of this policy includes, but is not limited to, the following:
  - 2.1.1 To establish the policy on student life, including a statement on student rights and responsibilities, at Shepherd University.
  - 2.1.2 To identify behavioral expectations of students and certain prohibited acts by students at Shepherd University.
  - 2.1.3 To prescribe penalties and sanctions for such prohibited conduct.
  - 2.1.4 To define the powers, authority and duties to be exercised by the President and other officials of the University in applying this policy.
  - 2.1.5 To prescribe disciplinary actions and proceedings to be taken in cases of the violations of this policy.

*SECTION 3.DEFINITIONS*

- 3.1 Property. Any property, whether owned, rented or otherwise held or used by the Board or by the institutional community.
- 3.2 Activity. All or any operations conducted, sponsored, promoted, operated or otherwise engaged in by the institution, including, by way of illustration and not as limitation of the foregoing, classroom and course activity, recreational and cultural programs, maintenance or building programs, committee or other business activity, registration, advising, teaching, admissions, placement, disciplinary or routine office activity, research or service.
- 3.3 Facility. Any and all property of the institution used or usable in any activity of the institution.
- 3.4 Campus. All the property and facilities of the institution serving as the *locus in quo* of any activity of the institution.
- 3.5 Faculty. Those employees of the Board who are assigned to teaching or research or service functions at the institution, and who hold academic rank.

- 3.6 Staff. Those employees of the Board who are assigned to teaching or research or service functions at an institution, and who are not members of the faculty.
- 3.7 Student. Any person who has been admitted to the institution to pursue a course of study, research, or service, who is currently engaged in an institutionally-sponsored activity, and who has some right or privilege to be on the campus or in the facilities of the institution, or to use the same, in connection with study, research, or service, or who yet has some right or privilege to receive some benefit or recognition or certification from the institution, under the rules, regulations, or policies of the Board. (Special note: When any person commits a violation of the standards of conduct while a Student but terminates student status before the institution completes action under this Policy, the institution may either continue with the procedures provided for herein, in abstentia if necessary, or may preclude eligibility for a return to student status in the future until the issues of the conduct violations have been fully addressed, at the sole discretion of the institution; provided, however, that in all such cases every reasonable effort will be made to provide appropriate notice to the former student.
- 3.8 Member of the institutional community. Any Board member, officer, administrator, faculty member, staff member, employee, student of or at the institution, as well as any person authorized to participate in an institutional activity at the time applicable.
- 3.9 Official Communications with Students. Every student has a responsibility to maintain a record of their current mailing address with the Office of the Registrar. Every Student shall be issued a Shepherd University email account, unless suspended from email account status due to misconduct, and must regularly monitor their University email account for official communications. Every student shall be deemed to have constructive notice of communications from the University transmitted by email or to their mailing address of record.

#### *SECTION 4. POLICIES REGARDING STUDENT RIGHTS and RESPONSIBILITIES*

- 4.1 The submission of an application for admission to the institution or an application for financial aid 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 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 and the institution.
- 4.2 Freedom of expression and assembly. The student enjoys the essential freedoms of scholarship and inquiry central to all institutions of higher education. In exercising these freedoms the student has certain rights and responsibilities, including, but not limited to, the following:
  - 4.2.1 To have access to campus resources and facilities.
  - 4.2.2 To espouse causes.
  - 4.2.3 To inquire, discuss, listen to and evaluate.
  - 4.2.4 To listen to any person through the invitation of organizations recognized by the institution.

- 4.2.5 To have a free and independent student press which adheres to the canons of responsible journalism.
- 4.2.6 To not violate the rights of others in matters of expression and assembly.
- 4.2.7 To abide by policies, rules and regulations of the University 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 limited to those whose purposes comport with the educational mission of the institution.
- 4.4 Right to privacy. The student is entitled to the same safe-guards of the rights and freedoms of citizenship as are afforded those outside the academic community, including, but not limited to, the following:
  - 4.4.1 Confidential communication on a one-to-one relationship with faculty, administrators, counselors and other institutional functionaries.
  - 4.4.2 Respect for personality, including freedom from unreasonable and unauthorized searches of student living quarters.
  - 4.4.3 Confidentiality of academic and disciplinary records.
  - 4.4.4 Legitimate evaluations made from student records.
- 4.5 Responsibilities of citizenship. The student is expected, as are all citizens, to respect, and abide by local ordinances and state and federal statutes, both on and off the campus. As a member of the educational community, the student is expected to abide by the institution's code of student conduct which clarifies those behavioral standards considered essential to its educational mission.
- 4.6 Disciplinary proceedings. 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, the student shall be presumed innocent until proven guilty of any charge. The President or designee shall have authority for promulgating policies and procedures, consistent with the policies of the Board.

*SECTION 5. STANDARDS of CONDUCT*

- 5.1 All students at the institution are subject to the Standards of Conduct as delineated in Appendix A.

*SECTION 6. POWERS, AUTHORITY and DUTIES of the PRESIDENT*

- 6.1 General powers, authority and duties of the President. The President, being responsible for the entire administration of the institution, shall attend to and administer the laws of the State of West Virginia which may be applicable on the campus, as well as the policies, rules and regulations of the University. The President is vested with authority requisite to that end, subject to the control of the Board.
- 6.2 Delegation of authority and responsibility. Any authority, responsibility, or duty granted to or imposed upon the President by these policies, rules and regulations

may be delegated by the President, subject to the control of the Board, to another person or persons on the faculty, staff or student body of the institution. 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 this Policy.

- 6.3 Publication of student discipline policies by the President. The President or designee shall have authority and responsibility, subject to the policies of the Board, for the discipline of all students at the institution. Policies on Student Conduct and student discipline shall be published freely to all students.
- 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 University, which shall be promulgated by the President or designee with the advice of faculty and students and shall conform to the policies of the Board.
- 6.5 Public use of institutional property or facilities and restrictions imposed. Subject to the control of the Board, 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 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 designee, 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 designee shall cause such person to be ejected from, kept off, and kept out of the property and facilities of the institution. The President or designee 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.
- 6.7 Limitations of assembly and student use of institutional property or facilities. Subject to the control of the Board, when, in the judgment of the President an assembly is not in the best interest 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 designee shall prohibit such assembly and shall take measure 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.
- 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, 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:

- 6.8.1 Declare a state of emergency to exist on the campus; and
  - 6.8.1.a. 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;
  - 6.8.1.b. Impose curfews on the presence of persons in or on institutional facilities or property;
  - 6.8.1.c. Place bans on gatherings of persons at places or times on or in the institution's property or facilities; or
  - 6.8.1.d. Enlist the aid of any public authority, police or otherwise, as may be necessary to restore order, protect persons, property, health, safety or welfare.
- 6.8.2 Immediately suspend any student who is found involved in prohibited action or conduct and who is (1) first advised, told or notified that a particular action or conduct is prohibited, and who (2) continues such action or conduct in spite of the warning. Such immediate suspension shall be followed with speedy disciplinary proceedings consistent with these policies, rules and regulations.
- 6.8.3 See to the enforcement of the laws of the State of West Virginia; the policies, rules and regulations of the Board; and the administrative policies, rules and regulations of the institution, including any emergency orders imposed as a result of the state of emergency so declared.

## *SECTION 7. DISCIPLINARY ACTION; PROCEEDINGS*

- 7.1 Application to students. Any person who is a student as defined in these policies, rules and regulations shall be subject to disciplinary action by the University if that person is involved on the campus in any of the actions or conduct prohibited by these policies, rules and regulations, notwithstanding the fact that at the time the student is also an employee of the Board. In taking disciplinary action against a student, as defined herein, the institution may act to remove any status of such a person or to revoke or remove any right or privilege of such person as a student, or to withhold, remove, or cancel any benefit, recognition or certification, including the conferring of a degree, which such a person might yet not have received from the University.
- 7.2 Procedures and Sanctions in disciplinary action. The procedures and sanctions in student disciplinary proceedings shall be as provided for in Appendix A of this Policy.

# APPENDIX A

## Guidelines & Policies Affecting Student Life

### RESPONSIBILITIES OF CITIZENSHIP

As is the case in the community at large, students on the Shepherd University campus are held accountable for their conduct. For this reason, it is the students' responsibility to be cognizant of the rules and regulations contained in the University Catalog and handbooks.

To establish its behavioral standards and rules, the University will endeavor to maintain a code that represents reasonable regulation of student conduct. The University will strive to impose only those limitations on student behavior that have relevance to the educational mission of the University, to the rights of others, to the protection of property, and to the maintenance of orderly group living.

Those students who fail to or refuse to comply with the behavioral standards and regulations of the University, including the directions and orders of faculty and staff members charged with administration of institutional affairs, are subject to disciplinary action, including suspension or expulsion.

Shepherd students are also expected to respect local ordinances and state and federal statutes both on and off campus. Violations of ordinances or statutes are matters of adjudication between the students and the civil authorities. However, campus authorities will take action in cases of off-campus incidents where the institution's interests as an academic community are involved.

### STUDENT BILL OF RIGHTS

#### Freedom of Association

Individual students may join whatever associations they deem desirable and are entitled to affiliate with any group or organization with which they qualify for membership. Organizational constitutions, charters, and bylaws must be nondiscriminatory with reference to the beliefs, ethnicity, race, gender, life experiences, nation-of-origin, disability, or sexual orientation of prospective members. Fraternities, sororities, and religious organizations shall not be considered discriminatory in terms of sex or religious affiliation, respectively.

#### A Free and Independent Press

Shepherd University recognizes the right of students to operate a free and independent press. The student press shall be free of undue censorship and its editors and managers shall be protected from arbitrary suspension arising from student, faculty, administration, alumni, or community disapproval of editorial policy or content as long as its policy or content adheres to the canons of responsible journalism. The campus administration shall provide similar rights to the University radio station and television courses.

Although the University itself is charged with ultimate responsibility for the nature and content of its official publications, the editor-in-chief of each campus publication shall bear primary responsibility and accountability for the particular publication's operation.

#### Right to Privacy

Shepherd students are entitled to the same safeguards of their rights and freedoms of citizenship as are afforded their peers outside the academic community. The University recognizes its responsibilities to protect the interests of its students in preservation of privacy. Privacy rights exist under institutional policy, as well as under federal law, the Family Education Rights and Privacy Act (FERPA).

#### I. Student Records

All policies and practices concerning student records shall respect the privacy of the individual students. Records will be kept only on matters relevant to the educational process. Even these minimum records will not be disclosed except with the student's written consent or as otherwise stated in the following policies.

##### A. Maintenance of student records:

1. Separate files will be maintained for academic records and supporting documents, such as, disciplinary, medical, financial aid, counseling

- and credential records, and other official personnel records.
2. The official student academic record, supporting documents, and other student files are confidential. They are to be maintained only by members of the University staff. All persons who handle confidential records shall be instructed concerning the confidential nature of such information and their responsibilities regarding it.
  3. Student academic records shall be limited to information about academic status. No disciplinary information will be recorded on these records.
  4. The University reserves the right to withhold academic records of students who are financially indebted to the institution.
  5. Disciplinary Files: All disciplinary records except for records involving suspension and expulsion will be kept by the Dean of Students for no more than three years from the date of the sanction. Students in good behavior may request removal of disciplinary files after two years. This request must be made in writing to the Dean of Students.
- B. All students will be permitted to examine their own academic records and supporting documents, records of disciplinary proceedings, and other official personnel records. If students obtain a copy of any of these records, the University may charge a nominal fee for this service.
1. Medical, financial aid, counseling, and credential records contain information that will be available to students, as explained below:
    - a. Records created or maintained by a physician, psychiatrist, psychologist, counselor, or other paraprofessional are normally available only to persons providing such help or treatment. Students are permitted, however, to designate a qualified third party to review such records on their behalf for accuracy. A qualified third party would be a competent professional in the area of concern. Nothing in this request will alter confidentiality of information otherwise protected by law.
    - b. Students will not have opportunity to examine the financial resources of their parents without parental consent in writing.
    - c. Former students will not have the right to see confidential letters and statements of recommendations placed in their educational records before January 1, 1975. Students will be permitted to waive their rights of access to confidential recommendations in these three areas: admissions, credential files, and receipt of awards. In these cases, students will be made aware of the names of persons making confidential recommendations on their behalf. Letters or statements of recommendations will be used only for their intended purposes.
    - d. Other than the expectations listed above, students may have access to information in their admissions, financial aid, and job placement records.
    - e. The Office of the Registrar is charged with the exclusive responsibility for releasing official grade reports, transcripts, and grade point averages. Students who want documentation of this information for themselves or for transmission to third parties must obtain the documentation from the Registrar's Office.
  2. Former students will have the same rights of access to their records as currently enrolled students. Applicants to the University who are not admitted will not have these rights.
- C. Students have a right to prior written consent for the release of personally identifiable information from the student's records to individuals other than the student referred to in the records, but prior consent is not required in the instances outlined below:
1. Employees or agents of Shepherd University, including but not limited to faculty and staff, who need access to the record in order to fulfill a University-related responsibility;
  2. Parents/guardians of dependent students, as defined for income tax purposes, in which case the University may but is not required to make non-consensual disclosures;
  3. Parents/guardians, in instances of alcohol and drug infractions by the student;
  4. When records are subpoenaed under a lawful court order;
  5. The following directory information about individual students may be released or made public unless a student makes a written request to withhold such information: name, address, e-mail address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletics teams, dates of attendance, degrees and awards received, and most recent previous educational agency or institution attended. All students who do not wish the release of the directory information should file a written statement to that effect in the Office of the Registrar, Ikenberry Hall; and
  6. All other instances in which FERPA does not mandate prior written consent.
- D. Students have the right to challenge or contest any part of their education record, which they believe contains inaccurate or misleading information.
1. Students should try to resolve the inaccuracy or the need to eliminate misleading information with the faculty or staff member responsible for the entry of the information on their record.
  2. If resolution cannot be achieved in the above manner, a challenge to the accuracy of academic records should be submitted in writing to the Admissions and Credits Committee, stating the nature of the complaint and the evidence which seeks to prove that the entry is in error. This committee has the power to uphold or change any entry on students' records which is challenged.

