



Student Code of Conduct

- Responsible Office: Student Conduct and Academic Integrity, Division of Student Affairs, Office of the Provost
- Current Approved Version: 05/16/2023
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student teaching

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Member of the University Community

The term "Member of the University Community" includes any other person employed by the university. A person's status as a member of the community shall be determined by the Director of Student Affairs.

Preponderance of Evidence

The term "Preponderance of Evidence" is the standard of proof that is used in all determinations. It means what is more likely than not to be true, based on the evidence.

Student Organization

The term "Student Organization" or "SO" means any student group registered or that has a registration with the university or has another designation (such as but not limited to affiliated or sponsored), through the university as a student organization.

Reporting Party

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 the panel authorized by the Director of Student Conduct and Academic Integrity or designee to determine whether a Respondent 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 SOs will be reviewed by Equity and Access Services (EAS) for a determination of policy applicability and jurisdiction. At the discretion of the EAS, 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.

Note on criminal or civil law proceedings. If a respondent is 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 occur 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 outcomes in criminal or civil proceedings.

I. Prohibited Conduct

The Student Code of Conduct shall apply to all conduct by students and SO. 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 that may establish hearing boards or processes, consistent with this policy.

Students are responsible for their conduct under this policy 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 to bring charges if the conduct is discovered after a degree is awarded.

SO that have lost university recognition are subject to this policy. A SO facing an alleged violation of this policy may dissolve or surrender its recognition during the investigation and adjudication process. However, the university may continue the investigation and adjudication process regardless of the SO's status. This policy applies to guests of the SO, and the SO may be held accountable for the misconduct of its guests. Visitors to and guests of the university may seek resolution of violations of this policy committed against them by a SO and/or members of an SO.

This policy applies to all student conduct, including 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 SO 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 SO 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

5. Harassment – Repeated, persistent, or pervasive actions directed towards one or more 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 – Any reckless or intentional mental or physical requirement, request, or obligation placed upon any person for the purpose of admission, affiliation, initiation, or continued association with a student organization that could cause discomfort, pain, fright, disgrace, or injury; that is personally degrading; or that violates Virginia Code § 18.2-56, regardless of the voluntary or willful participation of the so endangered or injured person. Hazing also includes conduct prohibited under the university's [Hazing Prevention and Discipline](#) policy (linked in the Related Documents Section).

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 university employee (including staff and faculty) or office.
2. Forgery, alteration, or misuse of any university document (e.g., student transcript), record or instrument of identification.

E. Alcohol and Other Drugs

1. Alcohol and Drugs: The unlawful possession, use, or distribution of alcohol or other drugs, including but not limited to, conduct prohibited by the Alcohol and Other Drugs policy, the Tobacco and Smoke-Free Campus policy, and the Events with Alcohol policy in the Student Organization Handbook (linked in the Related Documents section).
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.

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 defined in the [Code of Virginia § 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

- A. The university will not take disciplinary action against a student who has demonstrated Prohibited Conduct in the following limited circumstances.
1. For seeking emergency or timely medical assistance. If a student seeks emergency or timely medical assistance for themselves or others due to the use of alcohol or other drugs, neither the student seeking assistance, nor the student needing assistance will be subject to disciplinary action for Prohibited Conduct under this policy based on personal consumption of alcohol or other drugs or the disclosure of personal consumption of alcohol or other drugs 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.
 2. For reporting and cooperating. The university will not pursue disciplinary action under this policy based on disclosure of personal consumption of alcohol or other drugs where such disclosures are made in connection with a good faith report of violation of university policy or cooperation with a university investigation.
 3. For bystanders reporting hazing. The university provides immunity from disciplinary action based on hazing or personal consumption of alcohol or other drugs where such disclosure is made by a bystander not involved in such acts in conjunction with a good faith report of an act of hazing in advance of or during an incident of hazing that causes injury or is likely to cause injury to a person. The university may require access to services to support individuals who receive disciplinary immunity as described here, including but

