

Faculty Senate Agenda & Minutes

May 1, 2020, @ 2:30pm

Meeting Via Zoom Only

Present: Monty Abbas, Masoud Agah, Biko Agozino, Diane Agud, Robin Allnutt, Susan Anderson, Richard Ashley, Michael Borowski, Tanyel Bulbul, Leandro Castello, Virgilio Centeno, Benjamin Corl, Sam Doak, Harry Dorn, Matt Eick, John Ferris, Ellen Gilliland, Nicolin Girmes-Grieco, James Hawdon, Dana Hawley, Bob Hicok, Eric Kaufman, Brad Klein, Bettina Koch, Jake Lahne, Roberto Leon, Jordan MacKenzie, Paul Marek, Margarita McGrath, Polly Middleton, Mike Nappier, Amy Nelson, Marie Paretti, Patrick Pithua, R. Scott Pleasant, Robin Queen, Hans Robinson, Todd Schenk, Yang Shao, Ashley Shew, Richard Shryock, Ryan Speer, Cornel Sultan, Jay Teets, Tess Thompson, Jim Tokuhisa, Diego Troya, Mark Van Dyke, Layne Watson, Robert Weiss, Cynthia Wood, Anthony Wright de Hernandez

Guests: Cameron Donaldson, David Guerin, Ashley Johnson, Evan Lavender-Smith, Sanj McCoy, Ennis McCrery, April Myers, Mark Owczarski, Ellen Plummer, Brett Shadle, Tamarah Smith, Debra Stoudt, Coogan Thompson, Tracy Vosburgh, Janell Watson

Approval of Agenda

The agenda was approved by unanimous consent.

Approval of Minutes

Minutes of the April 17th meeting were approved by unanimous consent.

Announcements

- Eric Kaufman reminded participants of Zoom functions, including [updating personal profile information](#). He encouraged individuals to [fix their screen name](#) to reflect their first and last name, because that helps with the attendance record.
- John Ferris highlighted an [Inside Higher Ed Article](#) (forwarded by Robin Queen) that helps us to consider the differential impacts of the pandemic. The article title notes: "Early journal submission data suggest COVID-19 is tanking women's research productivity."
- John Ferris introduced a Faculty Senate Statement on the Future of Teaching After COVID-19 (Appendix A). More information on planning is forthcoming.

Topic 1: Revised Student Code of Conduct Discussion

- Ennis McCrery shared slides to convey an overview of revisions to the Student Code of Conduct (Appendix B). She noted that the existing Hokie Handbook has been difficult to navigate. Proposed changes are designed to improve clarity and accessibility.
- University Council's first reading of the resolution will be held on Monday, and it could be expedited for approval at that time. Senators who have comments may share them with John Ferris this weekend.
- A senator shared a concern about separating the Student Code of Conduct from other policies. Ennis acknowledged this is a different approach. The proposed Student Code of Conduct includes links to other policies, just not the full text.
- Another senator noted the importance of being able to search and find the handbook materials. Ennis affirmed this point and said they are working to ensure searches result in the most useful information.
- A senator asked for clarity on changes to the language based on review by Virginia Tech's legal team. Ennis noted that recent changes are designed to align with pending legislation.

Topic 2: Q&A with President Sands

- President Sands acknowledged many of us likely have the common questions on our minds and he would do his best to address them. He thanked the faculty for “the incredible pivot” with the mid-semester shift to remote instruction. Although he acknowledged the shift has not been satisfying, he described it as successful. While the remote learning approach is not the way we want to conduct classes, we have learned from the experience. Plans for the fall will be shared the first week in June; yet there will be no surprises, because aspects being considered will be communicated between now and then. He noted the enrollment management process has resulted in meeting most of the targets, with the exception of international students, which has been negatively impacted by the pandemic. While many research projects have been sidelined by COVID-19, other projects have been accelerated. Efforts are underway to reactivate the research mission. He then took time to respond to questions provided in advance, as well as those that surfaced during the meeting.
- Classrooms Question: “What efforts are occurring to better align instructional needs with appropriate classroom space? Many classrooms across campus are outdated and inadequate.”
 - President Sands noted the Registrar runs an automated process and maintains a website that includes related information. Classes this fall will likely be a hybrid model. Some classes may be broken into smaller sections. Laboratories are a particular challenge. The model for the fall is evolving and will develop over the next few weeks.
 - A senator highlighted the importance of new classroom buildings being designed with greater flexibility, because newer buildings (like Goodwin) have a number of limitations. President Sands acknowledged the ideal classroom for today looks different than ten years ago, and we need to be sure new facilities meet those demands.
- Teaching Question: “How will on-line and hybrid delivery modes be integrated into our teaching? Isn’t the course content and delivery mode the purview of the faculty?”
 - President Sands noted the course content is certainly within the purview of the faculty and the delivery mode should be, but we are constrained by unusual circumstances. One of the major considerations is protecting the health of those in our community.
 - A senator shared concerns about the possibility of adapting to new delivery formats on short notice. President Sands said the Provost will have more information in the coming weeks about the timeline and support available to students.
 - A senator shared a concern about the week of lost class time during the spring semester. President Sands acknowledged the challenge and said the lost week was considered at the time of the decision; the Registrar indicated we could lose up to one week without violating expectations for accreditation. President Sands anticipates the need for agility and flexibility this fall but not another “pivot.”
- COVID-19 Teaching Question: “All four members of my household are in high risk groups. Should any one of us be infected with Covid-19, we are at much higher risk of serious illness and death. (1) Will you allow faculty in high-risk categories to choose teaching online through the next school year? (2) Will you allow students in high-risk categories to receive their instruction online as well?”
 - President Sands acknowledged that many of our faculty (and students) may be at higher levels of health risk, and the university will need to be flexible in order to

protect the health of those who are more vulnerable. He said it will be important for individuals to self-identify their level of comfort and preferences, based on vulnerability.

- A senator shared concerns about how vulnerable populations (e.g., disabled community) may be segregated from others. President Sands reiterated the importance of individuals self-disclosing their levels of risk and risk factors. The senator followed-up with a request for Virginia Tech to consider different attendance policies, minimizing the negative effects of not being physically present for classes. President Sands highlighted the importance of offering multimodal approaches to our courses. He noted we need to move more that direction, acknowledging that only so much progress can be made this summer. The senator reiterated concerns about people being penalized or ostracized for conveying discomfort and vulnerability with returning to campus.
- A senator asked about how childcare needs are considered within the University's plans. President Sands noted that information is being exchanged at the state and local level, but there is an opportunity for more conversation.
- **Priorities Question:** "What are the top 3 priorities for the university for the following year?"
 - President Sands responded: "First, do no harm; everything should be in that context." He then said the strategic plan outlines four priorities that allow us to be responsive to a changing world. He noted the university would rely on the strategic plan and continually update it.
- **Budget Cuts Question:** "In response to recent news of university-wide budget cuts, Virginia Tech faculty members have asked if the development of the Innovation Campus is proceeding as scheduled. Could alterations to its scheduling aid in reducing proposed budget cuts?"
 - President Sands said the Innovation Campus, as funded by the state, remains a state priority. While the state has deferred all new spending, they have preserved the tech talent investment. Discretionary investments may be deferred. President Sands noted the pandemic may cause the Innovation Campus to be more central to our work, due to the importance of the digital economy. The state has outlined guidelines for discretionary spending and hiring. Although Virginia Tech has flexibility beyond the state guidelines, the university is initially following the state guidelines, recognizing state funding is likely to be reduced. There was positive momentum prior to the pandemic, but the state will revise revenue forecasts in late July. Virginia Tech has reserve funds that can be deployed to help offset shortfalls. We need to wait to see how the fiscal environment evolves. Units have been asked to prepare budgets that reflect cuts of 5% and 10%, but there are no plans for layoffs at this time. President Sands noted that many employment-related strategies must be approved through the shared governance process and the Board of Visitors. Much of Virginia Tech's distribution from the CARES Act has already been distributed, including a substantial portion to students in need. President Sands conveyed reason for optimism but noted it will be a challenging number of months ahead.
 - A senator asked about efforts to protect start-up funds for pre-tenure faculty. President Sands said he did not know what conversations have been occurring but acknowledged that should be a priority.
- President Sands closed by thanking the faculty for responding to the challenge of the pandemic. He hopes lessons learned can help with strategic plans moving forward.

Other Business

- No other business was shared.

Adjourn

The meeting formally adjourned at 4:04pm.

Note: Minutes respectfully submitted by Eric Kaufman.

Appendix A: Faculty Senate Statement on the Future of Teaching After COVID-19

The Faculty Senate leadership appreciates the administration's quick decision to close the physical university in order to protect the health of the Virginia Tech community, as well as the respect that they have demonstrated for the willingness and hard work of faculty to adapt to these demanding circumstances.