## II. Confidential Communication

- A. The matter of confidential communication frequently presents a problem between student and professor or administrator. When the problem under discussion could lead to administrative action, the student should seek an understanding regarding confidentiality before the counseling session.
- B. Students who want to report a violation or file a complaint should contact the Dean of Students, any administrator in the Student Affairs or Residence Life Office, or campus Ombudsperson.

# STUDENT CODE OF CONDUCT

Shepherd University does not tolerate violations of any of the following policies. Should investigations of violations of

these policies and regulations warrant a hearing, violations will be processed, through the University Judicial System, in the following manner:

Class I offenses: May be heard by the Campus Judicial Board for any offense. This class of offense could carry a suspension or expulsion penalty.

Class II offenses: May be handled by a judicial officer in the Student Affairs Office or an administrator in Residence Life. An accumulation of Class II offenses may result in a hearing before the Campus Judicial Board with suspension or expulsion as a possible sanction.

### **I. General Requirements (Class I or Class II Offense):**

All Shepherd University students are subject to and are required to comply with the following:

- A. Laws of the United States.
- B. Laws of the State of West Virginia.
- C. Town and county ordinances.
- D. Policies, rules, and regulations of the Shepherd University and its governing boards.
- E. **Students are required to carry a Shepherd University ID card at all times while on campus.**

### **II. Disruptive and disorderly conduct, which endangers the safety or well-being of others, is prohibited. (Class I or Class II Offense)**

- A. Harassment, verbal abuse, physical abuse, intimidation, or any other conduct (including the use of any form of media) which threatens or endangers the health or safety or educational opportunity of another person on campus (See III).
- B. Disorderly conduct or disturbing the peace on University property or at functions sponsored by the University; actions which disrupt or interfere with the instructional program or threaten the orderliness, operation, or well-being of the campus.
- C. Hazing by individuals or organizations. Hazing is defined as imposing demeaning or dangerous activities on any person including members and prospective members of campus organizations. Prohibited activities include:
  1. Subjecting an individual to cruel horseplay.
  2. Harassing or punishing an individual by the imposition of excessively heavy or disagreeable tasks.
  3. To frighten, scold, beat, or annoy by playing abusive tricks upon an individual.
  4. Hazing is further defined as individual or group behavior, which results in:
    - a. Disorderly conduct.
    - b. Physical or mental harm or shock to an individual.
    - c. Forcing an individual to act against his/her will.
    - d. Interference with academic work.
    - e. Interference with the liberty and comfort of others, either with or without their consent.
- D. Storage or use of firearms, firecrackers, open flames, explosives, blank pistols, air rifles, air pistols, archery equipment, swords, knives with blades in excess of four inches in length, or any other item that may constitute a weapon on campus, except as required for an academic class.
- E. Placing a false bomb threat or fire alarm; unauthorized use, tampering, or discharge of fire extinguishers.
- F. Students are required by State law to evacuate a building when a fire alarm is activated or during any other emergency. Students may not prop open interior or exterior hall or security doors, or in any way block fire and emergency exits or routes.

### **III. Student Harassment is prohibited. (Class I or II Offense)**

- A. What is harassment?
  1. Harassment is defined as unwanted physical, verbal, or written conduct relating to a person's protected status, including race, national origin, gender, sexual orientation, age, religious creed, disability, medical condition, or other status protected by law, and which results in one or more of the following:
    - a. The creation of intimidating, hostile, or offensive working, living, or academic environment; or
    - b. Substantial or unreasonable interference with an individual's work, living, or academic performances; or
    - c. The development of an adverse affect on an individual's employment or academic opportunities.
  2. Unjustified inequitable treatment that results in the above consequences also qualifies as harassment. This inequitable treatment may manifest itself in a number of ways including the provision of differential help to students, arbitrarily denying requests for services, and otherwise indirectly creating a hostile environment. The following are examples of conduct that will usually constitute harassment.
    - a. The use of demeaning language.
    - b. The use of language or gestures that are disrespectful or imply a person's inferiority.
    - c. Intolerance of cultural differences.

NOTE: Actions that distinctly would make a reasonable person feel unwelcome, unwanted, scorned,



- ridiculed, or intimidated on the basis of his/her protected status in the work environment may constitute discrimination and may violate the law. Such actions would be reported to the campus Ombudsperson.
- B. Who May Be Involved?
1. Harassment in the campus community can involve:
    - a. Professor and student
    - b. Staff employee and student
    - c. Student and student
    - d. Other relationships among colleagues, peers, and coworkers
  2. Anyone can be harassed. Victims may be any class standing, student athletes, student employees or members of any student organization or club. Harassment can happen at anytime, and without warning.
- C. What are the Consequences of Harassment?
1. Victims of harassment may experience a wide range of emotions as well as physical and psychological distress. This can lead to feeling forced to drop a class, change a major, leave a residence hall or student club or even withdraw from the University. Harassment causes a tense and unproductive learning environment the effects of which can be felt long afterwards.
  2. The University will appropriately investigate any accusations of harassment that a student brings against a University employee. If the University finds that the employee has generally harassed the student, the employee will be subject to sanctions that are relative to promotion, termination, forced resignation, negative evaluations, poor recommendations for other work, or demotion. Any student who is charged with harassment will be subject to the established student disciplinary process as outlined in the Shepherd University Student Handbook.
  3. Some students may be concerned that, as a consequence of their accusation, they will experience retaliation from their harasser. Forms of retaliation can include, but are not limited to, the arbitrary assignment of poor grades, making the student feel unwelcome in the student. The University will strive to prevent retaliation from occurring. If a student perceives that his or her harasser is engaging in retaliation, s/he can address the complaint to the campus Ombudsperson.
- D. What Can The Shepherd Community Do About Harassment?
- Preventing harassment requires each member of the campus community, especially individuals being harassed, to report all occurrences. All student to student harassment needs to be reported to the Dean of Students Office.
- E. A Victim of Harassment should do the following: prior to filing an Official Harassment
1. Keep records – write a journal on this issue, record the facts on a tape recorder, or tell a friend in confidence. If the harassment persists, keep track of dates, places, times, witnesses, and the nature of the harassment. Save any emails, letters, cards, or notes in a secure place, preferably at home. Bear in mind that these documents could be used in litigation.
  2. Talk with a trusted person such as an advisor, friend or member of the Civility Response Team at 304/876-5214.
  3. If practical, talk directly to your harasser and explain why the action or comment is offensive. Say it firmly, without smiling, and without apologizing.
  4. If direct communication is not possible, tell the harasser in writing that you object to this behavior. Describe the specific things which offend or upset you. Keep this letter as a confidential piece of communication and keep a copy of it.
  5. If you do not feel comfortable with the first three options, you can immediately contact the campus Ombudsperson to assist you in confronting your harasser.
  6. If harassment does not stop after taking these steps, or if initial harassment is so serious as to require immediate action, then a complaint should be initiated. To initiate a complaint, contact the campus Ombudsperson. The Ombudsperson is trained to listen and to advise you of the Informal and Formal Resolution Processes at Shepherd University. Even if you decide not to engage either in the informal or formal resolution process, a copy of the complaint will be maintained in the office of the Ombudsperson.
  7. There are counselors on campus who will assist any student who wants to talk about harassment or other problems in confidence. No information discussed in counseling relationships will be divulged unless directed to by the client/victim.
  8. Anyone who observes harassment should report it to the Ombudsperson so the problem can be properly addressed.
  9. It is important to remember that perpetrators of harassment are sometimes subject to federal and state laws as well as University policies. A victim can choose to pursue federal and state remedies at the same time s/he is pursuing University remedies.
- F. Lodging an Official Harassment Complaint

1. Official Process: The Informal Resolution of Harassment Complaints.  
The informal resolution of complaints, when possible, can be an effective way of correcting misconduct. The process is follows:
  - a. A victim or third party submits a complaint to the campus Ombudsperson. An initial meeting between the Ombudsperson and complainant takes place. All options are explained by the Ombudsperson.
  - b. If the informal resolution option is chosen, the complainant may engage in the following actions:
    - Opt for a meeting with the alleged harasser and the Ombudsperson. All parties are permitted to bring support persons (friend, family member, colleague, etc.). The Ombudsperson will serve as mediator, listening to all views and establishing a resolution document or mediation agreement as appropriate.
    - Opt for the Ombudsperson to meet with all parties separately. The Ombudsperson listens to all views, presents views of opposing parties to each other, and establishes a resolution document or mediation agreement as appropriate.
  - c. The resolution document or mediation agreement may include a “no-contact arrangement” and/or provisions. The outcome of the informal resolution should meet the satisfaction of all parties to the fullest extent possible. If the complainant is not satisfied, the Ombudsperson will review other options available.
  - d. Records, including the resolution document, are submitted to the office of Ombudsperson for filing.
  - e. The Ombudsperson will follow-up with parties within two weeks of the resolution if one was reached. Additional follow-up contacts will be made as needed.
  - f. Proceedings and records will be confidential to the fullest extent possible. If additional complaints arise subsequently as to the same employee, the earlier records may be evidence of a continuing practice of misconduct.
  - g. Complainants should act in a timely fashion. The Ombudsperson will, in all cases, attempt to resolve informal complaints within two weeks of notification of the complaint.
2. The Official Process: Formal Resolution of Harassment Complaints  
Any student who feels that informal resolution of a complaint will not be or has not been satisfactory should file a formal written complaint with the Ombudsperson.
  - a. Since the passage of time makes the resolution of complaints more difficult, it is recommended that the written complaints be filed as soon as possible from the date of the incident(s).
  - b. A complaint filed against a professor by a student currently enrolled in the professor’s class should be made as soon as possible. The student may choose to have the complaint held confidentially until the end of the semester, at which time the complaint will be resolved. But some situations may require immediate action on the part of the University.
  - c. A complaint against another student will be referred to the Assistant Dean of Students for management as a student disciplinary matter.
  - d. The President shall annually designate an eight-member body made up of four faculty and four staff. The Ombudsperson will randomly select two panelists from the same group as the person accused and one panelist from the other group to investigate each formal complaint. Immediate supervisors of the accused or the accuser, or any person with a specific, known bias, will be excluded from serving on the three member panel. The formation of the panel will be completed within two weeks of the submission of the written complaint, except where extenuating circumstances require additional time.
  - e. When a formal written complaint against an employee is received by the Ombudsperson, a three-member panel will be selected (as noted in letter “d.”) and copies of the complaint will be given to panel members. Panel members will conduct such investigation into the facts and circumstances of the complaints as may be deemed appropriate by any of the panel members.
  - f. The panel may meet with the accuser, accused, and any witnesses relevant to its investigation, but shall at all times act collectively as a group and not individually. The investigation will be completed within four weeks of the formation of the panel, except where extenuating circumstances require additional time.
  - g. The panel shall prepare a written report of its factual findings and conclusions regarding the merits of the complaint. Their report may, if applicable, include dissenting conclusions. If the report finds any part of the complaints to be meritorious, then the report will designate

appropriate action with respect to the perpetrator. The panel will complete the written report within one week of the close of the investigation, except when extenuating circumstances require additional time.

