

Student Code of Conduct--Interim

- **Responsible Office:** Student Conduct and Academic Integrity, Division of Student Affairs, Office of the Provost
- **Current Approved Version:** 4/10/2022
- **Policy Type:** Board of Visitors

Policy Statement and Purpose

VCU Creed: Philosophy for a University community

Academic institutions exist, among other reasons, to discover, advance and transmit knowledge and to develop in their students, faculty, and staff the capacity for creative and critical thought. At Virginia Commonwealth University (VCU), members of the community should strive to exemplify the following specific ideals in addition to other worthy ideals:

- To demonstrate academic and personal integrity
- To respect the rights and property of others
- To be open to others' opinions
- To uphold academic freedom and freedom of intellectual inquiry
- To appreciate diversity and to value and learn from the uniqueness of each person
- To uphold the right of all persons to be treated with dignity and respect
- To demonstrate and respect intellectual courage in situations that demand it

Students and registered student organization(s) (RSO) are encouraged to engage in responsible social conduct that reflects credit upon the university community and to model good citizenship in any community. Students and RSO should not remain passively in the presence of violations and are encouraged to notify the proper authorities if they observe or have knowledge of other students or RSO violating this policy. Students who are members of an RSO are subject as individuals to this policy and may also be held accountable for conduct attributed to the RSO. Student members of an RSO may, through their actions, subject the RSO to disciplinary action under this policy, no matter whether they are charged as individuals under this policy.

Noncompliance with this policy by staff may result in disciplinary action up to and including termination. Noncompliance with this policy by students may result in sanctions as provided in this policy. VCU supports

an environment free from retaliation. Retaliation against any member of the university community who brings forth a good faith concern or report, asks a clarifying question, or participates, or declines to participate, in an investigation is prohibited.

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Who Should Know This Policy

University students, employees (includes faculty), and RSO are responsible for knowing this policy and familiarizing themselves with its contents and provisions.

Definitions

Adviser

The person chosen by a party to provide guidance during the investigation and resolution process. An adviser of choice may include a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. An adviser may not be another party in the matter, a participating witness or otherwise have any role in the process that would create a conflict of interest. An adviser can assist a party by taking notes, providing emotional support and reassurance, organizing documentation, or consulting directly with a party in a way that does not disrupt or delay the process.

The adviser may not speak on behalf of a party or directly participate in a meeting, interview or proceeding. An adviser whose presence is deemed at the sole discretion of the university official conducting the meeting or proceeding to be abusive, disruptive or improperly interfering with the meeting or proceeding will be required to leave and may be prohibited from participating in future meetings/proceedings.

Conduct Appeal Board (CAB)

The term "Conduct Appeal Board" means any person or persons authorized by the Director of Student Conduct and Academic Integrity or designee to consider an appeal from a Student Conduct Board's determination

Instructional Faculty

The term “Instructional Faculty” means any person hired by the university to conduct classroom or teaching activities or activities involving research, administration, or clinical responsibilities or who is otherwise considered by the university to be a member of its faculty.

May

The term “may” is used in the permissive sense.

Member of the University Community

The term “Member of the University Community” includes any person who is a student, faculty, staff, or any other person employed by the university. A person’s status in a particular situation shall be determined by the Director of Student Conduct and Academic Integrity or designee.

Preponderance of Evidence

The term “Preponderance of Evidence” is the standard of proof that applies to student conduct proceedings or determinations. It means what is more likely than not to be true, based on the totality of the available evidence.

Registered Student Organization

The term “Registered Student Organization(s) (RSO)” means any student group registered or that has applied for registration with the university

Reporting Party

The term “Reporting Party” refers to any person who submits a report alleging that a student or RSO violated this policy.

Respondent

The term “respondent” means any student or RSO charged with violating this policy

Sanction Review Board (SRB)

The term “Sanction Review Board” means any person or persons authorized by the Director of Student Conduct and Academic Integrity or designee to determine appropriate sanctions.

Staff

Any person with a direct employment relationship with VCU, including those who work on a part-time or adjunct basis. An individual can hold a status as both a student and staff.

Student

The term “Student” includes all persons taking courses through VCU, either full-time or part-time, on- line or in-person, single or dual enrolled, pursuing undergraduate, graduate or professional studies. “Student” also includes all persons who withdraw after allegedly violating this policy, persons who are not enrolled officially for a particular term but who have not officially withdrawn from the university, persons who have been notified of their acceptance for admission, and persons living in VCU residence halls regardless of course enrollment.

Student Conduct Administrator

The term “Student Conduct Administrator” means the Director of Student Conduct and Academic Integrity, or other university official designated on a case-by-case basis to administer the adjudication process under this policy, including investigating reported misconduct, determining responsibility for misconduct, and assigning appropriate sanctions.

Student Conduct Board (SCB)

The term “Student Conduct Board” means any person or persons authorized by the Director of Student Conduct and Academic Integrity or designee to determine whether a student has violated this policy and to recommend sanctions that may be imposed when a violation has been committed.

University Property

The term “University Property” means any property owned, leased, or controlled by VCU.