We believe that the administration's efforts to seek Faculty Senate input during this period on decisions that are appropriately guided by faculty experience and expertise, such as the temporary revision to the grading system and alterations to the SPOT survey, reflects their commitment to the principles of shared governance articulated in the AAUP's 1966 [*Statement on Government of Colleges and Universities*](#), which makes clear that "the faculty has primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, . . . and those aspects of student life which relate to the educational process."

While it is too early to know the long-term effects of the changes implemented this semester, concerns have been raised here and across the country that the abrupt move to online instruction will alter the educational landscape going forward in a manner that faculty do not agree with or support. Though we believe it is too soon to engage in this discussion, we share these concerns and assure you that Faculty Senate will be central to any evaluation of this semester's results, particularly as they relate to the overarching consideration of the place online instruction should have at Virginia Tech, and that we will be substantially involved in the continuing evolution and planning of content delivery. We anticipate that the administration will expect faculty leadership in this area and are ready to provide it.

Related Articles for Reference:

- <https://er.educause.edu/articles/2020/3/the-difference-between-emergency-remote-teaching-and-online-learning>
- <https://www.insidehighered.com/digital-learning/article/2020/04/22/how-professors-changed-their-teaching-springs-shift-remote>
- <https://www.nytimes.com/2020/04/09/business/online-learning-virus.html>

REVISION OF THE *STUDENT CODE OF CONDUCT* Spring 2020

Overview

When a student accepts admission to Virginia Tech as an undergraduate, graduate, or professional student, they also accept membership in the university community and responsibility for upholding its shared values and expectations. The *Student Code of Conduct* outlines policies established by the university that set standards for students' behavior, along with procedures for adjudicating and sanctioning violations of these standards. The code applies to all students and registered student organizations at Virginia Tech.

In 2019, then Sr. Associate Vice President Frank Shushok tasked the Office of Student Conduct, which oversees the *Student Code of Conduct*, to conduct a thorough review of the current *Code* and its placement within the [Hokie Handbook](#) and to revise the document to improve clarity, update policies and processes, and include an expanding and diverse population of students across all Virginia Tech campuses and programs. Prior to this revision, the current *Student Code of Conduct* and *Hokie Handbook* had been revised and approved by the Board of Visitors in pieces for more than a decade. Thus, the following document is significantly different structurally from the previous version, yet the educational philosophy, processes, and policies remain largely the same, except in those places where updates or edits were necessary to improve clarity and accessibility for students.

Review Process

We began this process by benchmarking against our SCHEV peers, as well as ACC schools, other public institutions in Virginia, and several institutions known for best practices in Student Conduct. We also reviewed a model code of conduct created by the NCHERM group (now called TNG), a higher-education consulting group specializing in risk, safety, compliance, and policy. Through that exercise, we gained several key insights:

1. Most institutions have moved away from the “handbook” model, which consolidates information about policies and resources—like the current *Hokie Handbook*--to a stand-alone code of conduct, which focuses on disciplinary policies and procedures.
2. The most robust codes of conduct, including the model code from NCHERM, focus on student development, rather than legalistic language and processes.

Revision

The document includes the following high-level changes from the current [Hokie Handbook and Student Code of Conduct](#):

Transition from handbook to stand-alone code of conduct: Based on what we learned through benchmarking, we decided to transition the *Hokie Handbook* from its current form—which includes the *Student Code of Conduct* as well as other resources and policies that are relevant largely to undergraduates on the Blacksburg campus--to more a streamlined, stand-alone code of conduct. The name of the document will be changed to *Student Code of Conduct* to reflect its purpose more accurately. The other resources and policies currently housing in the *Hokie Handbook* will be published and managed by their respective units (e.g., Housing and Residence Life and Dining) or referenced and linked in the new document, as appropriate.

In addition, to foster students' understanding of the impact their behavior has on others and the community, we have reorganized the policies outlining prohibited conduct into categories:

- a. Alcohol and Other Drug Offenses
- b. Offenses Against People
- c. Offenses Against Property
- d. Offenses Against the Community
- e. Offenses Against the University
- f. Other Prohibited Conduct

Consolidation, Simplification, and Addition of Some Policies: Our current list of policies can be overwhelming for students. For example, the current abusive-conduct policies are parsed to such a degree (e.g., Abusive Conduct – Assault and Abusive Conduct – Battery) that hearing officers often have to charge multiple policies for the same behavior in order to determine which policy was violated.

To address this issue and others, such as wordiness, several policies have been combined or shortened. Others have been expanded or added to cover behavior that has not previously been addressed.

Specific changes include the following, organized to reflect the current version of the *Student Code of Conduct* in the *Hokie Handbook*. Given the scope of the revision, the policy language is not included here for each change, though it can be provided for comparison, if it is helpful:

- The umbrella definition for “Abusive Conduct” has been removed, and “Abusive Conduct – Assault” and “Abusive Conduct – Battery” have been combined into a new “Abusive Conduct” policy.
- “Harassment” and “Hazing” policies are no longer under the umbrella term “Abusive Conduct,” but the policies work well alone. The hazing policy has been shortened, but the information that was removed is in an appendix. In addition, the hazing policy was once called “Hazing – Individual/Group Behavior,” and the “Individual/Group Behavior” language has been removed.
- An “Endangerment” policy has been added, which replaces the current “Climbing” and “Throwing Objects” policies and addresses other dangerous or negligent behavior that has not previously been covered.
- “Failure to Comply” and “Failure to Observe Rules and Regulations” have been shortened for clarity.
- “Fire Safety” has been shortened for clarity.
- “Furnishing False Information” has been shortened for clarity.
- “Hazardous Materials” has been shortened for clarity.
- “Illegal Drugs” has been shortened for clarity.
- “Improper Use of Identification Cards” has been combined with “Forgery or Fraud.”

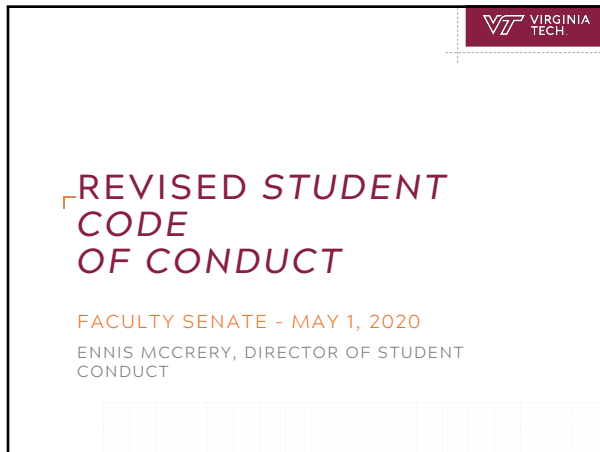
- “Interference with the Student Conduct Process” has been expanded to include other complaint processes/retaliation and is now called “Interference with University Complaint Processes.”
- “Public Urination/Nudity” is now called “Public Exposure” and revised slightly to include public defecation.
- “Tampering with University Equipment” was combined with “Damage or Destruction.”
- “Weapons” has been shortened for clarity.

Several sections have also been added, including the following:

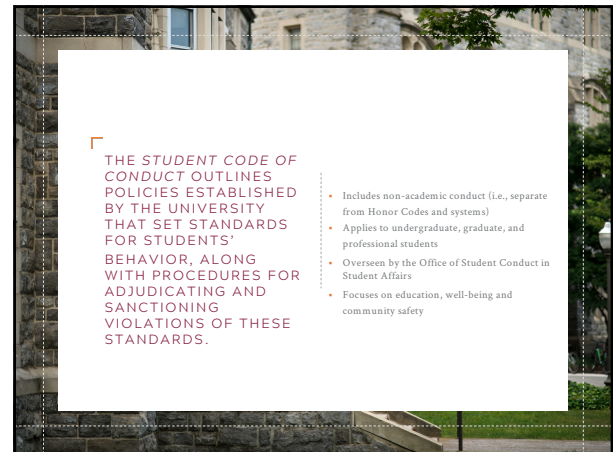
Interim Measures and Administrative Actions: this section includes interim suspension, which is currently documented, as well as other actions that are part of our current practice but have not been documented in the *Code* previously.

Expungement Process: this section outlines a new process by which students can request to have minor (e.g., probation level) cases expunged from their conduct record prior to the end of the five-year record-retention period. The opportunity reflects the student-centered and learning-focused values on which the Student Conduct process is based: namely, we believe that students can learn and grow by reflecting on their decisions and examining their values.

In addition, the expungement section offers students who were suspended or dismissed to petition to have suspension/dismissal notations removed from their academic transcripts. This addition is in response to recent legislation in the Commonwealth, which takes effect on July 1, 2020.