- h. The panel shall direct its written report to the Ombudsperson and to the executive officer who supervises the accused. The Ombudsperson shall then provide a copy of the report to the accused and the accuser and notice of whether the executive officer implemented some form of adverse action as to the employee-perpetrator.
- i. Appeals on the part of the accuser may be directed to the President. The accused may appeal any adverse action by following the established grievance procedures of the University.

#### **IV. Sexual Harassment is prohibited. (Class I Offense)**

It is the policy of Shepherd University to maintain a learning and living environment free from all forms of sexual harassment of any student, employee, or applicant for employment or admission.

A. Sexual harassment is a violation of Federal Law Section 703, Title VII, Civil Rights Act of 1964 and the West Virginia Human Rights Act.

B. Sexual harassment is defined as:

- 1. Unwanted sexual advances.
- 2. Unwelcome requests for sexual favors.
- 3. Other behavior of a sexual nature where:
  - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or participation in a University sponsored educational program or activity.
  - b. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting the individual.
  - c. Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance, or of creating an intimidating, hostile, or offensive educational or working environment.

C. Students who believe they have been the target of sexual harassment may lodge formal complaints with the Assistant Dean of Students (Judicial Affairs Manager) or the Dean of Students if the perpetrator is a student or group of students.

If the perpetrator is a faculty/staff member, students may lodge formal complaints with Ombudsperson. Lodging a formal complaint will result in a thorough and timely investigation of the reported incident; individuals found responsible for sexual harassment will be held appropriately accountable by the University.

Support, advocacy and/or assistance with lodging a formal complaint may be obtained from any members of the Sexual Harassment Policy and Action Team; complaints may also be lodged informally with or resolved through mediation by any member of this Team. An updated list of Team members may be obtained from the Student Affairs Office, the Academic Affairs Office or from the President's Office.

A student who does not feel that an informal complaint has been satisfactorily resolved or mediated may then elect to lodge a formal complaint through the designated channels. (Please also refer to "No Excuses...Sexual Harassment Violates You and Violates the Law, Guidelines for Reporting Sexual Harassment at Shepherd University" distributed by the Ombudsperson's Office and Student Affairs Office or at [http://www.shepherd.edu/safweb/sexual\\_harassment\\_task\\_force/](http://www.shepherd.edu/safweb/sexual_harassment_task_force/)).

#### **V. Sexual Assault is prohibited. (Class I Offense)**

A. Sexual assault is defined as sexual intercourse, sexual intrusion, or any form of sexual touching with another person without the consent of that person. Incapacity of the victim does not constitute consent on the part of the victim. A person is determined incapable of consent when such person is less than sixteen years old; or mentally defective; or mentally incapacitated; or physically helpless. Mentally defective means that a person suffers from a mental disease or defect, which renders such person incapable of appraising the nature of his or her conduct. Mentally incapacitated means that a person is rendered temporarily incapable of appraising or controlling his or her conduct as a result of the influence of a controlled or intoxicating substance administered to such person without his or her consent or as a result of any other act committed upon such without his or her consent. Physically helpless means that a person is unconscious or for any reason is physically unable to communicate unwillingness to an act. (West Virginia State Law)

B. It is the position of Shepherd University that a sexual assault also occurs against the victim who willingly takes a controlled or intoxicating substance if the sexual contact occurs after the victim becomes temporarily incapable of appraising or controlling his or her conduct as a result of the controlled or intoxicating substance.

C. A student charged with sexual assault can be prosecuted under West Virginia law AND disciplined in accordance with University policies and regulations. A student found guilty of sexual assault through the campus judicial system may be subject to suspension or expulsion.

#### **VI. Discrimination is prohibited. (Class I Offense)**

A. Promoting or demanding any action on the part of a member of the campus community that would constitute unlawful discrimination on the basis of their beliefs, ethnicity, race, gender, life experiences, nation-of-origin, disability, or sexual orientation. Any individuals who feel that they are a victim of discrimination should file a complaint with the Ombudsperson.

B. Engaging in hate crime activities that demean, ridicule, and/or endanger other members of the campus.

#### **VII. Damage, theft, unauthorized use of University property is prohibited. (Class I or Class II Offense)**

A. Unauthorized entry into University facilities. This includes being in a building after the building is officially closed or entering an area of a building that is locked.

B. Use, possession or duplication of University keys or key cards without authorization from a University official. This includes use of residence hall

keys or key cards when residence halls are officially closed for holidays and semester breaks. All residence hall keys are to be returned to residence hall staff at the end of the school year. Failure will result in charges to replace keys and/or change locks for the room/suite/hall.

- C. Damage or impairment of University property or of another person's property.
  - 1. Residence hall students are responsible for the condition of the room (other than normal wear and tear) and all furnishings assigned to that room, and shall reimburse the University for all damages to or loss of these accommodations and furnishings.
  - 2. In cases of damage to shared common areas in the residence halls (eg. lobbies, hallways, stairwells, study lounges), all residents assigned a space in the living unit(s) affected by the damage may be required to share equally the expenses of repair or replacement of any damaged property.
- D. Theft or attempted theft of University property or another person's property including unauthorized use of University or another person's property.

**VIII. Misrepresentation is prohibited. (Class I or Class II Offense)**

- A. Submitting false or misleading information on applications, registration forms residence hall forms, or other University records. This includes forging signatures and failing to update change of address on registration forms during class registration periods.
  - B. Submitting false or misleading information to campus police or to other staff or faculty members when they are acting in an official capacity.
  - C. Submitting false, incomplete, or misleading testimony at a judicial board hearing.
- Note: Refer to the section on Academic Freedom and Responsibility for dishonesty on class work, examinations, or other academic work.

**IX. Failure to Comply is prohibited. (Class I or Class II Offense)**

- A. Failure or refusal to respond to a summons to testify at a judicial board hearing.
- B. Violations of disciplinary probation or other restrictions imposed in previous judicial board or administrative actions.
- C. Failure or refusal to comply with directions and orders of the University staff. University staff includes police officers, faculty, staff, and resident assistants who are charged with the administration of institutional affairs. This includes showing, on request, a valid ID to any of the aforementioned staff members.
- D. Failure to pick up a written disciplinary decision by the designated deadline and at the place designated by a judicial board or administrator.
- E. Failure to respond or reply to official electronic messages through the University e-mail system. (See Campus Communication Policy)

**X. Computer Misuse is prohibited. (Class I Offense)**

A student who is found responsible for any of the following acts involving misuse of Shepherd University computer resources shall be subject to the maximum sanction of expulsion or any lesser sanction authorized by Shepherd University. Violations include:

- A. Intentionally compromising the privacy of computer files or attempting to breach the security of any computer system to which the individual has not been authorized to access;
- B. Violations of law, including but not limited to copyright or other intellectual property law, obscenity law, defamation law, etc.;
- C. Violations of software licensing agreements;
- D. Harassing or threatening other users (eg. sending abusive, voluminous, obscene or unwanted messages or files, loud/disruptive conduct in or near computer labs or the library computer resources, etc.);
- E. Using University computing resources for personal profit;
- F. Use of the University's computing resources in the furtherance of any act listed as prohibited in the Student Code of Conduct;
- G. Disruption, destruction, defacement, damages to, unauthorized possession or use of, or other abuses of University-owned or controlled computing facilities, property, equipment, or resources.

*NOTE: Information Technology Services reserves the right to perform the initial investigation of the computer misuse.*

**XI. Fraudulent Telecommunications Use (Class I Offense)**

It is unlawful to obtain or attempt to obtain telecommunications services by a false, fictitious or counterfeit number. It is unlawful to charge telephone calls to the telephone number or credit number of another person or the University without valid authority. Avoiding or attempting to avoid payment for telecommunications services by use of any fraudulent or legally prohibited scheme, device, means or method. Criminal prosecution and/or disciplinary action may be taken. Other carriers offer special promotional rates not honored by the University. Students are not permitted to establish long distance or calling card service of any kind that is charged to a student room telephone number or to the University.

**XII. Shepherd University Alcohol Policy (Class I or Class II Offense)**

Shepherd University supports students and employees in demonstrating responsible conduct in the best interest of their personal health and well-being, the community's general welfare, and the rights of others. Persons are responsible for their own behavior and must understand that being under the influence of alcohol in no way lessens their accountability; moreover, students are responsible and will be held accountable for the behavior of their guests. The University campus is subject to state and federal laws concerning use and possession of alcohol. Individuals must be aware of and abide by these laws. At no time should alcohol become the primary focus of an event.

Alcohol Use by Individual Students:

- A. No student under the legal drinking age may possess or consume any alcoholic beverages. Please note that signs or symptoms that might reasonably indicate use of or intoxication by alcohol, or the presence of alcohol beverage containers, may be construed as proximate indicators of alcohol possession or consumption.
- B. The rules and regulations of the state governing board of Shepherd University provide that alcohol beverages are permitted on the campus under certain limitations. (See Letter XII.C).
- C. Alcohol is permitted when consumed/used responsibly and in compliance with state and federal laws by those who are of legal drinking age under the following conditions:
  - 1. Alcohol beverages may be consumed within the confines of student residence hall rooms when, and only when, underage students are not present. (No alcoholic beverages may be consumed in student rooms when underage students are present.) It should be understood that all occupants of a room would be charged with possession/use if they were present in a room where a violation of the campus alcohol policy is taking place.
  - 2. Consumption of alcoholic beverages is not allowed in public or community living areas (lobbies, hallways, bathrooms, landings, or other public spaces).
  - 3. Kegs, party balls, beer bongs, and keg parties are prohibited on campus.
- D. Sale of alcoholic beverages on campus by any vendor other than Dining Services is prohibited.
- E. A NOTE ABOUT ENFORCEMENT: Students who are first or second time violators of the Alcohol Policy will be required to attend an alcohol education session(s) conducted by a Student Affairs or Residence Life staff member. Students who repeatedly violate the Alcohol Policy or whose behavior could have serious consequences may be required, at their own expense, to attend an alcohol education program conducted by an outside counselor or agency. See Organizational Code of Conduct for Group policies.

### **XIII. Shepherd University Drug Policy (Class I Offense)**

Illegal use, possession, manufacture, cultivation, conveyance, purchase, sale or distribution of marijuana, narcotics, controlled substances, or other illegal drugs in any amount is prohibited. Illicit drugs include all drugs for which possession is illegal under federal or state law, including prescription drugs for which the individual does not have a valid prescription.

A NOTE ABOUT ENFORCEMENT: Shepherd University holds a strict zero-tolerance policy for illegal drug use and possession on or off-campus. Specifically, students who are convicted or found responsible for use, possession, manufacture, cultivation, conveyance, purchase, sale, or distribution of illegal drugs will be administratively withdrawn, suspended, or expelled from Shepherd University with no refund of tuition or room and board fees. Please note that signs and symptoms which might reasonably indicate use of or intoxication by an illicit substance, or the presence of drug-related paraphernalia, may be construed as proximate indicators of illegal drug use or possession and therefore may be used as the basis for pursuing disciplinary action. Please be aware that students convicted of drug offenses may also be barred from receiving federal financial aid for one year and/or permanently under federal financial aid regulations.

### **XIV. Tobacco (Class II Offense)**

Shepherd University buildings are smoke and tobacco free environments. People who wish to smoke or use other tobacco products must do so outside of the buildings at least 25 feet away from any building.

### **XV. Dining Services Policies (Class II Offenses)**

In order for Dining Services to provide for the nutritional needs of the student and also a pleasant and relaxing atmosphere, the following policies have been established:

- A. Loud, disruptive profane, or vulgar language is prohibited.
- B. Students are required to show proper Rambler ID cards when entering the Dining Services facilities.
- C. Rambler ID cards are not transferable.
- D. Shirt and shoes are required to be worn in Dining Services facilities.
- E. Trays are to be removed from tables and taken to tray racks at the end of a meal.
- F. Plates, cups, trays, utensils may not be taken from Dining Services facilities.
- G. Meal privileges expire 24 hours after a student's last final examination or at the posted time, whichever comes first.
- H. Students who fail to comply with these policies are subject to disciplinary action, which may include the loss of their meal privileges.
- I. Dining Services facilities staff reserves the right to refuse admission to anyone violating the Dining Services Policies.