Contacts

Student Conduct and Academic Integrity (SCAI) officially interprets this policy. SCAI is responsible for obtaining approval for any revisions as required by the Policy Creating and Maintaining Policies and Procedures and through the appropriate governance structures. Please direct policy questions and comments to Student Conduct and Academic Integrity at stuconduct@vcu.edu.

Policy Specifics and Procedures

All complaints of alleged sex-based misconduct by university students or involving RSOs will be reviewed by the [Office of Institutional Equity, Effectiveness and Success for a determination of policy applicability and jurisdiction](#). At the discretion of the Office of Institutional Equity, Effectiveness and Success, complaints alleging sex-based misconduct may in certain circumstances be referred to SCAI for investigation and adjudication. Please see the Related Documents section for the relevant policies.

I. Prohibited Conduct

The Student Code of Conduct shall apply to all conduct by students and RSO. The Director of SCAI or designee shall have the sole discretion to decide on a case-by-case basis whether this policy shall be applied to conduct not on university property. This policy governs students enrolled at all campuses; however, students enrolled at VCUarts Qatar are advised to consult local campus publications for additional information or rules pertaining specifically to those campuses that may establish hearing boards or processes, consistent with this policy.

Students shall be responsible for their conduct from the time of application for admission through the actual awarding of a degree. This policy shall apply to a student’s conduct even if the student withdraws from the university while a disciplinary matter is pending. The Vice President for Student Affairs, or designee, will determine whether the policy applies if the conduct is discovered after a degree is awarded.

RSO that have lost university recognition are subject to this policy. A RSO facing an alleged violation of this policy may dissolve or surrender its registration during the investigation and adjudication process. However, the university may continue the investigation and adjudication process regardless of the organization’s status. This policy applies to guests of the RSO, and the RSO may be held accountable for the misconduct

of their guests. Visitors to and guests of the university may seek resolution of violations of this policy committed against them by a RSO and/or members of an RSO.

This policy applies to behavior conducted online, via email or another electronic medium. Students should also be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are generally not private. These postings can subject a student or an RSO to allegations of conduct violations to the same extent as conduct that occurs in person or another non-virtual setting. While the university generally does not conduct regular monitoring of student conduct online, it may take investigative and adjudicative action when university officials suspect or are aware of concerning conduct.

The following conduct, committed or attempted, is prohibited for all students and RSO and is subject to disciplinary sanctions:

A. Abuse of Computer Facilities and Resources

Violations include, but are not limited to, unauthorized entry, unauthorized transfer of a file, use of another individual's identification and/or password, use of computing facilities and resources to interfere with the work of another university member, use of computing facilities and resources to send obscene messages as legally defined, use of computing facilities and resources to interfere with the normal operation of the university computing system, use of computing facilities and resources in violation of copyright laws, or any violation of the [University Computer and Network Resources Use](#) policy.

B. Abusive Conduct

1. Assault – Words or actions that would cause an individual(s) to reasonably fear for their immediate safety. Words do not constitute assault unless they are accompanied by the apparent ability to inflict immediate bodily harm.
2. Battery – The unjustified use of physical force against an individual or group.
3. Disorderly conduct – Disrupting or preventing the peaceful or orderly conduct of classes, lectures, meetings, or other university functions, or interfering with the lawful freedom of other persons, including invited speakers, to express their views, or interfering with the performance of the duties of university personnel.
4. Endangering health or safety – Taking or threatening actions that endanger the physical safety, mental health, or life of any person(s) or creates reasonable fear of such action.
5. Harassment – Repeated, persistent, or pervasive actions directed towards specific individual(s) with the intent or effect to harm, or alarm, including attempted or threatened physical contact or repeated or pervasive acts that create the reasonable apprehension of unwanted physical or verbal contact as well as contact through any electronic or digital medium.
6. Hazing – Recklessly or intentionally endangering the health or safety of a student or students or inflicting bodily injury on a student or students in connection with or for the purpose of initiation,

admission into or affiliation with or as a condition for continued membership in a club, organization, association, fraternity, sorority, or student body regardless of whether the student or students so endangered or injured participated voluntarily in the relevant activity. Hazing is prohibited under the university's [Hazing Prevention and Discipline](#) policy.

7. Recording and/or disseminating images or audio without consent – Using electronic or other means to make or disseminate a video, audio, or photographic record of any person(s) where there is a reasonable expectation of privacy without the person's consent.
8. Sex-based misconduct – Conduct prohibited by the university's [Title IX Sexual Harassment Policy](#) – Interim and [Sex-Based Misconduct Policy](#) –Interim (linked in the Related Documents Section).
9. Stalking – Engaging in a course of conduct, directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

For this definition:

- “course of conduct” means two or more acts, including, but not limited to, acts in which the respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property
- “reasonable person” means a reasonable person under similar circumstances and with similar identities to the complainant
- “substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling

C. Academic Misconduct

Refer to the Honor System and Standards of Academic Conduct for academic expectations, rights, responsibilities, violations, hearing processes, sanctions, and records related to charges of academic misconduct, including cheating, deception, exploitation, facilitation, plagiarism, sabotage, and stealing.