1



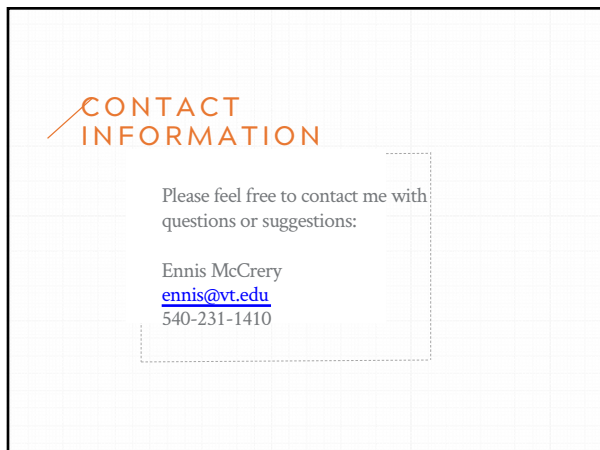
2



3



4



5

**RESOLUTION TO APPROVE THE 2020-2021 STUDENT CODE OF CONDUCT
AND TO RETIRE THE HOKIE HANDBOOK**

WHEREAS, by state statute, the Virginia Tech Board of Visitors is charged with regulating the discipline of all students; and

WHEREAS, the Board of Visitors carries out that responsibility through the university student conduct system and the *Student Code of Conduct*, which applies to all currently enrolled undergraduate, graduate, and professional students, and student organizations; and

WHEREAS, the university conduct system reflects best practices for the education of students about appropriate behavior and responsibility to self, others, and the community; and

WHEREAS, some of the policies in the current *Student Code of Conduct* are redundant; and

WHEREAS, revisions incorporated in the proposed *Student Code of Conduct* bring clarity to prohibited conduct, formalize existing processes including interim measures and administrative actions that may be employed, and include a section on the definitions of key terms; and

WHEREAS, the proposed *Student Code of Conduct* provides the incentive and opportunity for students to demonstrate learning and growth by instituting a process by which they can request to have some portions of their conduct records expunged;

NOW, THEREFORE, BE IT RESOLVED that the attached revised *Student Code of Conduct*, which applies to all undergraduate, graduate, and professional students and student organizations, be approved as a stand-alone document that will be reviewed and ratified annually by the Board of Visitors; and

BE IT FURTHER RESOLVED that the *Hokie Handbook*, which has contained the *Student Code of Conduct* as well as other sections containing guidance primarily for undergraduate students, be retired and that the relevant units assume responsibility for those other sections.

Contents

I. INTRODUCTION	2
II. STUDENT RIGHTS AND RESPONSIBILITIES	3
III. JURISDICTION	4
IV. DEFINITIONS	5
V. PROHIBITED CONDUCT	7
VI. ADDITIONAL UNIVERSITY POLICIES FOR WHICH STUDENTS ARE RESPONSIBLE	11
VII. STUDENT CONDUCT PROCESS	11
VIII. SANCTIONS	14
IX. FORMAL HEARING APPEALS	15
X. INTERIM MEASURES AND ADMINISTRATIVE ACTIONS	16
XI. STUDENT CONDUCT RECORDS	19
XII. APPENDICES	21

I. INTRODUCTION

The Virginia Tech community is guided by the [university's motto](#), *Ut Prosim* (That I May Serve), and is based on the fundamental values expressed in the [Principles of Community](#): to nurture learning and growth for all community members, to encourage open expression, and to respect our differences and common humanity.

When a student accepts admission to Virginia Tech as an undergraduate, graduate, or professional student, they also accept membership in the university community and responsibility for upholding its shared values and expectations. The *Student Code of Conduct* outlines policies established by the university that set standards for students' behavior, along with procedures for adjudicating and sanctioning violations of these standards. The code applies to all students and student organizations at Virginia Tech, as defined in this document. The university reserves the right to make changes to the code at any time.

Authority to approve policies and procedures for student discipline, as outlined in the *Student Code of Conduct*, lies with Virginia Tech's governing body, the Board of Visitors, as authorized under the [Code of Virginia](#). The Vice President for Student Affairs has responsibility for the university conduct system, with direct supervisory oversight of disciplinary matters assumed by the Office of Student Conduct, under the direction of the Director of Student Conduct. The director serves as the Chief Student Conduct Officer for the university.

The *Student Code of Conduct* does not apply to matters of academic integrity. For information on policies and procedures related to student academic integrity, please refer to the following:

- [Undergraduate Academic Integrity](#)
- [Graduate Honor System](#)
- [Doctor of Veterinary Medicine Honor Code \(Virginia-Maryland School of Veterinary Medicine\)](#)
- [Doctor of Medicine Honor Code \(Virginia Tech Carilion School of Medicine\)](#)

The Office of Student Conduct and the University Conduct System

The *Student Code of Conduct* is overseen by the Office of Student Conduct. The university's conduct system supports the educational mission of the university by educating students about appropriate behavior and fostering a community in which students can flourish academically and personally.

The system assumes that students and student organizations have the capacity to assume responsibility for their own behavior and that the university has the authority to establish an internal structure for the enforcement of its policies and procedures, which students have agreed to accept by enrolling in the university. As part of its authority, Student Conduct may suspend or dismiss students from the university.

Conduct matters are addressed by student affairs professionals who have been appointed as hearing

officers by the Director of Student Conduct. These individuals each have significant education and training on student development, student discipline, and university policies and procedures.

Additional Community-Specific Regulations

As part of their education and life at Virginia Tech, students may also be involved in organizations, programs, or other entities for which additional and separate standards and policies, including potential sanctions for violations, have been established. Students should be aware of additional policies that may apply to their involvement in certain programs, organizations, or communities, including but not limited to students in the [Corps of Cadets](#), [student athletes](#), members of [certain Greek-letter organizations under the Office of Fraternity and Sorority Life](#), and students in certain colleges or programs, such as the [Virginia Tech Carillion School of Medicine](#) or the [Virginia-Maryland College of Veterinary Medicine](#).

These policies and processes do not supersede a student's responsibilities under the *Student Code of Conduct*. In situations involving potential violations of policies in the *Student Code of Conduct* and community-specific policies, the student is accountable first to the university's *Code*. Additional sanctions may be issued by programs/organizations that address a student's participation or membership in those communities, specifically. Student Conduct is responsible for coordinating adjudication processes with these various entities, when appropriate.

II. STUDENT RIGHTS AND RESPONSIBILITIES

As individuals, Virginia Tech students enjoy basic rights. As members of the university community, they also accept certain responsibilities.

Rights

1. Students at Virginia Tech will be treated fairly and with dignity regardless of age, color, disability, sex (including pregnancy), gender, gender identity, gender expression, genetic information, national origin, political affiliation, race, religion, sexual orientation, or veteran status as described in [university policy 1025](#).
2. Students at Virginia Tech enjoy those rights guaranteed by the Constitutions of the United States and the Commonwealth of Virginia. This includes activities protected under the First Amendment, which Virginia Tech values and does not intend to restrict.
3. The *Student Code of Conduct* and the policies and procedures it outlines, under the administration of the Office of Student Conduct, provides an administrative process for resolving allegations of misconduct. This process includes certain procedural guarantees to ensure that students receive a fair and equitable resolution.

Responsibilities

1. Students are responsible for respecting conditions that preserve the freedom to learn. Activities protected under the First Amendment of the United States Constitution do not violate university policy unless they interfere with university functions, violate the rights of others, or otherwise break the law. Incidents of disruption of constitutionally protected speech may be reported via the [Speech on Campus webpage](#).

Proposed Student Code of Conduct for 2020-2021: University Council – May 4, 2020

2. Students are also responsible for understanding and following university policies and procedures, including the *Student Code of Conduct*, and to abide by all applicable state, federal, and local laws.
3. University email is the primary means by which the university communicates with students; therefore, students are responsible for reading all official communications delivered to their university email address.
4. Students who are offered admission to Virginia Tech and choose to matriculate [have a continuing duty to report](#) to the Office of Student Conduct any arrests or convictions, other than minor traffic violations, as well as any protective orders issued against them. This duty applies regardless of where the arrest occurred and regardless of whether the university is in session at the time of the arrest or conviction. Students must notify Student Conduct in writing, [using the Arrest Disclosure and Conviction Form](#), within 10 business days of the incident that led to their arrest or within five business days of the incident that led to their conviction. Failure to comply with this continuing duty may result in disciplinary action under the *Student Code of Conduct*.

III. JURISDICTION

Enrollment Status

For the purposes of disciplinary action, a “student” is defined as any individual who has accepted an offer of admission as an undergraduate, graduate, or professional student and who has not yet graduated or officially transferred to another institution.

If a student’s enrollment lapses for more than one calendar year, based on a student’s voluntary decision not to enroll, that student will no longer be subject to disciplinary action. However, students who are separated from the university for academic or disciplinary reasons are still considered students for disciplinary purposes, regardless of the duration of the separation.

Student Organizations

A student organization, as defined in this document (below), may be considered for disciplinary action if an incident(s) is determined to be an organizational activity, based on at least two of the following criteria. Student Conduct will consider the entirety of the information to determine whether to charge an organization.