### **XVI- Residence Life Policies and Regulations (Class I or Class II Offenses)**

The Residence Life staff has the responsibility of promulgating and enforcing specific residence hall regulations, including the Housing Contract.

- A. Shepherd University requires all single, full-time students, not commuting from home, to live in a University residence hall. If at any time a student changes his or her commuting living address, the student must immediately notify the Assistant Vice President of Student Affairs/Director of Residence Life and apply for continued commuter status or move on campus.
- B. Safety and Security. Because the residence halls vary in age, design, and construction, the University reserves the right to impose reasonable requirements with respect to the possession or use of appliances, equipment or other items to preserve the facilities for future use, as well as maintain student safety.

1. Items not allowed in residence halls include (but are not limited to)
  - Electrical appliances which exceed 20 amperes of power at one time
  - Air conditioners, ceiling fans, washing machines, freezers, or other high voltage equipment
  - Fireworks, firecrackers, ammunition, or other explosive materials
  - Hot plates, deep fat fryers, toaster oven, Coleman stoves, hamburger cookers, sterno stoves, oven broilers, barbecue grills, hibachis, and open coil appliances
  - Any open flame apparatus, including kerosene lamps or heaters, electric heaters, combustibles, burning candles or incense
  - Mopeds, motor bikes and motorcycles
  - Power tools (eg. drills, saws, sanders, welding equipment)
  - Refrigerators with internal dimensions larger than four cubic feet or more than 120v 60Hz (Each resident may have one refrigerator.)
  - Microwave ovens with wattage higher than 750 watts
  - Water beds
  - Halogen lamps
  - Satellite dishes
  - Live Christmas trees
2. No objects, including trash, may be thrown or dropped from or toward balconies, roofs, or windows.
3. Students are not permitted to use fire emergency doors or other unauthorized doors as regular exits.
4. Students are not permitted on the roof of any residence hall.
5. Students may not tamper with ceilings in rooms or in hallways.
6. Screens may not be removed from windows. Windows are not to be used as an exit or entrance to any building, and students are not permitted to sit in or hang out of windows.
7. For the safety of all residents, locked exterior and interior hall doors and fire escape doors may not be propped open or disabled. Residents also may not tamper with student doors and doors to study lounges or common areas.
8. Playing sports in common areas (hallways, lounges, stairwells, etc.) is prohibited.
9. Bicycles may be stored in residents' rooms or in designated bicycle racks. Bicycles may not be left or chained in the lobbies, lounges, stairwells, landings, or public spaces as it creates a safety hazard within the residence halls. Bicycles may not be hidden in the residence halls.
- C. Quiet and Courtesy Hours. An atmosphere conducive to normal living and studying must be maintained in the residence halls. All residence halls have established quiet hours from 8:00 p.m. to 12:00 p.m. from Sunday evening through Friday morning and from 10:00 p.m. to 12:00 p.m. from Friday evening through Sunday morning. During quiet hours, noise must be inaudible to neighboring residents. However, courtesy hours are in effect 24 hours a day; residents should be able to study undisturbed in their rooms at all times. Twenty-four (24) hour quiet hours are in effect during final examination weeks. At the discretion of, and with consent of all residents, courtesy hours may be shortened on Friday or Saturday nights or for special events. All students must assume responsibility for maintaining the quiet and courtesy hours. Respect for the rights and freedoms of other residents should be basic guidelines for a resident's behavior. This shall include avoiding excessive noise levels and observing established quiet hours for the particular living unit.
- D. Gambling. Gambling of any form is prohibited within the residence halls. This includes betting in athletic event pools.
- E. Room and Hall Furnishings
  1. No student is allowed to take furniture from the common areas or study lounges and place it in student rooms.
  2. No room furnishings provided by the University may be removed by the students or their guests.
  3. Any personal room furnishings must be free standing, and no part of one's personal furnishings may be attached, wedged, or secured in any manner to the ceiling, floor, or walls of the room, or to the window or the exterior of a residence hall.
  4. No item may be located so as to obstruct direct access to the door or windows so that evacuation is hindered.
  5. No lofts are permitted.
  6. Alterations to student rooms (including but not limited to electrical wiring; attaching hardware to walls, ceilings or doors; constructing platform beds; or painting rooms) are not authorized except in accordance with University policy.
  7. Students are expected to exercise due care and respect for University and personal belongings and/or property. Theft, vandalism, and unauthorized entry into any restricted, locked, or closed residence hall space not specifically assigned to the student are prohibited.
- F. Utilities and Telephone Service. The housing costs charged under this agreement include all utilities, excluding long distance telephone service. Each room has a telephone outlet and a permanent telephone number is assigned to each residence hall room. Students are responsible for bringing their own telephones. A campus directory is distributed to all residents at the start of each fall semester. Residents are responsible for contacting Information Technology Services User Support at x5457 to request a connection for Internet connection, for paying all access fees (currently \$100) each semester, and for acquiring the necessary equipment/software to use the connection. Residents shall use utilities in a conservative, economic, and efficient manner. Failure of utility services will not render the University liable to residents for damage to property, nor abatement of housing fee owed, nor relieve residents of obligations under this agreement. Utility services may be reduced or cut off during prolonged vacation periods in the interests of energy conservation and of maintaining safety.
  1. Residents are expected to respect the rights of other roommates in not unduly tying up a phone line for extended periods of time. Residents using personal computers and modems for Internet access may not infringe on roommates' telephone service access.
  2. No telephones may be permanently placed by a student in a hallway or common area.
- G. Air Conditioning and Heating. On the West Side of campus, each residence hall provides an air conditioning-heating unit within each room. The room is heated or cooled automatically after the resident sets the dial for the desired climate and temperature. Miller does not have individual room controls. On the East Side of campus (Kenamond, Turner, and Gardiner), each residence hall has central heating but not air conditioning. Portable fans are advisable during the beginning of the fall semester for students living on the East Side of campus. Room air

conditioners are not permitted on the east side of campus. Students who have a temporary or permanent physical disability or medical condition which warrants a climate-controlled environment should submit a request for appropriate accommodations to Director of Disability Support Services. See "Services for Students with Disabilities" for additional information.

- H. Maintenance and Housekeeping
1. Residents may not perform their own repairs on residence hall furnishings and equipment. All requests by residents for repairs to residence hall facilities, furnishings and equipment must be made to an RA or Resident Manager; residents are prohibited from contacting Physical Plant directly. Repair requests will be forwarded by Residence Life to Facilities Management. Facilities Management has full responsibility for determining the completion dates and costs of the repairs requested. For maintenance emergencies (e.g. health or safety of residents is immediately threatened), please contact a Residence Life staff member in your building or the main office (x5172) during regular business hours; the RA on duty in the evenings and on weekends.
  2. All trash (including cigarette butts) should be deposited in their appropriate and designated receptacles. Personal trash should be placed in dumpsters. Students are prohibited from depositing general personal trash in bathroom trash cans. These cans are for bathroom trash only.
  3. The resident shall maintain his/her assigned space in an orderly, safe, and sanitary condition. Students are responsible for the cleanliness of their rooms and the area directly outside of their rooms. Residence Life staff will conduct routine inspections of rooms to ensure that rooms remain safe and sanitary. It is the responsibility of individuals as members of the community that common areas (bathrooms, lounges, hallways, stairwells) must be kept in an orderly, safe, and sanitary condition. University personnel provide housekeeping services in common areas such as lounges, hallways, and community bathrooms. Maintenance services will be reduced during weekends, University holidays, and Thanksgiving, winter, and spring breaks.
- I. Keys and Room Lockouts. Each resident is strongly encouraged to lock her/his room when leaving and keep the keys or key card with him/her at all times. This includes taking keys with her/him to use the shower or bathroom facilities.
1. In the event that a resident loses his/her key(s), a nonrefundable \$15 lost key charge per key will be assessed, along with any costs associated with changing of locks for the room/suite/hall.
  2. Students who become locked out of their rooms must contact a Residence Life staff member for assistance. Between 8 a.m. – 5 p.m., residents may first attempt to find an RA or their Resident Manager for lock-out assistance; if none are present in the building, the resident must contact Residence Life at x5172. Between 6 p.m. - 8 a.m., residents should contact the duty RA in their building for lock-out assistance. In all cases, residence life staff will provide courtesy "lock-out" assistance one time without charge; each "lock-out" event thereafter requiring a Residence Life staff member to respond will incur a \$5 charge.
- J. Pets
1. Animals are not permitted in student rooms or common areas. They cannot be kept in kennels or cages or tied outside of residence halls.
  2. Only service animals for students with documented disabilities or non-dangerous fish are allowed in residence halls. In case of electrical failure, the University is not responsible for the death of fish. It is suggested that surge protectors be used. Tanks cannot exceed 30 gallons in capacity.
  3. Signs or evidence that may reasonably indicate a pet could be living in a residence hall room/suite or common area maybe construed as proximate indicators that a pet is living in a space. Evidence includes, but is not limited to, animal food, litter box, cages, and/or bedding.
  4. Any unauthorized animal found in the residence halls will be removed immediately by arrangement of Residence Life, which may include contacting the local Humane Society or Animal Control professionals for their assistance. Any cost incurred for removal will be the responsibility of and assessed to the resident(s). The resident(s) responsible may be subject to immediate termination of the Residence Hall Contract and/or disciplinary action.
- K. Visitation. To maximize the safety, security, and privacy needs of residents, a University visitation policy has been established for all residence halls. All residence halls have twenty-four hour visitation.
1. Visitation is defined as hosting a guest in a residence hall. Any student assigned to live in a residence hall who has a guest in that residence hall is defined as the host/hostess. The host/hostess is responsible for all actions and behaviors of their guests. A guest is defined as any nonresident of that residence hall.
  2. Permission of the roommate(s) must be obtained PRIOR to having a guest(s).
  3. In order to maintain an effective study environment, residents of a traditional hall room may have up to a total of five people per room. Residents of suites may have up to a total of eight people per unit. Residents of apartments may have up to twelve people per unit.
  4. All guests must be escorted by their host/hostess at all times.
  5. All guests must be registered during desk hours (6 p.m. - 1 a.m. Sunday through Wednesday, 6 p.m. - 3 a.m. Thursday through Sunday) by their host/hostess. If a guest arrives before or after these hours, then the host/hostess must register that individual(s) in person once the desk opens. Apartment residents are not required to register their guests.
    - a. During hours when the desk is not open, an honor system is in place and residents do not need to register their guests; however, all other visitation policies are still in effect.
    - b. At the time of registration, the host/hostess and the guest will be asked to show a current Shepherd University ID or other picture ID issued by a governmental agency.
    - c. Guests under the age of 18 who are not Shepherd University students must also provide emergency contact information at the time of registration.
  6. The use of bathroom facilities within a living unit is restricted to those of the same sex as those assigned to live in that unit. Showers and toilet stalls are designated for single occupants only.
  7. Only those Shepherd University students authorized to live in a residence hall may live on campus; cohabitation in residence hall rooms by non-authorized individuals is prohibited. Residents may have guests for no more than three consecutive nights.
- L. Solicitation and sales of any service or product door-to-door in a residence hall or by way of the University telephone system is forbidden. Properly registered fund-raisers by recognized campus organizations are permitted. Advertisements, sale, or solicitation of alcoholic beverages is

- not allowed in residence halls or student mailboxes.
- M. Right of Entry. Residence hall officials or other University administrators will not consent to a search of a student's residence hall room by police or other government authorities without a warrant authorized by law. Although the University will take every precaution to guarantee privacy for students in residence halls, residents remain subject to University and Residence Life policies. For this reason, any staff member or person charged with enforcing University or Residence Life policy may enter a residence hall room upon reasonable belief that a violation of University policy is occurring. The individual seeking entry will knock and identify her- himself before entering except in emergencies or in situations where delayed entry would be self-defeating. Room inspections will be conducted on a regular basis, primarily to monitor health and safety conditions in the halls. Residents will be notified in writing at least 48 hours in advance of the scheduled time for these inspections. If the resident is not present in her/his room at the time of the inspection, the Residence Life staff member will key in to enter the room. Every reasonable effort will be made to respect students' right to privacy. The University reserves the right to enter student rooms for the following reasons: emergency situations, repairs, alterations, maintenance, health/safety inspections, custodial work, or to uphold University policies.
  - N. Early Arrival and Extended Stay. Students who have received extended stay/early arrival privileges because of their participation in a University athletic team or student organization act as representatives of that team/organization at all times. Any violation of extended stay/early arrival policy will be reported to the applicable coach or advisor.
    1. Regardless of your age, no alcoholic beverages are permitted in any area of a residence hall building. The University's alcohol policy as stated in the Shepherd University Student Handbook will go into effect on the first day of classes of the next semester.
    2. Visitation privileges are limited to the lobby and first floor study lounges of each residence hall building. You may not have guests in your residence hall room. The visitation policy as stated in the current edition of the section of the Student Handbook will go into effect on the first day of classes of the next semester.
    3. Standards of civility and respect for human dignity are to be observed at all times. Harassment or disruptive behavior of any kind will not be tolerated.
    4. Quiet hours are 24 hours Sunday through Saturday. Regular quiet hours as outlined in this Handbook will be in effect on the first day of classes of the next semester.
    5. Vandalism and destruction of campus facilities or property is strictly prohibited. Extended Stay/Early Arrival residents may be subject to applicable individual or group damage/cleaning charges.
  - O. Apartment Residents – Semester Breaks and Holidays. Students who have lived in the residential apartments – Birch and Maple – must follow all policies in the *Shepherd University Student Handbook*. In addition, the following policies are in place when the apartments are open and all other housing is closed.
    1. Standards of civility and respect for human dignity are to be observed at all times. Harassment or disruptive behavior of any kind will not be tolerated.
    2. Quiet hours are 24 hours Sunday through Saturday. Regular quiet hours as outlined in the *Student Handbook* will be in effect on the first day of classes of the next semester or academic break.
    3. Vandalism and destruction of property of campus facilities or property is strictly prohibited. Apartment residents may be subject to applicable individual or group damage/cleaning charges.