D. Acts of Dishonesty

1. Furnishing false information to any staff, faculty member, or office.
2. Forgery, alteration, or misuse of any university document (e.g., student transcript), record or instrument of identification.

E. Alcohol and Drugs

1. Alcohol and Drugs: VCU prohibits the unlawful possession, use, or distribution of drugs and alcohol on university property, or as part of or affecting any university activity. Marijuana (cannabis) is a controlled substance under federal law and therefore its possession, use, or distribution is prohibited by this policy as a drug, regardless of any law of the Commonwealth of Virginia that may

permit its possession or use. Any violation of the Alcohol and Other Drugs policy or the Tobacco and Smoke-Free Campus policy may result in action under this policy.

2. Paraphernalia – Possession of paraphernalia used to consume illegal drugs is not permitted on university property. Paraphernalia includes but is not limited to roach clips, bongs, pipes, blow tubes, bowls, and any type of water pipe or object filled with water through which smoke is drawn.

Amnesty:

- a. If a student seeks medical assistance for themselves or others due to the use of alcohol or drugs, neither the student seeking assistance, nor the student needing aid will be subject to disciplinary action by the university for prohibited conduct under this policy based on personal consumption of alcohol or drugs or the disclosure of personal consumption of drugs or alcohol related to the incident. In these circumstances, the university reserves the right to mandate that the student(s) participate in academic programming, or a medical intervention related to alcohol or drug use. In the case of a student with additional university responsibilities (including teaching assistants or resident advisers) potential disciplinary action may occur as stated in the policies related to those additional responsibilities.
- b. The university will not pursue disciplinary action under this policy based on disclosure of personal consumption of drugs or alcohol where such disclosures are made in connection with a good faith report of prohibited conduct under this policy or an individual's cooperation in an investigation under this policy.

F. Failure to Comply

1. Failure to comply with a reasonable request or directive of university officials. This includes, but is not limited to, failure to present a university identification card, failure to keep or attend a required meeting, or failure to leave any university premise when requested by a university official.
2. Failure to observe rules and regulations issued by the university.
3. Failure to complete or comply with a university-imposed sanction.

G. False Reports

Making an intentionally false report of a student violation of this or other university policy. False reporting may also violate state criminal statutes and civil defamation laws.

H. Fireworks/Explosives/Dangerous Chemicals

Unauthorized possession or use of fireworks, explosives or dangerous chemicals.

I. Gambling

Participation in any form of illegal gambling as delineated in the [Commonwealth of Virginia Code 18.2.325](#).

J. Involvement in a University Violation

Presence during any violation of this policy in such a manner to condone, support, or encourage that violation.

K. Retaliation

Any actual or threatened adverse action against a person because of the person's participation in a complaint, investigation, or adjudication of prohibited conduct.

L. Theft or Unauthorized Use of Property

1. Theft – Theft, attempted theft, or possession of stolen property or services or possession of burglarious tools.
2. Unauthorized use of university property or services.
3. Climbing – Unauthorized climbing inside or outside buildings or structures on university property.
4. Defacing/vandalizing – Defacing or vandalizing university land, buildings, equipment, or property.
5. Damage or destruction of property – Actual or threatened damage or destruction of university property or property of others, whether done intentionally or with reckless disregard.
6. Unauthorized presence or entry – Entering or being present in university buildings, rooms, or other areas without proper authorization.
7. Tampering – Tampering with university equipment, including but not limited to, any elevator, wiring, plumbing, doors, locking mechanisms, university keys, access cards, or other university equipment without authorization from a university official.
8. Misuse of fire-fighting equipment/disregard of fire alarm signals/arson – Misuse or tampering with fire-fighting equipment, disregard of a fire alarm signal or refusal to evacuate a building, tampering with detection or suppression equipment, initiating a false fire alarm or unauthorized burning of any material in any university building or on university property.
9. Obstruction – Blocking of the free flow of pedestrians or vehicular traffic on university premises or at university sponsored or supervised functions.

M. Weapons

1. Possession or carrying of any weapon by any person, except a duly authorized law enforcement personnel, is prohibited on university property, including but not limited to, academic offices, administrative office buildings, medical venues, clinics, laboratories, research facilities, residence halls, dining facilities; or while attending sporting, entertainment, or educational events.
2. For purposes of this document, in addition to items defined as weapons by the [Virginia Commonwealth University Weapons Regulation](#), anything used by a student to injure or attempt to injure another person is considered a weapon.

N. Violation of other University regulations, policies, or rules.

Alleged violation of any university standard, regulation, policy or rule applicable to students. Examples include, but are not limited to, university computing policies, Residential Life and Housing policies, and recreational sports facility policies. See Related Documents section for links to university policies generally applicable to students.

O. Violation of any federal, state, or local law.

Any violation of local, state, or federal law, which affects a substantial university interest, such as a violation committed in the municipality where the university is located; when the violation is detrimental to the educational interests of the university; or when the violation presents a danger to the student or others.

P. Violation of law and university discipline

University disciplinary proceedings may be instituted against a student or RSO charged with conduct that potentially violates criminal or civil law and this policy (that is, if both possible violations result from the same factual situation). Proceedings under this policy may be initiated and carried out prior to, simultaneously with, or following civil or criminal proceedings at the sole discretion of the Director of Student Conduct and Academic Integrity (SCAI) or designee. Determinations made or sanctions imposed under this policy shall not be subject to change because of the criminal or civil outcomes.