- Any student serving as an executive officer of the organization who is aware of the incident sufficiently in advance of its occurrence to prohibit its taking place, and takes no action to prohibit it.
- Any student serving as an executive officer of the organization knows the identity of the members involved in the incident and refuses to divulge that information to the appropriate university authorities or the police.
- The incident involves the expenditure of any organizational funds.
- The incident involves or is actively or passively endorsed by a majority of the members of the organization.
- The incident occurs in property owned, rented, reserved, or used by the organization.

Proposed Student Code of Conduct for 2020-2021: University Council – May 4, 2020

- Members and/or non-members of the organization learned about the event where the incident occurred through members or communication associated with the organization.
- The incident occurred as a result of individual members of the organization acting in the capacity as members of the organization.

Student leaders and members of organizations who are complicit in any violation of the *Student Code of Conduct* or who permit or condone behavior that violates the code may also be held accountable as individuals in addition to the organization.

Location of Incidents

Students and student organizations that violate the *Student Code of Conduct* may be considered for disciplinary action whether the conduct occurs on or off university property.

The *Student Code of Conduct* may also apply to behavior conducted online or through an 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 not private. The university does not regularly search for this information but may take action if and when such information is brought to the attention of university officials.

Alleged Violations of Criminal Law

When conduct violates both criminal law and the *Student Code of Conduct*, disciplinary action may be taken by the university, irrespective and separate from criminal action. At the university's discretion, the Office of Student Conduct may proceed with disciplinary action prior to a criminal trial or postpone action until after trial.

IV. DEFINITIONS

In the context of the *Student Code of Conduct*, the terms below are defined as follows:

Term	Definition
Advisor	An advisor is one person of a student's choosing and cost who may accompany a student throughout the conduct process. They may consult with the student but not speak on the student's behalf or participate actively in the process.
Aggravating Factors	An aggravating factor is information, used during sanctioning (i.e., <i>after</i> a violation has been determined to have occurred), that may increase the sanction. Some factors may include but are not limited to a student's past conduct record and the nature and severity of the behavior and its impact.
Appeal	An appeal is a written request for review of a hearing and findings, based on specific grounds.
Appellate Officer	An appellate officer is an employee of Virginia Tech, external to the Office of Student Conduct staff, designated by the Vice President of Student Affairs to review and respond to appeals.
Charge(s)	A potential violation of the <i>Student Code of Conduct</i> .
Complainant	Any individual who has reported a potential violation of the <i>Student Code of Conduct</i> . In cases involving gender-based violence that are referred by Title IX,

Proposed Student Code of Conduct for 2020-2021: University Council – May 4, 2020

Term	Definition
	“complainant” means an individual who reports experiencing gender-based harassment or violence.
Conduct Officer or Hearing Officer	A conduct or hearing officer is an individual designated by the Director of Student Conduct to adjudicate cases involving allegations of conduct violations.
Conduct Referral	Report or complaint that alleges violations of the <i>Student Code of Conduct</i> by a student(s) or student organization(s).
Consent (general)*	Consent is generally defined as knowing, voluntary, and clear permission for something to occur. *For a more specific definition of consent in the context of sexual activity, please see the definition below.
Consent (in the context of sexual activity, as defined in Policy 1025)	<p>Consent is defined as knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. The existence of consent is based on the totality of circumstances, including the context in which the alleged consent occurred. Silence does not necessarily constitute consent and coercion, force, or threat of either party invalidates consent.</p> <ul style="list-style-type: none"> • Consent cannot be given where a person is incapacitated due to drugs or alcohol; or where a person has a disability; or is not of legal age to consent as defined by law. • Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Consent can be withdrawn at any time. • Previous relationships or prior consent cannot imply consent to future sexual acts.
Incapacitation	Incapacitation includes but is not limited to being asleep, drugged, intoxicated, or unconscious.
Mitigating Factors	A mitigating factor is information, used during sanctioning (i.e., <i>after</i> a violation has been determined to have occurred), that may decrease the sanction. Some factors may include but are not limited to a student’s past conduct record and steps taken to remedy their behavior.
Notice	Written notice of the alleged violations of the Code. Notice will be presumed to have been furnished when the notice is sent to the student’s Virginia Tech email address or, when appropriate, provided at a prehearing meeting.
Preponderance of the evidence	The Office of Student Conduct uses preponderance of the evidence to determine whether or not a student has violated a policy in the <i>Student Code of Conduct</i> . This determination is made based on the information available to determine if it is more likely than not that a violation occurred.
Respondent	Any student or student organization alleged to have violated the <i>Student Code of Conduct</i> . In cases involving gender-based violence that are referred by Title IX, “respondent” means a Virginia Tech student who is alleged to have participated in gender-based harassment or violence.
Student	For the purposes of disciplinary action, a “student” is defined as any individual who has accepted an offer of admission as an undergraduate, graduate, or professional student and who has not yet graduated or officially transferred to another institution.
Student Organization	For the purposes of disciplinary action, a “student organization” includes Registered Student Organizations (RSO), Extended Campus Student Organizations (ECSO), and University Chartered Organizations (UCSO), as

Proposed Student Code of Conduct for 2020-2021: University Council – May 4, 2020

Term	Definition
	defined in university policy 8010 .
University Official	A university official is any person given authority by the University to perform administrative or professional responsibilities, including, but not limited to university police officers, resident assistants, graduate/teaching assistants, administrative support staff, faculty, etc.
University Property or University Facilities	University property or university facilities are any location, either permanent or temporary, owned or leased by Virginia Tech, and includes satellite campuses and offices. This includes, but is not limited to, the buildings, grounds, and the surrounding perimeters, including the parking lots, field locations, classrooms, alternate work or class locations, and university owned or leased vehicles.
Witness	A witness is a person who provides relevant information about an incident in a hearing or through a written statement. Character witnesses are not generally considered relevant.

V. PROHIBITED CONDUCT

Alcohol and Other Drug Offenses

- Alcoholic Beverage: Improper use of alcohol as defined by the regulations of the Commonwealth of Virginia and the university, including but not limited to underage possession/consumption, public intoxication (regardless of age), providing alcohol to any underage person, or any violation of university alcohol regulations, [as outlined in Appendix I](#).
- Illegal Drugs: Possessing, using, manufacturing, selling, or misusing any substance and/or possession of drug paraphernalia in violation of state or federal law.
- Driving Under the Influence: Operating or attempting to operate a motor vehicle, bicycle, or other personal transportation device while intoxicated or impaired by alcohol or other drugs.

Offenses Against People

- Abusive Conduct: The use of physical force against an individual or any acts that cause physical harm; threats, including words or actions, that may cause a person reasonable apprehension of imminent physical harm.
- Endangerment: Actions that intentionally or recklessly endanger the health, safety, or well-being of oneself or another person or group.
- Harassment: Unwelcome conduct not of a sexual nature that is sufficiently severe, pervasive, or persistent that it could reasonably be expected to create an intimidating, threatening, or hostile environment that limits the ability of an individual to work, study, or participate in the activities of the university. *Note: the Code also includes a Gender-Based Harassment policy.*
- Hazing: Any mental or physical requirement, request, or obligation placed upon any person for the purpose of admission, initiation, or continued association with a group or organization that could cause discomfort, pain, fright, disgrace, or injury; that is personally degrading; or that violates any federal, state, local statute, or university policy, the willingness of an individual to participate in such activity notwithstanding. [Additional information is available in Appendix III](#).
- Stalking: Repeated contact of another person not based on gender when the contact is unwanted and may cause the other person reasonable apprehension of imminent physical harm or cause

substantial impairment of the other person's ability to perform the activities of daily life. *Note: the Code also includes a Gender-Based Stalking policy.*

- Recording and/or Distribution of Audio/Visual Material Without Consent: Making, attempting to make, sharing, or distributing an audio and/or visual recording of any person(s) without the knowledge and consent of all participants subject to such recordings, in locations where there is a reasonable expectation of privacy, and when the action is likely to cause injury, distress, or damage to one's reputation.
- Gender-Based Violence (refer to [Appendix II](#) for additional information):
 - Sexual Violence: Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol, or is unable to give consent due to an intellectual or other disability, or is not of legal age to consent as defined by law. Sexual violence includes rape, sexual assault, sexual battery, and sexual coercion.
 - Sexual Assault: Actual or attempted sexual contact with another person without that person's consent.
 - Sexual Battery: Intentional touching of another person's intimate parts without the person's consent; or other intentional sexual contact with another person without that person's consent.
 - Sexual Coercion: Using physical or verbal aggression or pressure to force or attempt to force a person to touch another person's intimate parts without that person's consent.
 - Rape: Penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person's consent.
 - Gender-based Harassment: Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.
 - Sexual Exploitation: An act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. The act or acts of sexual exploitation are prohibited even if the behavior does not constitute one of the other sexual misconduct offenses.
 - Domestic Violence: A pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.
 - Dating Violence: Acts of physical or sexual abuse committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
 - The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.