## CAMPUS JUDICIAL BOARD

### I. Introduction

Shepherd University is committed to order and due process. To accomplish this the University has established a Judicial System, which is administered by the Assistant Dean of Student Affairs/ Judicial Manager. The Campus Judicial Board conducts due process hearings.

### II. The Campus Judicial Board

- A. The Board consists of two students, two faculty, and a faculty presiding officer.
- B. The Judicial Board hears all cases requiring judicial review. The Board may convene as needed or on a weekly schedule.
- C. Sanctions:
  1. Sanctions assessed by this Board for students found responsible of violating campus policy may include suspension or expulsion from the University (see VII. Disciplinary Sanctions).
  2. Sanctions for student organizations may include denial of institutional recognition; use of institutional facilities; restrictions on social activities, recruitment and any other kind of proceeding, formal or informal; mandatory education; reparations; and recommendations to regional or national headquarters that the organizational charters be revoked.
- D. The Judicial Manager presents evidence to this Board.
- E. If a student or a student organization is found responsible for violating a regulation, it will be based on the "preponderance of evidence" submitted rather than "responsible without a doubt" as used in civil proceedings.

### III. The Judicial Manager

The Judicial Manager is an administrator designated by the Vice President of Student Affairs with the responsibility for the overall administration of judicial process at Shepherd University. The Judicial Manager at Shepherd University is the Assistant Dean of Student Affairs or the Dean of Students in the Assistant Dean's absence.



#### IV. Rights of the Accused Student

- A. The accused student in any case has the right:
  - 1. To be presumed not responsible (innocent).
  - 2. To face all witness in the hearing.
  - 3. To question any witness at the conclusion of his/her testimony.
  - 4. To bring witnesses to the hearing.
  - 5. To seek counsel from any member of the campus community or legal counsel.
  - 6. To appeal for cause.
- B. Pending the outcome of initial charges or results of an appeal, the student will not have his or her student status altered, except for reasons relating to the safety and well-being of students, faculty, staff, and University property.
- C. If, in the judgment of the Judicial Manager, there is probable cause to believe that the continued presence of the accused on campus might constitute an unreasonable risk to campus personnel, students, or property, the Judicial Manager will, on the next regular class day, convene a special committee consisting of three individuals appointed by the Judicial Manager to review the evidence to determine whether a temporary suspension or restriction is warranted. The student will be given an opportunity to address the committee. The committee has the authority to suspend or restrict the student from campus until the student has a campus Judicial Board hearing and the results of that hearing are announced to the student.

#### V. Judicial Process Flow Chart

- A. After a violation of a campus policy is alleged, a written incident report is submitted to the Judicial Manager.
- B. The Judicial Manager meets with the accused student and reviews possible charges with the student. The student may request a hearing, or in incidents where guilt is not contested, take an administrative sanction.
- C. If a hearing is needed, the Judicial Manager sets the date and notifies the student of the charges five days prior to the hearing.
- D. Prior to the hearing (at least 48 hours prior), the student needs to notify the Judicial Manager if he/she plans to have legal counsel present at the hearing.
- E. The Judicial Manager will call three faculty or staff (one of whom will be chair) and two students from the Campus Judicial Board pool to serve as members of the Campus Judicial Board. Additional members will also be called to serve as backups.
- F. At the hearing the members convene and meet the accused student. Board members who think that prior knowledge of the student or the incident would keep them from being impartial are excused and a substitute board member takes their place. Once the board is convened, the chair swears in the board.
- G. The Judicial Manager reads the charges and presents the case.
- H. Witnesses are called and asked to give statements. The accused student has the opportunity to question witnesses.
- I. The accused student may present his/her case and call witnesses if desired.
- J. After all testimony is introduced, the chair will excuse all parties except the board members from the room.
- K. Campus Judicial Board reviews the evidence and decides whether the student is responsible for the violation.
- L. The Judicial Board informs the student of its decision. If the student is not responsible, the student is excused.
- M. If the student is found responsible, the board will hear in the presence of the student any prior disciplinary record. The student will have an opportunity to raise questions regarding the previous disciplinary record and offer an explanation if desired.
- N. The chair will schedule a date/time for the student to receive sanctions.
- O. The board will determine the appropriate sanction for the chair to communicate to the student.

#### VI. How the Judicial Process Works

- A. A written violation of policy may be received from Residence Life personnel, faculty, students, and other administrative units, or any member of the campus community.
- B. Upon reviewing the incident reports, the Judicial Manager:
  - 1. Reviews and investigates the incident.
  - 2. As part of the investigation the Judicial Manager meets with the accused student/s or officers/members of an organization to discuss the incident.
  - 3. Determines the charges (when warranted) to be filed against the accused student/s or club/organization.
  - 4. In cases where the student (majority of officers or the president of the club or organization) admits to the charges or does not wish to contest the case, he/she may elect to waive a hearing and take an administrative sanction from the Judicial Manager and/or the Assistant Vice President of Student Affairs. In cases where two, three, or more other officers oppose in writing the president's position, the case will go before a hearing board. In such a situation, the officers have 24 hours after the charges are delivered to present their written, signed letter of opposition (to the president's position) to the Judicial Manager.
  - 5. Assigns cases to the Campus Judicial Board or administrator as appropriate.
- C. Hearing Procedures
  - 1. Cases are investigated by the Judicial Manager, who will interview the defendant/s and all relevant witnesses.
  - 2. If the evidence warrants a hearing, the Judicial Manager will notify the student (officers & members of an organization) of the date, time, and place of the hearing in writing. The notice will be delivered by a member of the Residence Life Staff, or mailed to the student's off-campus address.
  - 3. Notice of hearings must contain the charges, including pertinent policy sections and a brief description of the incident.
  - 4. Five days' notice must be given prior to the hearing date.
  - 5. Failure of the accused student to appear on the hearing date after proper notification is not grounds to postpone a hearing and the hearing will continue.

6. In cases identified as having the potential for suspension or expulsion (denial of institution recognition), the student (or officers) will be informed of the right to have legal counsel present at the hearing. (In such cases, students retain legal counsel at their own expense and must notify the Judicial Manager at least two days prior to the hearing of their intent to have an attorney present at the hearing.) An advisor, whether it is legal counsel or a member of the campus community, may consult and advise the accused student, but may not speak on behalf of the student or otherwise participate directly in the proceedings. When the accused student or campus organization retains an attorney, the University may also elect to use legal counsel in an advisory capacity.
7. If a student is a victim of an offense for which the accused student goes to a hearing, the victim may be present throughout the hearing and may have an advisor or legal representative in the same manner as the accused student in the hearing.
8. A taped transcript will be taken at all Campus Judicial Board hearings.
9. If the accused student or organization is found responsible and the sanction includes community restitution, the case is forwarded to the Judicial Manager who monitors the community restitution, assessed by the Judicial Board.
10. Written sanctions, issued by the Campus Judicial Board, will be formulated and delivered by the Campus Judicial Board Chair to the Student Affairs Office at a time prescribed by the Court.
11. The accused student (or the president or designated officer of the organization) will pick up the written results of the hearing at the Student Affairs Office at a time prescribed by the Court.
12. The Judicial Manager maintains a file of all cases heard by the Campus Judicial Board.

### **VII. Disciplinary Sanctions**

The sanctions listed below shall be imposed upon students when the circumstances clearly indicate that a campus regulation has been violated. The sanction for a violation may be one or a combination of those set forth below:

- A. Admonition: an oral statement to the student offender that he/she has violated University rules.
- B. Warning: written notice to the student that continued or repeated violation of University regulations will be cause for more serious disciplinary action.
- C. Restitution: reimbursement for damage to or misappropriation of property.
- D. Restriction: limited freedom to move about, to use campus facilities, and/or to participate in campus activities.
- E. Disciplinary Probation: period of time during which full compliance with policies, rules, and regulations is required. Noncompliance would make the student on probation subject to immediate suspension or expulsion. Disciplinary probation may also include certain restrictions when so stated in the decision of the hearing body.
- F. Suspension: restriction from campus, exclusion from class attendance and other privileges or activities as set forth in the notice of suspension for a stated period of time. The conditions of readmission, if applicable, will be stated in the order of suspension. This sanction shall also be effective at all other state colleges and universities in West Virginia. During a period of suspension, no credits earned at another institution will be accepted at Shepherd University.
- G. Expulsion: complete termination of student status for an indefinite period of time. The conditions of readmission, if applicable, will be stated in the order of expulsion. This sanction shall also be effective at all other state colleges in West Virginia. During a period of expulsion, no credits earned at another institution will be accepted at Shepherd University.
- H. Organizational sanctions may include, but are not limited to: denial of the use of institutional facilities, institutional recognition, and/or a recommendation to regional or national headquarters that the organizational charter be revoked.
- I. In cases where the penalties listed above are inappropriate, a penalty especially suited to the offense may be imposed.

### **VIII. Appeals**

- A. An accused student may appeal a decision of the Campus Judicial Board on the following grounds:
  1. The hearing was not conducted in a fair (impartial) manner.
  2. New evidence became available after the hearing.
- B. To effect an appeal, the defendant must notify the Vice President for Student Affairs, in writing, within three working days after the receipt of the sanction letter.
- C. Should the Vice President for Student Affairs determine there are appropriate grounds for appeal, the Vice President for Student Affairs shall render an appellate decision which shall be final except in case of suspension or expulsion.
- D. The decision of the Vice President for Student Affairs may take one of the following forms:
  1. Affirm the original verdict.
  2. Reverse the decision of the original board based on the appeal grounds.
  3. Void the decision of the original board and order a new hearing.
- E. In the case of suspension or expulsion the student may appeal the decision of the Vice President for Student Affairs to the President. This must be done in writing, within three working days of the decision. The President's decision is final.
- F. Sanctions imposed by the Judicial Process are suspended during the time in which a matter is on appeal. Should the appeal fail, all academic work completed during the time of appeal is forfeited and the sanction begins at once. If it is too late in the semester to impose the sanction, it applies to the next regular semester. In any event a student may not graduate during the process of appeal.

## **CODE OF CONDUCT FOR STUDENT CLUBS AND ORGANIZATIONS**

## Introduction

Membership in the academic community accords students certain freedoms and responsibilities. Groups on campus reflect the values and attitudes of our academic community. It is the responsibility of each registered student organization to adhere to the mission of the University and its supporting bylaws, statutes, and policies. Therefore, all student groups are expected to be familiar with and conduct themselves in accordance with the “Student Code of Conduct” and the “Code of Conduct for Organizations, Clubs, or Groups” as outlined in the Student Handbook and the Handbook for Clubs and Organizations. Groups that violate policies run the risk of losing recognition on campus and may face charges/sanctions under the Campus Judicial system.