II. Student Code of Conduct Authority

The Director of SCAI or designee shall determine the composition of the Student Conduct Board (SCB), Sanction Review Board (SRB) and the Conduct Appeal Board (CAB) and will determine which administrator or board shall be authorized to hear each matter. The Director of SCAI or designee shall develop procedures for the administration of the student conduct system and procedural rules for the conduct of SCB Hearings that are not inconsistent with the provisions of this policy. Decisions made by the SCB, SRB and/or Student Conduct Administrator shall be final, pending the appeal process provided in this policy.

Rights and responsibilities

All student and RSO respondents are provided the following rights and responsibilities throughout the university student conduct process:

- To receive written notification of any alleged violation against them via official forms of university communication (i.e., VCU email) including a general summary of the complaint, contact information for the university employee to receive additional information, and the date by which such contact must occur.
- To know the source of any allegation.
- To know the specific alleged violation(s) of this policy.
- To present their version of events giving rise to the allegations.
- To know that any statements made by the reporting party, witnesses, and/or respondent may be used during the process
- To review and respond to any allegation or information presented to the decision maker.
- To present information by relevant and noncumulative witnesses.
- To refrain from making any statement concerning alleged violations of this policy or from participating in the proceedings
- To be accompanied by an adviser of their choice and at their own expense during the university student conduct process for advisory purposes only. Advisers are not permitted to speak or to participate directly in the university student conduct process unless authorized by the Student Conduct Administrator. When selecting an adviser, students and RSO should consider any

scheduled meetings or hearings. Delays in the university student conduct process will not be allowed due to the scheduling conflicts of an adviser.

- Notice of the outcome of the proceedings including a description of any appeal process.
- A decision maker free from actual bias.

For information regarding notice of the outcome of the proceedings including a description of any appeal process see the Notification section of this policy.

III. Charges and Student Conduct Board (SCB) hearings

Any member or entity of the university community, including SCAI based on information provided to the university, or others outside of the university may report a student or RSO for violation of this policy. Any report should be submitted as soon as possible after discovery of the alleged violation. Absent extraordinary circumstances, a written report must be filed within six months of discovery of the offense. Though anonymous reports are permitted, the university's ability to investigate and respond to an anonymous report may be limited. A report shall be prepared in writing and directed to SCAI or other designated office. Once the report has been submitted, the Director of SCAI or designee will review the report, determine the charges that apply to any alleged conduct prohibited by this policy, and appoint a Student Conduct Administrator to complete an investigation.

SCAI will send a Notification Letter to the VCU email address of the respondent citing the specific alleged violation, including a general summary of the complaint, instructions to contact the Student Conduct Administrator to schedule a meeting to discuss the charges, and notice that the respondent will have five business days from the date of the Notification Letter to contact the Student Conduct Administrator. If the respondent fails to respond to the Notification Letter or does not attend the scheduled meeting, the university may proceed with adjudication of the charges without the respondent's input.

For an RSO respondent, the Notification Letter and other correspondence related to this policy will be transmitted to the email address of the RSO representative. RSO representatives are responsible for all communication delivered to their university email address. In addition, the university may notify the RSO adviser and/or any inter/national governing body associated with the RSO of the reported prohibited conduct and the initiation of the conduct process. However, neither an RSO adviser nor inter/national governing body may serve as the representative for a respondent RSO in this process.

The Student Conduct Administrator will complete an investigation of the charges in the Notification Letter. The Student Conduct Administrator will offer to meet with the respondent to discuss the charges and to hear the respondent's version of the events giving rise to the allegations. The Student Conduct Administrator may meet with the reporting party as well as with any witnesses identified by the respondent or other individuals and examine additional information. Based upon all the examined information and witness statements, the Student Conduct Administrator will make a determination of responsibility using the preponderance of the evidence standard. SCAI will send a Notice of Completed Investigation to the VCU email address of the respondent with the determination of responsibility, and, if the respondent was found responsible, the assigned sanctions. The respondent will have five business days from the date of the Notice of Completed Investigation to exercise one the following options based upon the Student Conduct Administrator's determination:

1. No Violation Established by the Administrator:

The Student Conduct Administrator will notify the respondent student or RSO that the university has found the respondent student or RSO not responsible for the violation(s) charged and that no sanction will apply. The matter will be closed without requiring further action by the respondent.

The following options are available if the Student Conduct Administrator notifies the respondent student or RSO that they have found the respondent responsible for some or all of the violation(s) charged and has recommended specific sanctions.

2. Violation Established - Acceptance of Responsibility:

Respondent accepts responsibility and sanctions

The respondent student or RSO may accept responsibility for violating specified provisions of this policy and agree to complete the sanctions recommended by the Student Conduct Administrator. Respondent students and RSOs choosing this option will forego the opportunity to appeal. The Student Conduct Administrator will send written confirmation to the respondent student or RSO of the finding(s) and sanction(s) that will be imposed.