Proposed Student Code of Conduct for 2020-2021: University Council – May 4, 2020

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse, but does not include acts covered under the definition of domestic violence.
- Gender-Based Stalking: Repeatedly contacting another person when the contact is unwanted. Additionally, the contact may cause the other person reasonable apprehension of imminent physical harm or cause substantial impairment of the other person's ability to perform the activities of daily life. Contact includes but is not limited to communicating with (either in person, by phone, or by computer) or remaining in the physical presence of the other person.

Offenses Against Property

- Damage or Destruction: Intentional, reckless, and/or unauthorized damage to, destruction of, tampering with, or vandalism of property.
- Fire Safety: The misuse of or tampering with firefighting equipment, unauthorized burning, disregarding fire alarm signals, deliberately initiating a false alarm or, tampering with fire detection or suppression equipment.
- Theft: Theft, attempted theft, or possession of stolen property.
- Unauthorized Entry: Entering, attempting to enter, or being present in buildings, residences, public or private property, and/or facilities or other areas without proper authority.

Offenses Against the Community

- Disorderly or Disruptive Conduct: Engaging in disorderly or disruptive conduct that interferes with university, community, or individual activities, including but not limited to studying, teaching, research, and university administration.
- Public Exposure: Any act or attempted act of public nudity or urinating/defecating in public.
- Hazardous Materials: Unauthorized possession or use of fireworks, explosives, or hazardous and potentially hazardous materials.
- Weapons: Unauthorized possession, use, or storage of firearms, ammunition, or weapons on university property at any location, either permanent or temporary, owned or leased by Virginia Tech. Refer to Virginia Polytechnic Institute and State University Policy and Procedures [No. 5616](#) for additional information.

Offenses Against the University

- Failure to Comply: Failure to comply with a request and directives of university officials acting within the scope of their authority, including but not limited to the following: failure of a student to present their university identification card, failure to keep or attend a required meeting, and failure to leave an area when requested by an authorized university official. Upon the request of the student questioned, university officials must identify themselves and state the source of their authority.
- Furnishing False Information: Knowingly giving false information to a university official who is performing their official duties, including but not limited to perjury in a conduct hearing.
- Interference with University Complaint Processes: Attempting or actively influencing, impeding, intimidating, interfering, coercing, or retaliating against any person involved in a potential, actual, or past student complaint in a formal university complaint process.

Proposed Student Code of Conduct for 2020-2021: University Council – May 4, 2020

- Involvement in a University Violation: Presence during any violation of the *Student Code of Conduct* and/or other university policies in such a way as to condone, support, or encourage that violation. Students who anticipate or observe a violation of university policy are expected to remove themselves from participation and are encouraged to report the violation.
- Visitation/Guest Policies: Students or student organizations will be held responsible for the conduct of their guests and are expected to inform them of all university regulations, including but not limited to [Housing and Residence Life policies](#).

Other Prohibited Conduct

- Actions Leading to the Conviction of Criminal Offenses: Any student convicted of a criminal offense is subject to university disciplinary action.
- Failure to Observe Rules and Regulations: Failure to observe rules and regulations issued by the university that are not listed specifically as “Prohibited Conduct” in the document, including but not limited to regulations linked above in the “[Additional University Policies for which Students are Responsible](#)” and “[Additional Community Specific Regulations](#)” sections.
- Forgery or Fraud: Forgery or fraud, including attempts to obtain any item of value under false pretenses, falsification of official university documents, or possession of forged identification or another person’s identification.
- Gambling: Participation in any form of illegal gambling.

Statement on Sanction Enhancements for Policy Violations Motivated by Bias

Any violation of the Virginia Tech Student Code of Conduct found to be motivated by an individual’s age, color, disability, sex (including pregnancy), gender, gender identity, gender expression, genetic information, national origin, political affiliation, race, religion, sexual orientation, or veteran status (as stated in Virginia Polytechnic Institute and State University Policy and Procedures No. 1025) will be deemed an aggravating factor and will subject the student to a sanction more severe than would be imposed in the absence of such motivation. This sanction enhancement will not apply in cases in which protected classes are specifically addressed within the language of the policy, such as gender-based violence or gender-based stalking.

Statement on Self-Reporting and Bystander Intervention

Virginia Tech recognizes that the health and safety of students is of utmost importance. Therefore, if someone requires assistance for themselves or others because of alcohol or drug use, we want them to call for help. If medical assistance is sought, Student Conduct will not pursue conduct charges against the individual or organization who sought assistance, or the individual in need of assistance. However, Student Conduct will still require students to attend a meeting with a hearing officer to discuss the incident and may assign substance-related and other educational assignments to the involved parties.

Violations having a significant individual or community impact and students with prior violations that demonstrate an actual, potential, or perceived pattern of behavior are not likely to have outcomes that are mitigated and are not likely to be protected under this policy.

Statement on Reports of Gender-Based Violence and Immunity for Use of Alcohol or Other Drugs

Virginia Tech seeks to remove any barriers to reporting incidents of gender-based violence. Therefore, any student, whether the complainant or a third party, who makes a good-faith report of gender-based violence will be immune from disciplinary action for their personal consumption of alcohol or other drugs occurring at the time of the reported incident.

VI. ADDITIONAL UNIVERSITY POLICIES FOR WHICH STUDENTS ARE RESPONSIBLE

The *Student Code of Conduct* is intended to include other rules, regulations, and policies issued by the university that pertain to students and student organizations. Violations of these policies are actionable under the *Student Code of Conduct* when the violation warrants a process or sanction beyond what is available in these policies. Additional policies include but are not limited to the following:

- [Dining policies](#)
- [Housing contract](#)
- [Parking and traffic regulations](#)
- [Student ID Cards](#)
- [University-level policies](#) (see the university's policy library at <https://policies.vt.edu/policy-library.html> for a full list of policies relevant to students; the following policies are those most frequently referenced):
 - [Acceptable Use and Administration of Computer and Communications Systems](#)
 - [Arrest, Conviction, and Protective Order Disclosures](#)
 - [Bicycles and Personal Transportation Devices](#)
 - [Campus and Workplace Violence Prevention](#)
 - [Facilities Usage and Events](#)
 - [Harassment, Discrimination, and Sexual Assault](#)
 - [Operation of Unmanned Aircraft Systems](#)
 - [Sales, Solicitation, and Advertising on Campus](#)
 - [Serving Alcohol](#)
 - [Smoking](#)
 - [Social Media](#)
- [University Names and Trademarks](#)

VII. STUDENT CONDUCT PROCESS

The Office of Student Conduct uses the following procedures to address behavior that is alleged to have violated university policy. It should be noted that not all situations are of the same severity or complexity. Thus, these procedures are flexible and are not exactly the same in every situation, though consistency in similar situations is a priority. The procedures used in particular cases are determined at the sole discretion of the Office of Student Conduct.

Proposed Student Code of Conduct for 2020-2021: University Council – May 4, 2020

The university conduct process is an administrative function and differs from civil or criminal legal proceedings. In some situations, students may be involved in both legal and university systems.

Step 1: Submitting a Conduct Referral/Complaint

Any student, faculty member, staff member, administrator, community member, or concerned party may submit a complaint, known as a “conduct referral,” to the Office of Student Conduct. While there is no time limit for referrals, Student Conduct encourages people who plan to bring a complaint against a Virginia Tech student to do so as quickly and prudently as possible.

Student Conduct will review the conduct referral to determine if there is information regarding behavior that may violate the *Student Code of Conduct* and thus, warrants resolution within the conduct system. This review may include a meeting with the person(s) who submitted the complaint and/or an investigation to gather additional information.

Potential outcomes of the review include the following:

- A determination that interim measures or administrative actions should be imposed in order to maintain safety or order.
- A determination that an investigation is needed to gather additional information to identify an appropriate avenue for resolution.
- A determination that the matter should be referred to another office or process.
- A determination that there may be a potential violation of the *Student Code of Conduct* and that an agreed resolution is the appropriate avenue for resolution.
- A determination that there may be a potential violation of the *Student Code of Conduct* and that a formal hearing is the appropriate avenue for resolution.
- A determination that the complaint may not involve a potential policy violation but is related to a conflict; in this case, Student Conduct may offer voluntary mediation, facilitated dialogue, or conflict coaching.
- In some cases, at Student Conduct’s discretion, students will be invited to participate in a conduct conversation (i.e., an educational conversation) about the concerns raised in the complaint, even when Student Conduct determines that adjudication is not appropriate.
- A determination that there is insufficient information to pursue the complaint.
- A determination that the behavior alleged, even if proven, would not violate the *Student Code of Conduct*.