### I. Recognition

- A. In order to gain the privileges of a recognized Shepherd student club or organization, groups must go through the recognition process as outlined in Section One of the Handbook for Student Clubs and Organizations. Groups must submit a completed Intent to Organize form, a list of interested students/potential members, and a copy of the group’s constitution and bylaws to the Student Life Council for approval.
- B. All clubs and organizations are required to have an advisor who is a Shepherd faculty or staff member. Rare exceptions to this policy may be granted by the Student Life Council.
- C. Recognized clubs and organizations are required to fulfill the following requirements annually in order to maintain recognition:
  1. Complete a Recognition Renewal Form by the second week of school each year. The form includes current information about officers and your advisor. These forms must be completed and returned to the Student Center Assistant Director for Student Activities and Leadership by the second Friday in September. The information on these forms will be shared with the Student Life Council and the Student Government Association.
  2. Hold meetings regularly (at least once a month).
  3. Be represented at the annual Leadership Conference at Shepherd as required by the Student Life Council. In order to maintain recognition on campus, all organizations are required to send at least two representatives to all sessions of the Leadership Conference while clubs are required to send at least one representative to all sessions of the Leadership Conference. Social Greek organizations are required to send at least three executive officers and two active/associate members to all sessions of the Leadership Conference. Exceptions to this policy may be granted by the Student Life Council through appeal prior to the date of the conference. (NOTE: While they are encouraged to attend, academic honoraries are not required to attend the Leadership Conference)
- D. All clubs and organizations must present written notification to the Student Center Assistant Director for Student Activities and Leadership immediately when the group experiences a change in its constitution, bylaws, or advisor.
- E. Student clubs and organizations which fail to properly file the Recognition Renewal Form by the deadline, may have their campus recognition (along with its privileges) revoked by the Student Life Council.
- F. Student clubs and organizations who fail to meet the Leadership Conference attendance requirements as outlined above will face the following consequences.
- G. If a group would like to request membership in the Student Government Association Senate, it may do so by filing a “Request to Join the Senate of the Student Government Association form”. See the SGA Constitution and Bylaws.

### II. Consequences for Non-Compliance with Leadership Conference Attendance Requirements:

- A. First Time Non-Compliance—Student groups that fail to meet the required attendance standards as outlined above will not immediately lose recognition. They will still be allowed to Shepherd University facilities and the Student Center for meetings and activities. However, they will be placed on provisional status with the Student Government Association and Student Life Council. While on provisional status, in order to maintain recognition, groups must comply with the following restrictions/responsibilities:
  1. Must submit the minutes of all meetings to the Student Center Assistant Director for Student Activities and Leadership (Student Center) by the 1st of each month.
  2. Must attend all SGA meetings (no absences allowed) during the period of provisional status. (Groups on provisional status may still vote in SGA)
  3. May not request/receive money from SGA during the period of provisional status.
  4. May not participate in the SGA lottery for Shepherd sporting concessions (football, basketball, baseball, etc) during the provisional period. Groups that fulfill the obligations as outlined above will be returned to full group privileges in January of the spring semester.NOTE: Student groups may also have their campus recognition revoked for missing the Leadership Conference if deemed appropriate by the Student Life Council.
- B. 2-Year Non-Compliance: Student groups or organizations who do not meet the attendance requirements for the Leadership Conference for two consecutive years may have their campus recognition revoked entirely by the Student Life Council.

### III. Alcohol Use by Shepherd Student Organizations, Clubs, or Groups

The following policies apply to all campus organizations, clubs, or groups for events both on campus and off campus.

- A. The possession, use, or consumption of alcoholic beverages during any event sponsored or endorsed by a campus organization, club, or group must be in compliance with all state and local laws.
- B. Alcoholic beverages are not permitted at open parties or events (see definitions that follow for clarification).
- C. No alcoholic beverages may be purchased using organizational funds nor may the purchase of alcoholic beverages be undertaken or

- coordinated (through collections, kities, etc.) by anyone in the name of or on behalf of the organization, club or group.
- D. Alcoholic beverages are not permitted at membership recruitment events or meetings.
  - E. No organization, club, or group may co-sponsor an event where any individual, group or business does not comply with this alcohol policy for campus organizations.
  - F. Alcoholic beverages may be consumed at closed parties (see the definition of a closed party below) when all of the following conditions have been met
    1. Service of alcohol to those under the legal drinking age is prohibited.
    2. Alcohol may only be served on a cash bar basis by a professional bartender or caterer, who is not an active member of the sponsoring organization and who is fully covered by liability insurance. (No open bar service or BYOB is permitted.)
    3. Reasonable precautions must be taken by the organization to prevent the excessive consumption of alcoholic beverages and to prevent the service of alcohol to underage persons.
    4. Members and/or guests who arrive at an event in an intoxicated state shall not be admitted.
    5. The sponsoring organization shall designate non-drinking members who will attend the event to insure that responsible behavior is maintained by members and guests.
    6. Food and non-alcoholic beverages must be provided at the event.
    7. The service of alcoholic beverages must be cut off at a specific time, which shall be established and clearly published before the event.
    8. No drinking games are permitted.
    9. No kegs, party balls, or alcoholic punch are permitted.

#### IMPORTANT DEFINITIONS:

- G. Open Party — An open party is an event that BOTH members of the sponsoring organization club, or group AND non-members are permitted to attend. These events generally have blanket invitations through posters, flyers, or word-of-mouth. No guest list is required in advance; no registration check is conducted at the door of the event.
- H. Closed Party — A closed party is an event that is sponsored by a particular campus organization(s) where ONLY members of the organization and their invited guests are allowed to attend. Closed parties may not be advertised and are open to people by invitation only. In order to hold a closed party, organizations must provide a list of the names of all invited members and guests to the Student Center Assistant Director for Student Activities and Leadership at least 24 hours before the event. (NOTE: Social Greek organizations must turn their party registration form and list in to the Student Center Assistant Director for Greek and Commuter Affairs at least 24 hours before the event.) The sponsoring organization is responsible for registering all guests at the door and checking the guest list to insure that the individuals were indeed invited and registered.

#### IV. Anti-Hazing Policy

Shepherd University unconditionally opposes any action taken or situation created, intentionally or unintentionally, whether on or off premises owned or leased by the organization, which has the effect of producing psychological or physical discomfort, embarrassment, harassment, or ridicule. Such activities or situations may include, but are not limited to, the following:

- o use of alcohol or other drugs;
  - o paddling in any form;
  - o creation of excessive fatigue;
  - o physical and/or psychological shocks;
  - o quests, treasure hunts, or scavenger hunts;
  - o road trips or any other such activities carried on outside or inside of the confines of an organization's facility or living unit (e.g., house);
  - o wearing of public apparel that is conspicuous and not normally in good taste;
  - o engaging in public stunts and buffoonery;
  - o morally degrading or humiliating games and activities; and
  - o any other activities that impede academic achievement; are inconsistent with the constitution, regulations, policies, or ritual of the national governing organization, or violate University policies or applicable State law.
- A. Activities including but not limited to, those listed above that humiliate, degrade, abuse or endanger a person's physical or mental health for the purposes of affiliation with, membership in, or initiation into any organization— regardless of the person's willingness to participate— will result in the club or organization being prosecuted to the fullest extent allowable under Shepherd University's judicial system. (Class I Offenses)
  - B. Activities including but not limited to, those listed above that are implicitly or explicitly required of any prospective, new, or associate member but not required of active or full members — regardless of the person's willingness to participate— will result in the club or organization being prosecuted to the fullest extent allowable under Shepherd University's judicial system. (Class II Offenses) Adapted from: Fraternity Insurance Purchasing Group (FIPG), 1998.

## INSTITUTIONAL GOVERNANCE

Shepherd University recognizes both the right and responsibility of the University administration, the faculty, and the student body to participate in the governance of the institution. The governance functions at Shepherd have three distinct areas: 1) that area in which the University administration and/or faculty has primary responsibility, 2.) that area in which

there is a shared responsibility among the University administration, faculty, and student body, and 3) that area in which the students have primary responsibility.

The area in which the University administration and/or faculty have primary responsibility is outlined in the constitution of the Shepherd University Assembly and the Shepherd University Administrative Policy Manual. Through student participation as full-fledged members of those University committees whose decisions affect student life, there is an area of governance in which there is shared responsibility among the University administration, faculty, and student body. Student representation on these committees is established to varying degrees, with the rationale being there are areas in which the University administration and faculty should have a greater voice in rendering decisions, and areas in which students should have a greater voice in rendering decisions. The inclusion of students on these committees serves a twofold purpose: 1) to give students an opportunity to present their opinions and recommendations in a manner in which they are assured of being heard and considered, and 2) to give them a direct voice, through voting on these committees, in matters that affect student life.

In matters that concern the internal functioning of student organizations, students have the right to autonomy as long as they are functioning within the realm of what is considered legal by national regulations. All campus organizations are required to have an advisor. The role of the advisor is to 1) advise in matters of internal function, and 2) insist that the activities of the organization fall within University rules and regulations.

It is the intent of Shepherd University that the voice of students be heard and considered. But the University insists that complaints are heard and grievances are resolved through an orderly process. The University also recognizes that once recommendations, complaints, and grievances have been expressed, the administration, faculty, and students must make decisions and establish policies.

In order to ensure that students are heard Shepherd takes the position that students are free, both individually and collectively, to express their opinions to the University administration and University committees. At the beginning of each academic year, a complete list of all committees and the responsibilities of each committee is published and distributed throughout the campus so that students know to whom they may express their ideas. Students should also feel free to approach members of the University administration on those matters that are the responsibility of the various administrators. In the event students have questions about the lines of communication, they are encouraged to seek assistance from a member of the Student Affairs staff.

## ACADEMIC FREEDOM AND RESPONSIBILITY

### I. Academic Rights and Responsibilities

- A. All students, faculty, and staff are responsible for understanding and complying with the University's stated academic requirements.
  1. Student grades are based solely on academic performance as measured by the standards set forth in the course syllabus.
  2. Students should feel free to express their thoughts and opinions in an academic forum.
  3. Assignments must be completed by the student for whom the work is assigned and in the absence of unauthorized aid of any kind.
  4. Instructors shall encourage honest effort by exercising care in planning and supervising academic work.
  5. A student who does not comply with the University's honesty standard may be subject to appropriate penalties imposed by the instructor, and even to academic probation, suspension, or dismissal.
  6. The policies regarding both academic standing and academic dishonesty are outlined in the *Shepherd University Catalog*.
- B. Students who choose to enroll at Shepherd have the following academic rights.
  1. The right of access to the *Shepherd University Catalog*, that describes all academic program requirements including: required courses, total credit requirements, residence requirements, special program requirements, minimum grade point average requirements, probation standards, professional standards, and other pertinent information.
  2. The right to a written syllabus containing the academic requirements of, and the instructor's expectations for the course.
    - a. Course syllabi will be distributed by instructors of record, and should contain information pertaining to: attendance policies, grading procedures, course information, special requirements including field trips, extra costs, and other pertinent matters.
    - b. Students have the right of appeal if they are discriminated against due to: race, color, national origin, age, gender, familial or associational status, disabilities, religion, or sexual orientation.

### II. Academic Actions Imposed by the University

- A. Shepherd University will take appropriate academic action when a student fails to maintain the academic standards of the University, or when there is evidence that a student has violated an academic policy. Students also have the right to appeal academic actions.
- B. Examples of situations requiring academic action would include the following.
  1. Infraction of institutional academic standards, rules, and regulations (required grade point averages, etc.) as stated in the Shepherd University Catalog.
  2. Final grade challenges.
  3. Academic dishonesty (e.g., plagiarism, cheating, falsifying records, etc.)
  4. Failure to meet the standards required for continuing in a program of instruction, thus leading to dismissal from that program.
- C. For failure to maintain academic standards, the University may impose the following student sanctions.
  1. Instructor Imposed Sanctions: Sanctions such as the reduction of a grade, or the failure of a course, all of which may be applied by an individual instructor. The maximum penalty a professor may impose is a grade of F in the course. The individual instructor may report

- the plagiarism to Assistant Dean of Student Affairs/Judicial Manager.
- 2. Academic Probation is a sanction imposed for failure to meet academic standards (see the Catalog).
- 3. Academic Suspension is the exclusion from all institutional activities for a definite stated period of time not to exceed one calendar year (see the Catalog).
- 4. Academic Dismissal is the termination of student status from some or all programs, including any right or privilege to receive a benefit, recognition, or certification.