3. Violation Established - Sanction Review Board (SRB):

Respondent student or RSO accepts responsibility, but disagrees with recommended sanctions

If the respondent student or RSO accepts responsibility for violating specified provisions of this policy but disagrees with the sanctions recommended by the Student Conduct Administrator, the respondent student or RSO may contest the sanctions and seek review by the SRB. The request to the SRB must be submitted in writing within five business days from the date of notification of the Student Conduct Administrator's determination using SCAI's SRB form. After SCAI receives the request for review, the Student Conduct Administrator may submit a statement responding to the claims or issues presented by the request. SCAI will submit the written request and response to the SRB.

The SRB is comprised of three university community members with at least one student and one staff or instructional faculty member.

The SRB will review the respondent student or RSO's written statement contesting the sanctions, as well as a written statement from the Student Conduct Administrator explaining the basis and rationale for the recommended sanctions. The SRB will assign an appropriate sanction, which may be more severe than the recommended sanction. Decisions of the SRB are final and not subject to further appeal.

Based upon the SRB's review, SCAI will notify the respondent student or RSO in writing of sanctions via their VCU email address. A decision by the SRB that

results in a student or RSO being suspended or expelled from the university must be approved by the Vice President for Student Affairs (SVPSA) or designee.

4. Violation Established - Student Conduct Board (SCB):

Respondent contests finding of responsibility

If the respondent student or RSO contests a finding of responsibility and seeks review by the SCB, the request to proceed to the SCB must be submitted in writing within five business days from the date of notification of the Student Conduct Administrator's determination. SCAI will schedule a SCB hearing to consider the information and evidence and make a determination concerning the allegations and, if necessary, any sanctions. The SCB is comprised of four university community members with at least one student, one staff or instructional faculty member, and a non-voting chair. SCAI will notify the respondent student or RSO of the date, time and location of the hearing at least five business days prior to the scheduled SCB hearing. The respondent student or RSO has a right to be accompanied by an adviser of choice at the hearing. The adviser may provide support and advice but may not speak on behalf of the respondent or otherwise participate in, or in any manner disrupt, the hearing. If the respondent student or RSO fails to attend the scheduled SCB hearing, the hearing will proceed in the respondent student or RSO's absence and the respondent student or RSO's ability to appeal the SCB hearing decision may be limited.

A SCB hearing typically consists of the following components:

- Introduction and procedural rules presented by the SCB chair.
- Introductory statement and presentation of information by Student Conduct Administrator
- Witnesses presented by the Student Conduct Administrator, if any.
- Introductory statement and presentation of information by the respondent student or RSO.
- Witnesses presented by the respondent student or RSO, if any.
- Closing statement by Student Conduct Administrator.
- Closing statement by respondent student or RSO.
- Closed session deliberation by SCB.

Witnesses will provide information to and answer questions from the SCB. The respondent student or RSO may propose questions to the chairperson to be asked of the other party or witnesses. The chairperson will determine whether proposed questions or information will be presented.

All procedural questions are subject to the final decision of the chairperson of the SCB.

There shall be a single record, such as a digital recording, of all SCB hearings excluding deliberations. The record shall be the property of the university and maintained securely consistent with university standards.

When an alleged victim is serving as a witness, alternative testimony options will be available, such as allowing the alleged victim to testify via electronic means.

The SCB will determine, by majority vote, if the respondent student or RSO is responsible for the charges based on a preponderance of the evidence presented at the hearing. The SCB will notify the Director of SCAI or designee in writing of the determination, the rationale for the determination, and any recommended sanctions. The Director of SCAI or designee will determine the final sanctions and notify the respondent student or RSO within five business days of the SCB hearing in writing via their VCU e-mail address of the SCB determination, the final sanctions, and the process for appeal.

For information regarding notice of the outcome of the proceedings including a description of any appeal process see the Notification section of this policy.

IV. Appeals Process and Campus Appeal Board (CAB)

Any appeal of the SCB's decision must be made by the respondent student or RSO in writing to SCAI using the Appeal Form within five business days following the date of notification of the decision. The written appeal must contain any and all information relevant to the appeal, including any new evidence or information when new and pertinent evidence is the selected appeal ground. After SCAI receives the appeal, the Student Conduct Administrator may submit a statement responding to the claims or issues presented by the written appeal. SCAI will submit the written appeal and response to a Campus Appeal Board (CAB).

The CAB is comprised of three university community members with at least one student and one staff or instructional faculty member. The CAB will review the respondent's written appeal as well as the written statement of the Student Conduct Administrator. The respondent student or RSO does not have a right to appear before the CAB or to make any statements other than the written appeal. The CAB will then make one of two recommendations to the SVPSA or designee concerning the appeal: (1) uphold the SCB determination, or (2) remand the matter to the SCB. The SVPSA or designee will review the recommendation of the CAB, make a final determination concerning the respondent's appeal and notify the respondent student or RSO of that outcome. The SVPSA or designee has sole discretion to (i) accept the CAB recommendation or; (ii) reject the recommendation and remand or; (iii) render an alternative finding.

Appeals to the CAB may be based only on one or both of the following two criteria:

1. New and pertinent evidence or information has come to light.
2. A procedural error occurred that would have impacted the outcome of case.