Step 2: Resolution

After reviewing a conduct referral, Student Conduct will determine an appropriate resolution process from among the following:

Agreed Resolution: An agreed resolution is an informal resolution option in which the student or student organization meets with a hearing officer to discuss an incident and collaborates with the hearing officer to determine whether they violated a policy and, if so, what sanctions may be appropriate. If the student or student organization agrees to the resolution, they waive the right to a formal hearing, and

Proposed Student Code of Conduct for 2020-2021: University Council – May 4, 2020

the resolution is final. If an agreement cannot be reached, the student or student organization has the option to move forward to a formal hearing with a new hearing officer.

Formal Hearing: In a formal hearing, the hearing officer(s) determines whether the student or student organization violated policies in the *Student Code of Conduct*, along with appropriate sanctions, if necessary. In formal conduct hearings, the student or student organization is entitled to the following procedural guarantees and opportunities:

- To receive written notice of charges at least five (5) business days in advance of the hearing and in reasonable detail to allow the student or student organization to prepare for the hearing.
- To share their version of events and refute any information presented.
- To present witnesses/witness statements and question any witnesses present.
- To remain silent or not participate.
- To be accompanied by an advisor.
- To challenge the objectivity of a hearing officer(s), given reasonable cause to believe that they may be biased or have a conflict of interest.
- To appeal if there is a loss of privilege (i.e., suspension, dismissal, denial of housing, etc.), provided there are appropriate grounds as found in the [Student Conduct Formal Hearing Appeals section](#).

In addition to witnesses who may be called by students participating in formal hearings, hearing officers may also call witnesses whom they believe are relevant for determining outcomes in a given case. The outcome of a formal hearing is final unless it qualifies for appeal, as outlined in the [Formal Hearing Appeals](#) section. If a student fails to attend a formal hearing after receiving proper notice, the case may be heard in their absence.

Gender-Based Violence Hearings: Gender-based violence complaints are generally reviewed, and/or investigated, and referred to Student Conduct by the Title IX Coordinator in the Office of Equity and Accessibility. The Title IX Coordinator, Katie Polidoro, can be reached at 540-231-1824 or polidoro@vt.edu. The information referred by Title IX serves as the basis of the conduct referral.

Gender-based violence cases are adjudicated through formal hearings by a team of two hearing officers. In these hearings, both the complainant and respondent receive the procedural guarantees outlined above; however, the opportunity to appeal is expanded in cases involving allegations of gender-based violence: both parties may appeal, regardless of whether there is a loss of privilege. Appeals must still be based on [appropriate grounds](#).

Adaptable Conflict Resolution (ACR): When complaints/referrals to Student Conduct are based in conflict between individuals or groups, Student Conduct may offer adaptable conflict resolution (ACR) options to students, including mediation, facilitated dialogue, or conflict coaching. Participation in ACR is optional, and in the case of mediation or facilitated dialogue, all parties must agree to participate. ACR options may result in a mutually satisfactory agreement between the parties, but it is not required.

Proposed Student Code of Conduct for 2020-2021: University Council – May 4, 2020

Conduct Conversation: A conduct conversation is a discussion between a student and hearing officer in Student Conduct regarding behavior that does not rise to the level of a policy violation but is, nevertheless, inappropriate or having a negative impact on the student or others or, if it continues, may become a policy violation. Conduct conversations are educational and supportive in nature and are intended to help the student reflect and to connect them with resources, when needed.

Additional Information

Standard of Proof

The preponderance of the evidence standard will be used to determine responsibility for violations of policies in the *Student Code of Conduct*. Preponderance of the evidence means that based on the information available to determine if it is “more likely than not” that a violation occurred.

VIII. SANCTIONS

Student Conduct sanctions are designed to promote safety, individual accountability, and reflection. Whenever possible, Student Conduct makes efforts to educate students and to foster personal and academic success. When assigning sanctions, hearing officers consider the type and nature of any policy violation(s), including mitigating or aggravating factors, as well as the student’s prior conduct record. Sanctions are generally cumulative in nature. One or more of the following sanctions may be imposed when a student or student organization is found responsible for violating the *Student Code of Conduct*:

Sanction	Description
Formal Warning	A formal written notice that the student or student organization has violated a policy in the <i>Student Code of Conduct</i> and that further violations may result in more serious conduct action. Students who receive a formal warning are still considered in good conduct standing with the university.
Probation	A specified period of time during which the student or student organization is considered not in good conduct standing with the university. Further violations during that time period may result in more serious conduct action, including a potential separation from the university.
Deferred Suspension	A specified period of time during which the student or student organization is considered not in good conduct standing with the university. Violations for which deferred suspension is assigned are those that may warrant suspension from the university, but due to mitigating factors, the suspension is postponed, provided the student does not violate further policies. The suspension may take effect if the student violates additional policies during the time the sanction is deferred.
Suspension	A specified period of time during which the student or student organization is separated from the university. During the suspension period, the student does not have the rights and access to privileges associated with being a student, which includes eligibility to be academically enrolled at Virginia Tech or transfer credits earned at other institutions during the period of

Sanction	Description
	disciplinary suspension. For student organizations, the university will withdraw recognition for the duration of the suspension. A student or student organization must complete all assigned sanctions and receive permission from Student Conduct to be eligible to re-enroll. For a student who has completed their academic work but whose degree has not yet been conferred, their degree may be withheld for the duration of the suspension period.
Deferred Dismissal	A specified period of time during which the student or student organization is considered not in good conduct standing with the university. Violations for which deferred dismissal is assigned are those that may warrant permanent dismissal, or expulsion, from the university, but due to mitigating factors, the dismissal is postponed, provided the student does not violate further policies. The dismissal may take effect if the student violates additional policies during the time the sanction is deferred. A deferred dismissal is often accompanied by a suspension or other conduct sanctions.
Dismissal	A formal notice that the student or student organization is permanently dismissed, or expelled, from the university, with no opportunity to re-enroll. For student organizations, the university permanently withdraws recognition.
Denial of Privileges or Associations	A specified period of time during which the student is denied certain privileges or associations, including but not limited to termination of the housing contract, removal from athletic events, loss of recreational-sports privileges, network access, or access to certain university facilities. Student organizations may also have their social-function privileges revoked.
Restitution	Requirement for the student to make restitution for damage to university property, which, at the discretion of Student Conduct and the associated university department, may be in the form of monetary payment or community service.
Educational, Community, and Wellness Activities	Assignments or activities designed to provide opportunities for reflection, learning, and growth as well as to connect the student with resources to support their well-being and personal and academic success.

Failure to complete sanctions

Students are expected to complete their conduct sanctions, including educational sanctions, within the timeframe and guidelines specified by their hearing officer. Failure to complete sanctions may result in additional conduct action and sanctions.

IX. FORMAL HEARING APPEALS

The student or student organization has the opportunity to appeal the outcome of a formal hearing if it results in a loss of privilege, including suspension, dismissal, or denial of certain university privileges, including but not limited to housing, network access, or athletic privileges. For gender-based violence hearings, the complainant and respondent both have the opportunity to appeal, regardless of the

Proposed Student Code of Conduct for 2020-2021: University Council – May 4, 2020

outcome of the hearing and whether or not there is a loss of privilege. Sanctions take effect immediately, pending the appellate officer's decision or the end of the appeal period.

Grounds for appeal

Appeals are not re-hearings; therefore, appeal requests are limited to the following grounds:

- a. Denial of procedural guarantees
- b. Significant and relevant new information that was not available at the time of the hearing
- c. Unduly harsh or arbitrary findings or sanctions.

Appeals submitted that do not have sufficient grounds in one of these areas will be denied.

Potential Outcomes of an Appeal

The appellate officer will review the appeal and may:

- a. Uphold the original decision and sanctions
- b. Uphold the original decision and either decrease or increase the sanction
- c. Vacate a finding
- d. Send the case back to Student Conduct for a new partial or full hearing.

Timeframe to submit an appeal

The student or student organization has seven (7) business days from the date of the decision to submit the appeal. The date the decision is given is considered the first day of the appeal period. Appeals submitted after the deadline will not be accepted except in extenuating circumstances, as determined by Student Conduct.

Format of appeal

The appeal is a written request submitted by the student for a review of the original case. The student should include which grounds for appeal they believe apply and any information the student wants considered should be included in the written document. The burden is on the appealing student or student organization to demonstrate why the finding or sanction should be altered.

Appellate Officers

An appellate officer will be designated by the Assistant/Associate Vice President for Student Affairs, who serves as the university's Chief Appellate Officer. All appellate officers are external to the Office of Student Conduct.