### III. Academic Actions Concerning Admissions and Credits

- A. Institutional procedures for administering admission policies are detailed in the *Shepherd University Catalog*.
  - 1. The Office of Admissions shall be responsible for administering admissions policies outlined in the *Shepherd University Catalog*.
    - a. Prospective students who fail to meet the academic standards necessary for admissions will be notified of their deficiency.
    - b. Prospective students who wish to challenge or seek an exception to an admission's policy may petition the Admissions and Credits Committee for an exception to the rules in particular cases.
  - 2. The Office of the Registrar is responsible for administering the institutional academic standards as outlined in the Catalog.
    - a. The University Registrar will notify a student who has deficiencies and thus fails to meet the minimum academic standards necessary for remaining in a given program.
    - b. Students wishing to challenge or seek an exception to a University policy may petition the Admissions and Credits Committee for an exception to the rules in particular cases.
      - (i) All petitions shall include required signatures on the appropriate petition.
      - (ii) All petitions will include a written statement of the reason that an exception to a policy should be granted.
- B. Decisions of the Admissions and Credits Committee may be appealed to the University President whose decision is final.

### IV. The Academic Appeal Committee

- A. "The faculty pool" utilized in this process consists of fourteen tenured faculty members nominated by the Curriculum and Instruction Committee.(what does faculty pool mean?)
- B. At its last meeting of the academic year, the Shepherd University Faculty Senate shall confirm the Committee's nominees to serve in the following year, for a term from July 1 to June 30.
- C. The faculty pool shall be selected annually.
- D. Members of the committee will hear cases involving grade appeals, academic dishonesty, and program dismissals.

### V. Student Grade Appeals

- A. In any grade appeal procedure, the student has the burden of proof in establishing "good cause" for changing a final grade.
- B. Unless the student can offer convincing arguments to the contrary, good faith on the instructor's part is presumed.
- C. When supported by sufficient evidence, any of the following reasons shall constitute "good cause" for challenging a final grade.
  - 1. The grade was the result of discrimination (as defined in I, B, 2, b).
    - a. A successful appeal must demonstrate that the instructor did not apply a consistent standard to all students in the classroom.
    - b. The student making the appeal must show that the instructor did not apply the same grading standard to the student making the appeal that was applied to other students in the course.
  - 2. The grade was awarded in an arbitrary or capricious manner.
  - 3. The grade was the result of an error on the part of the professor in calculating, recording, or reporting a final grade.
- D. None of the following shall constitute "good cause" for appealing a final grade.
  - 1. Disagreement with the course requirements established by the professor.
  - 2. Disagreement with the grading standards established by the professor.
  - 3. Disagreement with the instructor's judgment when applying grading standards, assuming that the instructor has made a reasonable effort to be fair and consistent in exercising that judgment.
  - 4. The desire or need of the student to attain a particular grade.
  - 5. Consequences that a student might face as the result of a grade award.
- E. What constitutes standing in a grade appeal case?
  - 1. In the grade appeal process, standing is defined as those parties who are directly linked to this action procedurally.
    - a. Those parties who have standing include: The instructor, the student desiring a grade change.
    - b. Those parties who do not have standing include: Classmates, other instructors, other administrators, and family members.
  - 2. Parties with standing shall be allowed to present oral testimony to the appeals committee in the grade appeal process.
  - 3. Relevant testimony from parties who do not have standing in the grade appeal process should be presented in the form of written statements that shall be made part of the official appeal file.
    - a. Committee members may invite other parties to be interviewed or to give testimony based on the written statements.
    - b. All written statements shall become part of the appeal file.

### VI. Grade Appeal Procedures

- A. Step 1: Scheduling a Faculty-Student Conference.
  - 1. A student wishing to appeal a grade shall first confer face-to-face with the instructor of record (hereafter referred to as instructor) who assigned that grade.

- a. The instructor-student conference shall take place within the first 10 class days of the regular semester immediately following the semester that the disputed grade was assigned (summer sessions are not considered as regular semesters).
  - b. At the request of the student or the instructor, the Department Chair shall assign another departmental faculty member to witness the conference.
  - c. The reasons for questioning the grade shall be stated by the student, and the reasons for assigning that particular grade shall be explained by the instructor.
2. In a case where the instructor is not available for this conference (non-reappointment, retirement, death, extended absence from the area, or other debilitating circumstances), the instructor's Department Chair shall act as the instructor of record.
  3. Outcome of the conference between instructor and student.
    - a. If the instructor finds that no grade change is justified, the student shall be so notified at the end of the conference.
    - b. If the instructor does decide to change the grade, the instructor shall complete a Change of Grade form and file it with the Registrar within five class days from the time that the conference occurs.
- B. Step 2: The Student Appeals to the Department Chair.
1. Following the instructor-student conference, a student receiving an unfavorable decision may file an appeal with the instructor's Department Chair.
    - a. The appeal to the Department Chair must be in writing and filed within five class days of the instructor-student conference, or within the first fifteen class days of the semester that the grade is eligible for appeal.
    - b. If the student fails to contact the Department Chair within 15 class days of the beginning of the appropriate semester, the instructor's grade award shall be considered final.
  2. The student's grade appeal to the Department Chair must be in the form of a written memo or letter.
    - a. The appeal memo or letter must be copied to the instructor.
    - b. The student's written statement must include a justification that should conform to at least one of the criteria listed above for making a grade appeal.
    - c. The appeal must include all completed assignments that have been returned to the student.
  3. The instructor shall submit a written justification for the assigned grade with supporting documentation that includes any assignments that have not been returned to the student.
  4. In order to make an equitable decision, the Chair may hold a hearing between the instructor and the student desiring a grade change.
  5. If the instructor is the Dean then the following procedures shall be followed:
    - a. Following the faculty-student conference, Step 2 shall occur.
    - b. If applicable, Step 3 will be skipped and the case will proceed to Step 4.
  6. Within ten class days of receiving the student's appeal, the Department Chair shall provide both the student and the instructor with a written notice of the Chair's decision.
    - a. The written notice should give the reasons for the decision and may be given to the parties directly or mailed by certified mail.
    - b. Following notification of the Chair's decision to all parties, the Department Chair shall forward the original grade appeal file to the Dean.
      - (i) The file should include a copy of the decision and all written materials including notes from oral investigations that were used for reaching the decision.
      - (ii) The Department Chair shall retain a copy of these files for five years.
  7. Both the student and the instructor have the right to appeal the Department Chair's decision to the Dean of the school in which the original course was taught.
  8. If the Department Chair's review decides that a change in grade is warranted, and the instructor agrees with the decision, the instructor shall file a Change of Grade form with the Registrar's Office within ten class days of the date of the decision.
  9. If the Department Chair's review decides that a change in grade is warranted, but the instructor does not consent to the change, the department chair shall automatically forward the appeal to the Dean of the School in which the course is taught.
- C. Step 3: The Student Appeals to the Dean.
1. A student or an instructor may appeal the Department Chair's decision to that Chair's Dean within five class days of being notified of the Department Chair's decision.
    - a. The appeal memo or letter must be copied to the Department Chair and the instructor.
    - b. The appeal shall be in writing and shall contain the student's reasons for appealing the Department Chair's decision.
  2. Upon receiving an appeal, the Dean shall review the appeal file.
    - a. In arriving at a decision, the Dean should consider the written appeal, the instructor's written response, and the Department Chair's written report.
      - (i) The Dean may also consider the student's written work for the course in question.
      - (ii) In order to make an equitable decision, the Dean may hold a hearing between the instructor and the student desiring a grade change.
    - b. The Dean shall communicate the reasoning for the decision and the decision to the student, the instructor, and Department Chair within ten class days of receiving the student's appeal directly or by certified mail.
  3. Both the student and the instructor have the right to appeal the decision of the Dean to the Academic Appeal Committee.
  4. If the Dean's review decides that a change in grade is warranted, and the instructor is in agreement, the instructor shall file a Change of Grade form with the Registrar's Office within ten class days of the date of the decision.
  5. If the Dean's review decides that a change in grade is warranted, but the instructor does not consent to the change, the dean shall automatically forward the appeal file to the Appeal Committee.
- D. Step 4: Petition to the Academic Appeal Committee.
1. A student or instructor may appeal the Dean's decision to the Academic Appeal Committee, by filing a written statement with the

Academic Affairs Office within five class days of receiving the Dean's report.

- a. Within five class days of receiving the written appeal, the Vice President for Academic Affairs shall notify the Dean, Department Chair, and the instructor that an appeal has been filed.
  - b. Within five class days of receiving an appeal, the Vice President for Academic Affairs shall:
    - (i) Provide the student with a list of seven faculty members chosen from "the faculty pool" as described in Section IV.
    - (ii) The student shall be instructed to strike two names within three class days.
  - c. Next, the Vice President for Academic Affairs shall submit the five names to the instructor asking that the instructor strike two names within three class days.
    - (i) The three remaining names shall constitute the Academic Appeal Committee for the current grade appeal.
    - (ii) The Vice President for Academic Affairs shall appoint one of these three faculty members as chair for this appeal process.
2. The Academic Appeal Committee may consider all materials in the appeal file constructed by the Dean, i.e., the student's original appeal, the instructor's written justification, the Department Chair's written report, the Dean's written report, the student's written work for the course, and all other documents the Dean may have used in reaching a decision.
    - a. The student and the instructor shall each be entitled to submit additional written statements for consideration by the Academic Appeal Committee.
    - b. The Academic Appeal Committee shall hold a formal hearing, including all parties having standing (see above), and should address the following:
      - (i) Questions from members of the Academic Appeal Committee.
      - (ii) Cross examination of witnesses by both parties.
      - (iii) Additional inquiries that the Academic Appeal Committee feels are necessary or beneficial to determine a successful outcome.
  3. The Academic Appeal Committee shall reach a decision no later than the last day of regular classes before the final exam period of the semester when the appeal was filed.
    - a. Within three days following the decision, the student, the instructor, the Department Chair, the Dean, and the University President shall be given written notice of the Committee's decision.
    - b. If the Academic Appeal Committee decides that a grade change is justified, and with the instructor's agreement, the instructor shall complete and submit a Change of Grade form to the Registrar's office within five class (or business) days following this decision.
    - c. If the Appeal Committee decides that a change in grade is warranted, but the instructor does not consent to the change, the Appeal Committee will meet in discussion with the instructor with regard to its decision. If the instructor again will not consent to the grade change, the Appeal Committee Chair will instruct the Registrar to make the appropriate grade change.
  4. A decision of the Academic Appeal Committee may be appealed to the President of the University, whose decision will be regarded as final.
- E. Step 5: Unusual Circumstances in Processing Grade Appeals.
1. Some grade appeal cases may present practical obstacles for pursuing the procedures precisely, as outlined above.
    - a. An instructor may be absent from campus during the applicable appeal period or the student may have an overwhelmingly compelling reason for a rapid decision.
    - b. A last semester senior's qualification to graduate may depend upon the outcome of a currently received grade.
  2. In such circumstances, the Vice President for Academic Affairs or the Vice President's designee has the discretion to modify the procedures, as little as possible, to accommodate the special requirements of the situation.
    - a. In exercising this discretion, the Vice President for Academic Affairs must attempt to adhere to the spirit of the procedures outlined above.
    - b. The Vice President for Academic Affairs shall commit to writing and distribute these exceptional rules to parties having standing.

## VII. Academic Integrity Procedures

- A. Academic dishonesty includes, but is not limited to, cheating on examinations, falsifying records, submitting plagiarized work of any kind, or providing or receiving assistance in course work in a manner not authorized by the instructor.
- B. Any student, administrator, staff, or faculty member may bring charges of academic dishonesty against a student.
  1. A student charged with academic dishonesty shall be accorded the presumption of innocence.
  2. The instructor should carefully evaluate the evidence of academic misconduct and the severity of the offense prior to imposing sanctions on a student.
    - a. The instructor of record should make a charge of academic dishonesty directly to the student involved and decide on the sanctions to be imposed.
      - (i) Instructor-imposed sanctions for academic dishonesty include: requiring work to be rewritten and resubmitted, lowering a grade, reducing the grade on the assignment, even to zero, advising the withdrawal of a student from a class, and assigning a student a failing grade for the course in which the academic dishonesty occurred.
      - (ii) For a case of academic dishonesty, an instructor may impose a penalty no greater than a failing course grade.
      - (iii) If an instructor believes that a student penalty greater than a failing course grade is warranted by a particular case of academic dishonesty the instructor should either:
        - (1) Arrange a conference between the student, the Department Chair, and the instructor; or
        - (2) Submit a statement, in writing, to the Assistant Dean of Student Affairs/Judicial Manager requesting a hearing to consider suspension or expulsion.
    - b. The instructor should inform the student, orally or in writing, of the sanctions to be imposed, the reasons for those sanctions, the availability of the appeal process, and the need to file an appeal within five days.