V. Interim Measures

A. No Contact Directive

An official university directive that serves as notice to a student or RSO prohibiting verbal, electronic, written, or third-party communications with another individual. The university may issue a no contact directive as a supportive measure in order to enhance the safety of all parties, the broader university community and/or to protect the integrity of the university's investigation and resolution process. A no contact directive is a non-disciplinary, non-punitive measure; although failure to abide by the terms of a no contact directive could result in disciplinary action under this policy.

B. Interim Suspension

Temporary measures to remove a student or RSO reasonably believed to pose a threat to the university community. For individual students, refer to the [Interim Suspension](#) procedure.

For RSO, The Dean of Students office or appropriate Student Affairs designee may issue an interim suspension. Such threat may involve a significant risk to the health or safety of any member of the University community, including the student, to University property, or to University operations, or the educational process. An interim suspension is also authorized upon information that a RSO has been or is likely to be charged with a violation of VCU policy or state or federal law involving acts of violence or other serious conduct that would reasonably support a finding that the RSO is not fit to remain a part of the University community, pending the outcome of university or legal proceedings.

A suspending official shall provide to the RSO a written or electronic Notice of Interim Suspension ("Notice"), which includes the following terms:

- The basis for the interim suspension;
- The scope of the interim suspension, whether comprehensive or prohibiting the RSO only from selected University property, activities, or privileges;
- The process for appeal and review of the interim suspension; and
- The appropriate contact in the Division of Student Affairs or other administrative unit for questions about the terms of the interim suspension and for permission to enter University property for certain limited purposes, such as attending a conduct proceeding.

Immediately upon receipt of the notice of interim suspension, the RSO shall not be permitted to function unless in compliance with explicit instruction or directive in the notice. If a RSO violates the terms of an interim suspension, that RSO may be subject to disciplinary action by the University and/or criminal prosecution.

The RSO placed on interim suspension may submit a written appeal to the Student Affairs designee specified in the notice of interim suspension and must follow any appeal instructions provided in the notice. The appeal must be filed within three business days (unless otherwise noted) of receiving the suspending official's decision unless an extension has been requested and approved by the Vice President or designee. The Student Affairs designee shall notify the RSO in writing of his or her decision to uphold, modify, or terminate the interim suspension within three (3) days of receiving the written appeal or as soon as is reasonably practicable thereafter. The decision of the designee shall be final and is not subject to further appeal. The designee may require a suspended RSO to provide additional information relevant to

the determination of health and safety risks posed by the RSO, and the timeframe for decisions outlined herein may be extended in order to enable the development and review of such information.

C. Supportive Measures

Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge. Supportive measures are designed to support individuals affected by conduct under investigation without unreasonably burdening the other individuals, including measures designed to protect the safety of members of the university community or deter conduct prohibited under the policy.

VI. Administrative actions

A. Revocation of Admission

Revocation of Admission entails rescinding the offer of university admission that had been awarded under circumstances of fraud, misrepresentation, or other violation of university standards in the student's matriculation to the university.

B. Revocation of Degree

Revocation of Degree entails rescinding a university degree that had been awarded under circumstances of fraud, misrepresentation, or other violation of university standards. For more detail refer to the [VCU Procedures for Degree Revocation](#) policy.

VII. Sanctions

Upon any final finding of responsibility of a violation of this policy, one or more sanctions may be imposed for each violation. Failure to complete any assigned sanction is a separate violation of this policy. Impairment from the voluntary use of alcohol and/or other drugs (other than as medically prescribed) shall be considered an aggravating, and not a mitigating, factor in sanctioning. All sanctions become part of a respondent's permanent university disciplinary record. The university may withhold a degree, or any other academic achievement, otherwise earned, until the completion of the process set forth in this policy, including appeals and the completion of any and all sanctions.

The following sanctions are not recorded on a student's transcript. For individual students, these sanctions are not reported to external agencies as a university disciplinary action, unless required by law or specifically authorized by the respondent. For RSOs, records of disciplinary action against an RSO are generally subject to mandatory disclosure under the Virginia Freedom of Information Act unless they contain information concerning identifiable students.

A. Censure

Censure is a written notice warning to the respondent to avoid a recurrence of any conduct that violates this policy and/or any university policy. Subsequent violations of this policy or any university policy may result in more severe disciplinary action

B. Disciplinary Probation

Disciplinary probation is a specified period, a minimum of one semester, requiring the respondent to avoid a recurrence of any conduct that violates this policy and/or any university policy that may result in additional university sanctions including but not limited to suspension or expulsion.

C. Educational Experiences

Educational experiences are learning opportunities, including but not limited to, community service, drug and alcohol education, and written papers, designated to be completed by the respondent. In addition, an alcohol and drug assessment and/or behavioral health assessment may be completed by a qualified medical or mental health professional and released to an appropriate university official.

D. Restitution

Restitution is monetary reimbursement to the university and/or a member of the university community or others to cover the cost of damage, injury, or loss of community or personal property as a result of a violation.

E. University Policy Sanctions

University Policy Sanctions are any sanctions not specified in this policy, but which are applied to a respondent as a result of prohibited conduct of another university policy and as set forth therein.