X. INTERIM MEASURES AND ADMINISTRATIVE ACTIONS

Based on the nature and circumstances of the referral, the university may authorize interim measures or take administrative action to maintain safety and order and to ensure compliance with university processes and directives, including the following:

Proposed Student Code of Conduct for 2020-2021: University Council – May 4, 2020

Holds on Student Account: Student Conduct may apply a hold on a student's account, which will prevent course registration, graduation, and access to transcripts. Situations in which holds may be applied include but are not limited to the following:

1. The student fails to complete sanctions by assigned deadlines
2. The student has been issued an interim suspension
3. The student is suspended and has a pending re-enrollment meeting
4. The student has a pending conduct matter that must be resolved

Interim Suspension: The university retains the authority to impose an interim (immediate) suspension from the university and/or selected campus facilities with proper notice if such action is necessary to preserve the safety of persons or property. During an interim suspension, a student may not participate in academic, extracurricular, or other activities of the university except as may be authorized by the Associate Vice President for Student Affairs or their designee. In this instance, the students will be afforded an interim suspension meeting and the opportunity to show why their continued presence on campus does not constitute a threat to themselves, others, or property. The interim suspension meeting is separate from the student- conduct process. The student will have five (5) business days within which to request an interim-suspension meeting. An opportunity to meet with Student Conduct for a final resolution will be provided as soon as possible.

- **Procedures:** The following steps explain the procedure for imposing an interim suspension:
 - **Initiating an interim suspension:** When a situation, as defined above, occurs, the responding university official contacts the Threat Assessment Team or the Associate Vice president for Student Affairs or their designee to assess the situation and determine if an interim suspension is appropriate.
 - **Notification of an interim suspension:** The student will be sent an interim suspension letter immediately, which states that the student is either suspended from the university and/or suspended from all or selected campus residential facilities until a final resolution is determined through the Student Conduct process.
 - **Interim-Suspension Meeting:** The student can immediately request an interim suspension meeting to be conducted by the associate vice president for student affairs or his/her designee. The interim suspension letter will contain instructions on how to request a review. Those present at the meeting may include the responding university official and other witnesses as deemed appropriate by the associate vice president for student affairs. During the review, the student will be given an opportunity to demonstrate why his or her continued presence on campus does not constitute a threat to themselves, others, or property. As part of the review, the student may be required to submit to an immediate medical/psychological evaluation. The student will be evaluated by the director of the Cook Counseling Center or his/her designee.
 - **Timeframe to Request Interim-Suspension Review:** A student must request a meeting within five (5) business days; after that time frame, the interim suspension and/or suspension from campus residential facilities and all student activities will remain in effect until the matter is resolved through the student conduct process.

Proposed Student Code of Conduct for 2020-2021: University Council – May 4, 2020

- **Decision:** The decision made after the interim suspension meeting will be final. There will be no additional appeal.
- **Student Conduct Process/Resolution:** Interim suspension information will be shared with Student Conduct and others who need to know. Student Conduct will determine and schedule, as soon as possible, the appropriate resolution process to determine whether the student is responsible for violating university policy and, if so, appropriate sanctions.

No Contact Order: In certain situations, Student Conduct may issue no contact orders to students for a period of time to prevent communication between two or more students if it is determined that contact between the parties may perpetuate or escalate behavior that may interfere with a person's rightful actions, including but not limited to their safety and security. No contact orders prevent students from face-to-face, electronic, or third-party contact. If a no contact order is issued, all parties involved will receive the order. A student who violates a no-contact order may be subject to conduct action; if a violation of the order threatens the safety of persons or property, an [interim suspension](#) may be imposed.

The process for no contact orders includes the following:

1. No contact orders may be requested by students, or Student Conduct may issue them independently of a request.
2. Before issuing an order, Student Conduct may request additional information to determine whether it is warranted.
3. Student Conduct may decline to issue an order.
4. A student who has requested an order be issued may subsequently request that it be lifted.
5. Student Conduct has the discretion to lift a no contact order at any time if it is determined that the circumstances under which it was issued are no longer present.

Cease Operations Order: In certain situations involving allegations of policy violations by student organizations that may involve potential impacts on the safety of persons or property, Student Conduct may issue a cease operations order, which places restrictions on the organization while the matter is resolved. Examples of situations in which cease operations are issued include but are not limited to the following: hazing; alcohol distributed to underage members or guests; and disorderly or disruptive behavior, such as serious or ongoing violations of noise regulations in the Town of Blacksburg. The cease operations will remain in place until the matter is resolved by Student Conduct. Cease operations restrictions may include but are not limited to the following:

1. The organization is to stop operating in full, including meetings, communication, events, etc.
2. The organization is to stop hosting events with alcohol present.
3. The organization is to stop recruitment or holding meetings, events, or activities with new or prospective members.

XI. STUDENT CONDUCT RECORDS

Violations of the *Student Code of Conduct* are maintained in a student's conduct record for a period of five years from the date of the incident. This record is maintained electronically by the Office of Student Conduct and is separate from a student's academic transcript, though it is considered part of a student's educational record. To comply with the provisions of the Family Educational Rights and Privacy Act of 1974 (as amended), Virginia Tech will not release educational records or personally identifiable information contained therein, other than directory information, without students' written consent. For more information, visit the [University Registrar's website](#). Student Conduct case records are private and will not be released without a student's written consent or by order of a court of law.

Student conduct cases involving student organizations are not private. Accordingly, hearing notification and sanction letters are sent to organizational advisors and (inter)national headquarters.

Information Sharing within the University

Notification of student conduct outcomes or decisions is given to select university officials on a need-to-know basis. Other university agencies or organizations may be required to obtain a written release from students before they can receive notification.

Notification to Victims of Crimes of Violence

Victims of crimes of violence (including abusive conduct and gender-based violence) involving student respondents will be notified of the outcome and sanction(s). In Title IX matters, complainants will also be notified of the outcome and relevant sanctions for non-violent violations of gender-based violence policies.

Parental Notification

Parents/guardians of students under age 21 will be notified if their student is found responsible for a violation of the alcoholic beverage or illegal drug policies.

Student Conduct Transcript Notations in Cases of Suspension and Dismissal

When a student is suspended or permanently dismissed from Virginia Tech, a notation will be included on the student's academic transcript stating, "suspended [or dismissed] for a violation of the Student Code of Conduct." Suspension notations will be removed once the student completes the term and conditions of the suspension, including all assigned sanctions. In cases involving allegations of gender-based violence, a notation will also be placed on the transcript of a student who withdraws from Virginia Tech while under investigation. This notation will be removed if the student is subsequently found not responsible for violating policies in the *Student Code of Conduct*. Students may also petition to have transcript notations expunged, as outlined in the following section.

Lesser sanctions, such as warnings and probation, do not affect a student's academic standing and do not appear on the official transcript.

Petitions for Expungement

The university offers two opportunities for students to petition for expungement of records related to their disciplinary record:

1. In cases involving minor violations of the *Student Code of Conduct*, such as cases in which a student received probation, the student may petition the Office of Student Conduct to have the record of that case expunged prior to the end of the five-year period.
2. In cases resulting in suspension or permanent dismissal, the student may petition the Office of Student Conduct to have the notation on their academic transcript expunged. Expungement of the notation is not the same as expungement of the entire case record.

The process and timeline for each opportunity is outlined below.

1. **Early Record Expungement for Minor Policy Violations:** Students or graduates may petition Student Conduct to have cases involving minor policy violations, such as those resulting in probation, “expunged” from their conduct record prior to the end of the five-year period. “Expungement” means that the record is maintained by Student Conduct, per state and federal law, but it will not be shared with third parties, except as required by law. The opportunity to request expungement reflects the student-centered and learning-focused values on which the Student Conduct process is based: namely, we believe that students can learn and grow by reflecting on their decisions and examining their values.

Cases involving more serious violations of policy and more significant sanctions may not be considered for expungement, including but not limited to the following cases: those resulting in suspension or dismissal, gender-based violence and gender-based stalking, drug distribution, or other offenses against people.

An expungement applies only to records maintained by the Office of Student Conduct; records maintained by other offices or units, such as law enforcement and other university departments are not subject to expungement under this process.

Eligibility: A student may petition to have cases expunged from their conduct record in the following circumstances:

- a. An undergraduate student is classified as a senior, is not on an active status sanction (e.g., probation), and has completed all assigned educational sanctions.
 - b. An undergraduate student is classified as a freshman, sophomore, or junior, has been off of an active sanction (e.g., probation) for at least one full semester (i.e., fall or spring), and has completed all assigned educational sanctions.
 - c. A graduate or professional student is not on an active status sanction (e.g., probation) and has completed all assigned educational sanctions.
2. **Transcript Notation Expungement for Cases Involving Suspension or Dismissal:** A student may petition for a notation to be expunged—or removed—from the academic transcript after a period of three years from the final resolution of the case if the student can show good cause. In

cases involving suspension, the student must have completed the term of the suspension and all educational sanctions prior to submitting their petition. Expungement of the notation is not the same as expungement of the entire case record.