- (i) If the student admits responsibility and accepts the instructor-imposed sanctions, the instructor should submit a written description of the offense and the sanctions to the Department Chair, the Registrar, and the Assistant Dean of Student Affairs/Judicial Manager.
      - (ii) If the charges are denied, the accused student has **five** class days to contact the instructor's Department Chair to request a conference.
      - (iii) If the student does not respond to the instructor's charges of academic dishonesty by contacting the department chair within five days, the instructor-imposed sanctions shall be imposed.
    - c. When dealing with a case of academic dishonesty, the instructor may request a conference with the Department Chair and the student charged with the offense.
    - d. A student who accepts a failing grade because of academic dishonesty, shall not be permitted to withdraw from that course, even if the failing grade is given prior to that semester's official withdrawal deadline.
    - e. A student who receives a failing grade in a course as the result of a charge of academic dishonesty and chooses to appeal the grade shall not be allowed to withdraw from the course unless the appeal is resolved in the student's favor.
    - f. A student who is in the process of appealing a charge of academic dishonesty has the right to remain enrolled in the class in which the charge was made until the completion of the appeal process.
  - 3. When brought by anyone other than the instructor of record, a charge of academic dishonesty involving a student or students in a specific course should be made to the instructor's Department Chair who may take one of two actions.
    - a. The Department Chair may refer the matter to the course instructor for appropriate action following the procedures outlined in Section VII, B, 3.
    - b. The Department Chair may contact the student and the instructor directly and initiate a conference as outlined in Section VII, C.
  - 4. A charge of academic dishonesty that does not involve a regular academic course (e.g., falsifying records, cheating on a standardized test) should be made to the Assistant Dean of Student Affairs/Judicial Manager, who will either contact the appropriate academic units or initiate action through the Campus Judicial Board.
  - 5. A student who is guilty of more than one incident of academic dishonesty while matriculating at Shepherd may be referred to the Assistant Dean of Student Affairs/Judicial Manager for further disciplinary sanctions.
  - 6. Any individual making a charge of academic dishonesty has the responsibility to demonstrate that a preponderance of evidence indicates that a violation has occurred.
- C. Charges of academic dishonesty in a specific course that cannot be resolved by the instructor and the student involved should be referred to the instructor's Department Chair.
- 1. A Department Chair conference can be initiated by a request from either the student or the instructor involved, or by the Department Chair acting on a complaint from any member of the academic community.
    - a. The conference should take place in person within ten days of the Department Chair first receiving a request from either a student or an instructor to hold it.
    - b. This conference does not constitute a hearing on the student's responsibility for academic dishonesty.
  - 2. The purpose of the Department Chair conference shall be to clarify judicial procedures and possible sanctions for both the student and the instructor and to coordinate further appeals.
    - a. The Chair may review the evidence and recommend particular courses of action that are acceptable to both the student and the instructor.
    - b. The Chair may not overturn an instructor-imposed sanction without the instructor's consent.
    - c. The Department Chair conference cannot result in any penalties being imposed on a student beyond those previously described as "instructor-imposed sanctions."
  - 3. If, at the end of the conference, the student admits responsibility for the act of academic dishonesty and agrees to accept the sanctions proposed by the instructor and the Department Chair, no further action will be taken.
    - a. The Department Chair should obtain a written statement from the student who agrees to the sanctions that will be imposed as a result of the conference.
    - b. The Department Chair shall forward copies of this written statement, along with a description of the offense and the instructor-imposed sanctions, to the Registrar and to the Assistant Dean of Student Affairs/Judicial Manager.
  - 4. If, at the end of the conference, the student denies responsibility for an act of academic dishonesty, the Chair shall contact the Vice President of Academic Affairs to schedule a hearing by the Academic Appeal Committee.
    - a. The student may only appeal the charge of academic dishonesty itself and not the sanctions imposed for academic dishonesty once responsibility has been established.
    - b. A student who admits responsibility in a case of academic dishonesty but disagrees with the instructor-imposed sanctions cannot appeal under the Academic Integrity policies.
      - (i) A student must appeal a disagreement with an instructor-imposed sanction under the grade appeal procedures detailed in Section VI.
      - (ii) The student's initial meeting with the instructor shall count as the meeting with the instructor under the grade appeal policy.
  - 5. At the end of the conference if either the faculty member or the Department Chair deems that the case warrants further disciplinary procedures, the Chair shall contact the Assistant Dean of Student Affairs /Judicial Manager to initiate a judicial action.
  - 6. If the instructor involved in the academic dishonesty dispute is a Department Chair, the Dean shall act in the capacity of a Department Chair for the purposes of the conference.
- D. Academic dishonesty disputes that are not resolved by the conference with the Department Chair should be referred to the Vice President for Academic Affairs VPAA.
- 1. Upon receiving a request for a hearing, the VPAA shall constitute a three-member hearing board from the pool of faculty members composing the Academic Appeal Committee following the procedure outlined in Section VI, D, 1.

2. The chair of the Academic Appeal Committee shall present, to the student and to the person making the charge of academic dishonesty, written notification of the charges, including at least the following items:
  - a. A written enumeration of the charges.
  - b. A statement that a hearing will be held together with a notice of the date, time, and place of the hearing.
  - c. A clear statement of the information, data, and evidence directly supporting the proffered charges.
  - d. A statement advising the student that student's rights, to include the following:
    - (i) The student has the right to the presumption of innocence until responsibility can be established through a preponderance of evidence.
    - (ii) The student has the right to bring witnesses, to question the accuser, and to question any of the accuser's witnesses.
    - (iii) The student has the right to bring an advisor to the proceedings to monitor due process.
      - (1) The advisor may consult with the student but may not speak on behalf of the student.
      - (2) The advisor may not otherwise participate directly in the proceedings unless given specific permission to do so by the Academic Appeal Committee.
3. The Academic Appeal Committee shall review all relevant evidence in the case to determine if the student is "responsible" or "not responsible" for the act of academic dishonesty.
  - a. The Committee shall interview the original instructor and the student against whom the charges have been brought.
  - b. The Committee may seek additional information and may interview witnesses whose testimony is relevant to the charge of academic dishonesty.
  - c. The student and the instructor have the right to bring witnesses and to question witnesses brought by the other party or by the Committee.
  - d. All proceedings in the hearing must be tape-recorded, and either party to the dispute may request a copy of the tape recording at their own expense.
4. Within ten days after the conclusion of the hearing, the Academic Appeal Committee shall send a written notice of its decision to both parties in the dispute, the VPAA, and the appropriate Department Chair.
  - a. If the Committee determines that the student is "responsible" for the act of academic dishonesty:
    - (i) The instructor-imposed sanctions shall be imposed.
    - (ii) The Committee chair shall send written notification to the Registrar and to the Assistant Dean of Student Affairs/Judicial Manager.
  - b. If the Committee determines that the student is "not responsible," then the instructor shall be required to reevaluate the student's work with the assumption that it is not the result of an act of academic dishonesty.
    - (i) An instructor who has awarded the student found "not responsible" a lowered or failing grade based on the charge of academic dishonesty shall be instructed to reevaluate the student's final grade and, if necessary, submit a grade-change form.
    - (ii) A student found "not responsible" for an act of academic dishonesty shall be permitted to withdraw from the course in which the charge was made, even if the withdrawal deadline has passed or a final grade has been awarded.
    - (iii) The hearing may only rule on the factual question of whether or not an act of academic dishonesty has occurred.
      - (1) The Committee is not authorized to rule on the appropriateness of instructor-imposed sanctions once the student's responsibility has been established.
      - (2) The Committee is not authorized to impose any sanctions on the student beyond those initially imposed by the instructor.

Either the student or the faculty member may appeal the decision of the Committee to the President of the University, whose decision shall be final.

#### **VIII. Academic Integrity Procedures for Selected Programs**

- A. Several departments at Shepherd University (which include, but are not limited to, teacher education and nursing) offer programs requiring a student to meet certain academic and professional standards in order to continue enrollment in the program.
- B. When a point is reached in the programmatic study when a student might not qualify to continue in the program, the following procedures shall be followed.
  1. The student shall be counseled about his or her lack of progress by one or more faculty members responsible for the program.
  2. When it appears to one or more instructors that a student has failed to meet the standards for continuing in the program, that instructor or those instructors shall notify the Department Chair and a formal review of the student's status shall be conducted by the department members, who shall determine whether the student may continue in the program.
    - a. If the department decides upon programmatic retention, the student shall be advised in writing of the necessary steps, if any, that will be required as a condition of retention.
    - b. If the department decides upon programmatic dismissal, the following procedures will be followed:
      - (i) The student will be informed of the department's decision in writing.
      - (ii) The student will be notified of the available procedures for appealing the decision.
      - (iii) The student will be allowed to complete coursework begun before the programmatic dismissal but will not be permitted to enroll in any further courses in the program unless permitted to do so by a successful appeal.
- C. The Student Appeals to the Dean.
  1. The student may appeal the decision of the department to the Dean of the School in which the program is offered, following the steps outlined in Section VI.C.1.
  2. Upon receiving an appeal, the Dean shall follow the steps outlined in Section VI.C.2.
  3. Both the student and the department have the right to appeal the decision of the Dean to the Academic Appeal Committee.

- D. Petition to the Academic Appeal Committee.
  - 1. A student or the department may appeal the Dean's decision to the Academic Appeal Committee, following the steps in Section VID.1.
  - 2. Upon receiving an appeal, the Vice President for Academic Affairs and the Academic Appeal Committee shall follow the steps outlined in Section VID.1a through Section VID.4.

## ATTENDANCE POLICY

Students are expected to attend class and to know and understand the specific attendance policies established by their professors. Attendance policy for a given class is established by the professor. The professor will state the attendance policy in the course syllabus. Professors will make reasonable accommodations for occasional, unavoidable absences based on highly legitimate grounds. Professors will determine the most appropriate means of compensating for work unavoidably and legitimately missed in their classes. To be eligible for such substitute evaluation, students are responsible for discussing any absences with their professors: such discussions must occur in advance of foreseeable absences and as soon as possible following unpredictable ones.

Students are expected to plan their class, work, and personal schedules to avoid potential conflicts. Legitimate reasons for class absences include documented and/or instances of the following 1) death in the immediate family; 2) incapacitating illness or injury (not including any non-emergency doctors' appointments that could be scheduled at other times); 3) field trips required for other classes, intercollegiate competitions, or activities initialing official representation of Shepherd University; 4) hazardous, weather-induced driving conditions (for commuter students only).

A student's evaluation in a course is the professor's responsibility. A grade decision in a course must be made by the professor prior to the initiation of a grade appeal. A student who believes his or her grade has been adversely affected by a professor's inappropriate implementation of the attendance policy may pursue a grade appeal at the close of the semester.

### Special Circumstances

- A. A student who has a documented medical disability or chronic illness that may affect his/her ability to attend class regularly and/or to complete scheduled in-class, graded activities (e.g., exams, oral reports, lab assignments) should confer with his/her professors as soon as possible after the semester begins. In consultation with the student (and with doctors or Shepherd staff when appropriate), the professor can develop a contingency plan to accommodate any absences that may occur because of the disability or illness: the professor may create alternative assignments or otherwise determine the best means of assuring that the student's semester grade will not suffer should the student have to miss classes as a direct result of his/her disability or medical condition. To the greatest extent consistent with the particular disability involved, a chronically ill or disabled student will not only be treated equally with other students, but will also be equally expected to adhere to course policies and assignments established for all students.
- B. In rare instances a student may suffer an unanticipated medical problem or military-service obligation requiring complete absence from school over an extended period (i.e., weeks rather than days). Such a situation will create the need to confer with professors as soon as is feasible-possibly through a relative or other responsible surrogate. A professor may be able to design alternative assignments that can be done independently. However, some courses by their nature do not lend themselves to compensation for prolonged periods of missed classes and assignments: for such classes, the alternatives may be limited to either a Withdrawal or an Incomplete specifically mandating that the student actually take some or all of the relevant course when it is next offered. In such circumstances, the Admissions and Credits Committee will generally be agreeable to any necessary waivers regarding institutional deadlines regarding Withdrawals or Incompletes so long as 1) the student's petition clearly and fully explains the situation calling for the waiver, 2) appropriate documentation is presented, 3) the request is supported in writing by both the professor and the student's advisor, and 4) the student's request is made in a timely manner (i.e., as soon as possible given the circumstances and not substantially after the fact).