WEST VIRGINIA CODE: §18B-20-1

§18B-20-1. Definitions.

As used in this article:

(1) “Campus community” includes students, administrators, faculty, and staff at the institution of higher education, and their invited guests.

(2) “Harassment” means an expression that is unwelcome, so severe, pervasive, and subjectively and objectively offensive that a student is effectively denied equal access to educational opportunities or benefits provided by the state institution of higher education or sexual harassment as defined by federal law and federal regulations applicable to state institutions of higher education.

(3) “Materially and substantially disrupts” means an occurrence where a person or group significantly hinders another person’s or group’s expressive activity, prevents the communication of the message, prevents the transaction of the business of a lawful meeting, gathering, or procession, or interferes with or prevents the operations and functions of a state institution of higher education by:

(A) Engaging in fighting, violent, or other unlawful behavior;

(B) Physically blocking or using threats of violence to prevent any person from attending, listening to, viewing, or otherwise participating in an expressive activity;

(C) Using sound to drown out or muffle expressive activity; or

(D) Violating a state institution of higher education’s reasonable time, place, and manner restrictions.

(E) Conduct that “materially and substantially disrupts” shall not include conduct that is protected under the First Amendment to the United States Constitution or West Virginia Constitution. The protected conduct includes, but is not limited to, lawful protests in the outdoor areas of campus generally accessible to the members of the public (except during times when those areas have been reserved in advance for other events), or minor, brief, or fleeting nonviolent disruptions of events that are isolated and short in duration.

(4) “Outdoor areas of campus” means the generally accessible outside areas of campus where members of the campus community are commonly allowed, such as grassy areas, walkways, or other similar common areas and does not include outdoor areas where access is restricted from a majority of the campus community.

(5) “State institution of higher education” means any university, college, or community and technical college under the jurisdiction of a governing board as defined in §18B-1-2 of this

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code.

(6) “Student” means any person who is enrolled on a full-time or part-time basis in a state institution of higher education.

(7) “Student organization” means an officially recognized group at a state institution of higher education, or a group seeking official recognition, comprised of admitted students that receive, or are seeking to receive, benefits through the institution of higher education as defined in this section.

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