Evaluation of Expungement Petitions

The Director of Student Conduct or their designee will review petitions for early record expungements as well as transcript notation expungements and will submit a recommendation to the Associate Vice President for Student Affairs for final approval. The decision will be based upon the following criteria, as outlined in the petition application available on the Student Conduct website:

1. The nature of the violation(s) and the resulting impacts
2. The student's behavior after the violation(s) and their present demeanor
3. The student's demonstrated level of reflection and growth

After a petition is evaluated, the student will receive written notification of the decision. That decision will be final.

It is important to note that a student with an expunged record or transcript notation may still need to disclose information about their disciplinary history to third parties, including potential employers, other universities' admissions offices, a professional board, etc.

XII. APPENDICES

Appendix 1: Additional Policies and Procedures Governing the Use of Alcoholic Beverages

Virginia Tech recognizes that the misuse and abuse of alcohol is a persistent social and health problem in our society and that it interferes with the goals and objectives of any educational institution. The university fully complies with the alcohol regulations of the Commonwealth of Virginia, and all state laws apply to Virginia Tech students and student organizations. Students or student organizations who violate the Alcoholic Beverage Policy in the *Student Code of Conduct* and any associated policies or guidelines will face disciplinary action. Sanctions will likely include substance-related education.

In compliance with the laws of the Commonwealth, and to maintain conditions conducive to learning, possession or consumption of alcoholic beverages on campus is only permitted according to the following provisions:

Location	Description
Residence hall room	In the privacy of a student room, alcoholic beverages are permitted for those persons 21 years of age or older in accordance with state law, provided that at least one of the 21-year-old residents of the room is present.
Other locations in residence halls	Aside from the privacy of a student's room, possession or consumption of alcoholic beverages in any area of residence halls, including suite living rooms, is forbidden.

Proposed Student Code of Conduct for 2020-2021: University Council – May 4, 2020

Oak Lane	The Director of Fraternity and Sorority Life, in conjunction with the Director of Housing and Residence Life, determines regulations concerning the use of alcoholic beverages in the “Oak Lane Community” (also known as Special Purpose Housing) during events.
Corps of Cadets	The Commandant of Cadets establishes and publishes regulations to be observed by cadets regarding the possession and consumption of alcoholic beverages. This information is published in the Cadet Regulations Manual.
All residential locations	Kegs of any description in student rooms or residence halls, including Oak Lane, are prohibited.
All other university property	The possession and use of alcoholic beverages is prohibited on all other university property except in certain facilities that are fully registered with the Virginia Alcoholic Beverage Control Board (ABC).

Alcoholic beverages are further governed by Virginia Polytechnic Institute and State University Policy and Procedures [No. 1015](#).

For more information related to federal and state laws and regulations regarding alcohol or illegal drugs or prevention and substance-use programs available at Virginia Tech, please consult the university’s [Drug and Alcohol Prevention Program document](#).

Appendix 2: Additional Information Regarding Gender-Based Violence

Gender-based violence includes the following prohibited acts: sexual violence-assault, sexual violence-battery, sexual violence-sexual coercion, sexual violence-rape, gender-based harassment, sexual exploitation, dating and domestic violence, and stalking.

Complaints of gender-based violence should be reported to the Office of Equity and Accessibility:

Katie Polidoro, Title IX Coordinator
North End Center, 300 Turner Street
Blacksburg, VA 24016
540-231-2010 and equityandaccess@vt.edu

Virginia Tech encourages victims of sexual violence, including rape, sexual assault, sexual battery, stalking, and dating and domestic violence, to exercise their right to file a complaint with the Virginia Tech Police Department if the crime occurs on Virginia Tech’s property, regardless of the status of the complainant. For crimes occurring away from Virginia Tech’s property, victims may contact the local law enforcement in the appropriate jurisdiction.

Discrimination and harassment are further governed by University [Policy No. 1025](#).

Appendix 3: Additional Information Regarding the Hazing Policy

Hazing is a criminal offense in the Commonwealth of Virginia, as defined in [§ 18.2-56 in the Code of Virginia](#), and is prohibited at Virginia Tech in all forms. This policy is based on the proposition that students are entitled to be treated with consideration and respect at all times. It applies to all student

organizations and individuals.

The *Student Code of Conduct* defines hazing as follows:

Any mental or physical requirement, request, or obligation placed upon any person that could cause discomfort, pain, fright, disgrace, or injury; that is personally degrading; or that violates any federal, state, or local statute or university policy, the willingness of an individual to participate in such activity notwithstanding.

Hazing shall include, but not be limited to, forcing, compelling, requiring, encouraging, or expecting, whether direct or implied, any individual to participate in any of the following actions or activities. Hazing also includes soliciting, directing, aiding, or otherwise participating actively or passively in these acts:

- Physical Acts
 - Encouraging or requiring persons to consume alcohol or other substances regardless of the age of the participant.
 - Encouraging or requiring that a person do or submit to any act that will alter his or her physical appearance in any significant degree for any substantial period of time (e.g. burning, branding, tattooing, using makeup, paint or markers on a person, or shaving the head or body).
 - Encouraging or requiring activities that disrupt a person's normal schedule. A normal schedule includes three reasonably spaced meals per day, the opportunity for sufficient rest at night (at least six full hours) and reasonable time for personal hygiene.
 - Encouraging or requiring a person to engage in physical activity of unusual kind or duration, such as: calisthenics, overly difficult work assignments, activities that may be excessive for a person, activities that require a person to remain in a fixed position for an extended period of time, binding or restricting an individual in any way that would prohibit them from moving on their own, confining a person or exposing participants to uncomfortable elements like in environments that are too hot, cold, noisy, small, or threatening/intimidating.
 - Hitting, pretending, or misleading a prospective member into believing that they will be hit, hurt, or physically altered.
 - Encouraging or requiring acts that are or seem to be dangerous.
- Psychological Acts
 - Encouraging or requiring a person to pretend to or actually violate a law.
 - Encouraging or requiring an individual to obtain or possess items or complete tasks in an unlawful manner (i.e. for a scavenger hunt).
 - Verbally abusing prospective members. Examples include but are not limited to yelling or screaming, calling individuals demeaning names, booing, hissing, or demeaning individuals when they make mistakes.

Proposed Student Code of Conduct for 2020-2021: University Council – May 4, 2020

- Encouraging or requiring a person to perform acts of servitude, perform personal errands for others, or engage in activities that are demeaning.
- Misleading prospective members in an effort to convince them that they will not become members unless they complete tasks, follow instructions, or act in a certain way.
- Misleading prospective members into believing that they will be hurt during induction or initiation.
- Encouraging or requiring a person to publicly carry objects or wear apparel that is abnormal, not normally in good taste, conspicuous and/or indecent.
- Encouraging or requiring a person to appear nude or reveal body parts.
- Encouraging or requiring an individual or group to remain in a certain place or transporting them to a location without their knowledge (e.g. taking a person on a road trip or excursion to an unknown destination or kidnapping).
- Parading individuals in public areas, transporting individuals in a motor vehicle while blindfolded, or privately conducting blindfolding activities that serve no constructive purpose.
- Requiring an individual to “pledge” or “associate” for a period of unusual length (more than 10-12 weeks) for reasons other than achieving academic requirements or extraordinary circumstances.

As it is impossible to anticipate every situation that could involve hazing, this list does not, and cannot, encompass every circumstance that will cause the institution to discipline for hazing. This policy is not intended to prohibit the following conduct:

- a. Customary athletic events, contests, or competitions that are sponsored by the institution or the organized and supervised practices associated with such events.
- b. Any activity or conduct that furthers the goals of a legitimate educational curriculum, extracurricular program or military training program, as approved by the institution.

Note: An individual may not consent to being hazed, and their voluntary or willful participation in hazing activities will not be considered as a defense against a violation of the institution’s hazing policy by an individual or organization.

University Reporting, Investigation, and Adjudication: The university encourages individuals who report any potential hazing activities. The initial report of a suspected violation may be reported in person, by phone or by electronic communication, and may be done anonymously. Alleged violations of this policy can be reported through [an online reporting system](#) or to the following offices:

- [Student Conduct](#)
- [Student Engagement and Campus Life](#)
- [Fraternity and Sorority Life](#) (for Greek organizations)
- [Recreational Sports](#) (for club sports)
- [Virginia Tech Police Department](#)

Credible and sufficiently detailed reports of hazing will be referred to Student Conduct for further investigation and potential adjudication. Both individuals and organizations may be held responsible for

their actions and participation in incidents of hazing. If an investigation concludes that an individual or individuals directed, engaged in, aided or otherwise participated in, actively or passively, an incident of hazing, disciplinary action may be imposed against the individual(s). If the investigation concludes that an organization knowingly permitted, authorized, or condoned hazing, disciplinary action may be imposed against the entire organization.

Reporting to the Commonwealth's Attorney: Per [§ 18.2-56 in the Code of Virginia](#), the university must report incidents of hazing that cause bodily injury to the Commonwealth's Attorney, who may take separate action.