

**BLUE RIDGE COMMUNITY AND TECHNICAL COLLEGE
BOARD OF GOVERNORS
POLICY 20**

TITLE: STUDENT RIGHTS and RESPONSIBILITIES

SECTION 1. GENERAL

- 1.1 Scope - Policy regarding student rights, responsibilities, and conduct at Blue Ridge Community and Technical College.
- 1.2 Authority - West Virginia Code § 18B-1-6, 18B-2A-4
- 1.3 Effective Date - _____, 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 Blue Ridge Community and Technical College.
 - 2.1.2 To identify behavioral expectations of students and certain prohibited acts by students at the CTC.
 - 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 CTC 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 absentia 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.

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 CTC 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 regulations, 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 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 CTC. 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 CTC, 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 CTC 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 CTC.
- 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.