F. Deferred Suspension

Deferred suspension is a designated period during which a respondent is given the opportunity to demonstrate the ability to abide by this policy. Subsequent violations of this policy during the term of a deferred suspension will result in suspension.

The following sanctions are recorded on a transcript if assigned to an individual student respondent. These sanctions are reported to external agencies in response to standard inquiries about university disciplinary action and otherwise as required by law or authorized by the individual respondent. Suspension of a RSO does not result in transcript notation for individual student members.

G. Suspension

Suspension is removal of a respondent for a defined period, generally up to eight (8) semesters, during which a respondent loses all university privileges, which generally includes access to facilities, programs, classes, and premises. Consistent with the university's continuous enrollment policy, all students who do not attend VCU for three or more successive semesters, excluding summer sessions, must submit an application for readmission. The terms of suspension for an RSO may require the RSO to satisfy certain conditions before it may resume operations following suspension.

H. Loss of Recognition

Loss of Recognition is a sanction for RSO respondents only that includes, but is not limited to, the revocation of the university's recognition of the RSO, restriction of use of university resources, and restriction of all operations at the university. If the RSO also holds a charter from an inter/national organizational governing body, the university may also request that the inter/national organizational governing body, revoke the charter of the RSO. RSO that have lost university recognition remain subject to this policy. Loss of recognition is permanent. A RSO that wishes to be recognized by the university after loss of recognition must fulfill all requirements for a new RSO and receive specific written authorization from the university.

I. Expulsion

Expulsion is permanent dismissal from the university, administrative withdrawal from classes and loss of all university privileges.

VIII. Student Privacy and Notification

VCU is committed to protecting student privacy in accordance with the Student Privacy practices set by Records and Registration and applicable law, including the federal Family Educational Rights and Privacy Act (FERPA). (See the Related Documents section below.) Sanctions and other student conduct records that identify an individual student are part of that student's educational record and are generally protected from release without their written authorization. However, consistent with FERPA, the University may release conduct records without consent in the following circumstances:

1. If the student is alleged to have committed a crime of violence or a nonforcible sex offense, once a final determination of responsibility has been made, the University may release the final results of the disciplinary proceeding (limited to the student respondent's name, violation committed, and any sanction imposed) as follows:

- a. To the public, if the student respondent is found responsible.
- b. To a victim of the crime of violence or nonforcible sex offense, the final results with respect to the alleged crime or offense, regardless of the determination of responsibility.

For the purpose of this policy, a "crime of violence" includes the following offenses or attempts to commit the following offenses: arson, burglary, robbery, criminal homicide, assault, destruction/damage/vandalism of property, and kidnapping/abduction. A "nonforcible sex offense" means statutory rape or incest.

2. If a student under the age of 21 is found responsible for violating any Federal, State, or local law, or any VCU rule or policy, governing the use or possession of alcohol or a controlled substance, VCU will notify their parent, guardian or individual acting as a parent in the absence of a parent or guardian of such violation, if the student is under the age of 21 at the time of the notification. Students eligible for amnesty under this policy will not be found responsible and will not be subject to parental notification under this provision.

3. If a conduct record is a joint record of one or more students in addition to the respondent, then each student may inspect the portions of the records that directly relate to them. In this case, the university will redact from any record provided to a student information that identifies any other student, to the extent possible.

While the university carefully protects the privacy of individual students as described above, RSO conduct records that do not contain information concerning identifiable students, are generally subject to mandatory disclosure under Virginia's Freedom of Information Act (FOIA). To inform the University community, VCU may report RSO conduct on its website.

Interpretation and revision

Any question of interpretation or application of this policy shall be referred to the director of Student Conduct and Academic Integrity or designee for final determination. This policy shall be reviewed regularly under the direction of the director of SCAI.

Forms

[Incident Reporting Form](#)

Related Documents

1. VCU Policy: [Title IX Sexual Harassment Policy - Interim](#)
2. VCU Policy: [Interim Sex-Based Misconduct Policy](#)
3. VCU Policy: [Honor System and Standards of Academic Conduct](#)
4. VCU Policy: [Alcohol and Other Drugs](#)
5. VCU Policy: [University Computer and Network Resources Use Policy](#)
6. VCU Policy: [Procedures for Degree Revocation](#)
7. VCU Policy: [Reservation and Use of Space](#)
8. [Graduate Bulletin](#)
9. [Undergraduate Bulletin](#)
10. [Residential Life and Housing Contract](#)
11. [Policies and Procedures for Student Organizations at VCU](#)
12. [VCU Student Athlete Handbook](#)
13. [VCU Interim Suspension Procedure](#)
14. [VCU Records and Registration: Student Privacy](#)
15. [FERPA regulations \(34 CFR Part 99\)](#)

Revision History

This policy supersedes the following archived policies:

- May 10, 2013 [New Policy] - Student Code of Conduct
- April 3, 2015 - Student Code of Conduct (Minor SCHEV requirement revision added)
- January 26, 2017 - Student Code of Conduct (minor revision to reflect current policy names and updated hyperlinks)
- June 25, 2018 - Student Code of Conduct (minor revision to repair typographical errors and update Related Documents section)

FAQ

Q: If I did not commit the violation of which I am being accused, why do I need to respond?