1. The conduct is endorsed by the SO 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 SO, or paid for as a result of one or more members of the SO 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 SO 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 SO;
5. Non members of the SO 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 SO;
6. Members of the SO attempted to conceal the activity or protect other members who were involved.
7. A pattern of individual violations without proper remedial action by the SO;
8. The number of members of the SO present when the misconduct occurred or with specific knowledge of the misconduct before it occurred or while it was occurring;
9. Knowledge of SO officers and/or advisers of the misconduct;
10. Action(s) SO officers and/or advisers took in addressing or preventing the misconduct from occurring;
11. Whether members of the SO acted in concert or whether membership in the SO served as an impetus for the misconduct; and
12. Whether the violation arose out of an event that was sponsored, financed, planned, or otherwise endorsed by members of the SO.

B. Notification and Adjudication Process

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.

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'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 in writing of sanctions via their VCU email address. A decision by the SRB that results in a respondent being suspended or expelled from the university must be approved by the Vice President for Student Affairs (VPSA) or designee.

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

Respondent contests finding of responsibility

If the respondent 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 of the date, time and location of the hearing at least five business days prior to the scheduled SCB hearing. The respondent 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 fails to attend the scheduled SCB hearing, the hearing will proceed in the respondent's absence and the respondent'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.

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 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 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.

V. Appeals Process and Campus Appeal Board (CAB)

Any appeal of the SCB's decision must be made by the respondent 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 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 VPSA or designee concerning the appeal: (1) uphold the SCB determination, or (2) remand the matter to the SCB. The VPSA or designee will review the recommendation of the CAB, make a final determination concerning the respondent's appeal and notify the respondent of that outcome. The VPSA 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 the case.

VI. Interim Measures

Interim measures are temporarily actions that are protective in nature, rather than disciplinary or punitive. They are designed to mitigate the risk to members of the university community or deter prohibited conduct, often while conduct charges are pending. The interim measure process is separate and distinct from the

B. Sanctions for Respondents who are Student Organizations

Suspension of a SO does not result in a sanction or transcript notation for individual student members of the SO; individual students are assigned sanctions only as separately adjudicated as an individual respondent.

1. Warning

Warning is a written notice 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.

2. 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, deferred suspension, suspension or expulsion.

3. Educational Experiences

Educational experiences are learning opportunities, including, but not limited to, community service, drug and alcohol education, and written papers.

4. Restitution

Restitution is monetary recompense 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.

5. Deferred Suspension

Deferred suspension is a designated period during which a respondent SO 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.

6. Loss of Privileges

operations following suspension. If the SO also holds a charter from an inter/national organization governing body, the university may also request that the inter/national organization governing body revoke the charter of the SO. A SO that wishes to be recognized by the university after loss of recognition must

disclosure under Virginia's Freedom of Information Act (FOIA). To inform the University community, VCU may report SO conduct on its website.

IX. 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 _____

- August 2022 – Student Code of Conduct – Interim (incorporating provisions applicable to student organizations as respondents)
- August 2023 – Student Code of Conduct (incorporating provisions applicable to student organizations as respondents, medical amnesty updates, and relevant state laws related to hazing)

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 disciplinary 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: The director of SCAI has the discretion to determine whether off-campus conduct by a student or SO is subject to this policy. Some factors may include whether the conduct is connected with a university activity or members of the university community.

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

A: Yes. They are entirely independent and separate processes. University disciplinary proceedings may be instituted against a student charged with conduct that may violate criminal or civil law and this policy (that

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 generally affords students the right to authorize the university's disclosure of their education records. This includes disciplinary 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: Notification depends on your age and the specific violation. 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 the university's expectations for future behavior. For more information about amnesty, see section VIII.2 above.

NOTE: Residential Life and Housing or the Dean of Students may disclose a student's education records to parents, guardians, or others as necessary 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: What happens when there is a Revocation of Admission or Degree?

A: Revocation of Admission is the administrative action by the Office of Admissions of rescinding an 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.

Revocation of Degree is the administrative action of rescinding a degree that had been awarded. For more detail, refer to the [Procedures for Degree Revocation](#) policy.