A: All allegations of misconduct will be investigated. The investigation process affords the respondent the right to respond to and refute the allegation, and your response can help the investigator determine whether you are responsible for the alleged violation. If it is determined that a respondent is not responsible for the alleged misconduct, the matter will then be closed with no formal action taken against the respondent.

Q: Why is there a hold on my registration or degree?

A: Your registration may be blocked for failure to schedule or attend a meeting regarding an alleged violation or failure to comply with a sanction. In such circumstances, the hold is removed once you schedule and attend your conduct meeting, or upon completion of the sanction.

Additionally, students classified as seniors or nearing the end of their graduate/professional program shall have a degree hold imposed pending the adjudication of the alleged misconduct, including all appeal options.

Q: What if I am off campus at the time of the alleged violation?

A: This policy may apply to conduct by a student whether on university property, at VCU activities, or at off-campus locations.

Q: Can my case go through the courts and the university conduct process?

A: Yes. They are entirely independent and separate process. University disciplinary proceedings may be instituted against a student charged with conduct that may violate criminal or civil law and this policy (that is, when both possible violations result from the same factual situation). Proceedings under this policy may be initiated and carried out prior to, simultaneously with, or following civil or criminal proceedings. Determinations made or sanctions imposed under this policy shall not be subject to change because of the criminal or civil outcomes. The concept of 'double jeopardy' applied in criminal settings is not applicable to a university proceeding.

Q: What is FERPA?

A: The Family Education Rights and Privacy Act of 1974 (FERPA) is a federal law that protects the privacy of student records. It affords students the right to consent to the university's disclosure their educational records. Additional resources can be found here: <https://rar.vcu.edu/records/family-educational-rights-and-privacy-act/>

Q: Will my parents or guardians be notified of a violation?

A: When a student under the age of 21 is found responsible for violating alcohol, drugs, and/or controlled substance laws or policies, the student's parents or guardians may be notified. The notification will include information concerning the violation, the university sanctions, and reiterate the university's expectations for future behavior.

NOTE: Residential Life and Housing or the Dean of Students may notify parents, guardians, or others in connection with a health or safety emergency.

Q: Will my records be released for a background check?

A: A student may need to provide a disciplinary history to a third party for a study abroad program, graduate school, employment, etc. With a signed release by the student, the university may release to the

external agency disciplinary records as requested by the student and generally related to suspension or expulsion.

Q: What individual conduct records are maintained and for how long?

A: All student conduct records for individual respondents are maintained in an electronic database for a minimum of seven (7) years, in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. If an individual receives additional sanctions during the seven-year period, records of all violations will be retained until there is a period of seven years following the most recent incident. If an individual is suspended or expelled, complete records of the proceedings and all pertinent documents, including records of previous lesser sanctions, shall be maintained permanently.

Q: What sanctions are recorded on a student's transcript?

A: Suspensions and expulsions are noted on an individual student respondent's transcript.

Q: If a respondent is found responsible for arson, assault, battery, or endangering health and safety, and an identified party is the victim of such behavior, will the identified party be notified of the outcome of the respondent's student conduct process?

A: Yes. The university will consider the interest of an individual victim of arson, assault, battery, or other "crimes of violence" under FERPA and may notify them of the outcome of the respondent's student conduct process.

Q: How is individual student conduct distinguished from RSO conduct?

A: In determining whether an entire RSO, rather than or in addition to individual members of that RSO, are to be held accountable for misconduct, we consider the following questions:

1. The conduct is endorsed by the RSO or any of its officers ("endorsed by" includes, but is not limited to, the following: active or passive consent or support, having prior knowledge that the conduct was likely to occur and not acting to stop or report it to appropriate authorities, or helping to plan, advertise, or promote the conduct);
2. The conduct is committed during the course of an activity paid for by the RSO, or paid for as a result of one or more members of the RSO contributing personal funds in lieu of organizational funds to support the activity or conduct in question;
3. The conduct occurred on property owned, controlled, rented, leased, or used by the RSO or any of its members for an organizational event;
4. The purpose of the activity was related to initiation, admission into, affiliation with, or as a condition for continued membership in the RSO;
5. Non-members of the RSO learned of the activity through members, advertisements, or communications by the student organization, or otherwise formed a reasonable belief that the conduct or activity organized, planned, supported or endorsed by the RSO;

6. Members of the RSO attempted to conceal the activity or protect other members who were involved.
7. Is there a pattern of individual violations that have occurred without proper remedial action by the RSO?
8. How many members of the RSO were present when the misconduct occurred or had specific knowledge of the misconduct before it occurred or while it was occurring?
9. What knowledge did the appropriate RSO officers and/or advisors have of the misconduct?
10. What action(s) did the appropriate RSO officers and/or advisors take in addressing/preventing the misconduct from occurring?
11. Were members of the RSO acting in concert, or did their membership in the RSO serve as an impetus for the misconduct?
12. Did the violation arise out of an event that was sponsored, financed, planned, or otherwise endorsed by members of the RSO?