

Student Code of Conduct

Introduction

The university community shares a commitment to achieving its educational objectives. While the Board of Visitors, the President, and administrative officers bear ultimate responsibility and authority, students share a responsibility to help maintain on the campus, in the classrooms, and in the residence halls, the environment necessary for the pursuit of scholarly activities, respect for the rights of others, and the opportunity for personal growth and development.

The university considers the observance of public laws of equal importance to the observance of its own rules and regulations. In addition to laws governing the conduct of all citizens, the Code of Virginia contains specific provisions relating to colleges and universities, including but not limited to those that prohibit hazing; malicious burning or destruction by explosives of any university building or any other malicious destruction of university property; threats to bomb, burn, or destroy any school building; and bribery of any amateur sport participant.

Authority of the President

The Board of Visitors has vested the authority for discipline in the President. The President has empowered members of the Student Affairs Division, the Student Conduct Council, the Honor Councils, and the Senior Vice President for Student Affairs & Public Safety (hereafter referred to as VPSA) or designee to resolve reports of possible misconduct by students and to levy fair sanctions as provided in these procedures. At all times the President reserves the right to designate other persons or to appoint special committees as necessary to aid in the student conduct function. While there is no right of appeal to the President, the President may review any decision made and take such action determined to be in the best interest of the institution.

Who Has Authority for the Code of Conduct?

The VPSA or designee will approve policies for the administration of the student conduct system and procedural rules for the conduct of Committees consistent with provisions of the Student Handbook.

To Whom Does the Code Apply?

The university expects its students and student organizations to maintain a high standard of conduct at all times, whether on or off campus, including abiding by local, state, federal, and foreign law.

Students subject to this Code include: all persons who have confirmed their intent to enroll at the university, persons taking courses at the university, either full-time or part-time; persons pursuing undergraduate, graduate, or professional studies; students between academic terms and who have a current enrollment for a future term, non-degree seeking students, those not presently enrolled but eligible

to reenroll, students currently suspended from the university, and students taking a leave of absence. Once admitted, a person remains a William & Mary student until they graduate, officially resign from the university, transfer to another degree-granting institution, or are permanently dismissed academically or as a result of student conduct action.

Where Does the Code Apply?

This Code applies to conduct that occurs on university property, at university-sponsored activities, in study abroad programs, to university-sponsored virtual platforms. The university can apply the Code to off-campus conduct when the conduct adversely affects the university community and the pursuit of its objectives, including when the behavior:

- Causes substantial disruption to the University community, its living/learning community, or any of its members,
- Involves academic work or any University records, documents, or university-issued identifications, or occurs within the context of an educational program or activity
- Indicates the student or student organization may present a danger or threat to health or safety or the university's orderly operation
- Involves fraudulent or illegal behavior that represents a risk to the integrity of the university's academic environment, or
- Constitutes a violation of local, state, or federal law, particularly when the violation of law involves a threat to member(s) of its community or the integrity of the integrity of the university's academic processes.

The Director of Student Accountability & Restorative Practices (SARP)/designee will decide whether the Code of Conduct will be applied to conduct occurring off campus, on a case-by-case basis, in their sole discretion.

Student Handbook Terms and Definitions

- The terms "Student Code of Conduct" and "Student Code" are used interchangeably.
- "University" means William & Mary
- "Faculty member" or "instructor" means any person hired by the university to conduct classroom or teaching activities or who is otherwise considered by the university to be a member of its faculty.
- "Academic unit" means the school in which an undergraduate, graduate, or professional student is engaged in study.
- "University official" includes any person employed by the university performing assigned administrative or professional responsibilities, including student employees.

- “Member of the university community” includes any person who is a student, faculty member, administrator, or any other person employed by the university. The Director of SARP/designee will determine a person’s status in any particular situation.
- “University property” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the university (including adjacent streets and sidewalks).
- “Organization” and “Student Organization” mean any number of persons who have complied with the formal requirements for university recognition of a student group.
- “Case Administrator” means a university official authorized on a case-by-case basis by the Director of SARP/designee to impose sanctions upon any student(s) found to have violated the Student Code.
- “Student Conduct Panel” means persons authorized by the Vice President for Student Affairs to determine whether a student has violated the Student Code and to recommend sanctions when a violation has been determined.
- “Appeals Officer” means any person authorized by the VPSA or the President to consider an appeal arising from a Student Code of Conduct outcome.
- “Student Advisor” is a role that can be performed by any currently enrolled William & Mary student who is the same status as the responding student/organization (i.e., advisors to undergraduate students must be undergraduates). Student advisors can offer the student advice during the student in resolution processes but cannot speak for the student or answer questions on the student’s behalf. Proceedings will not be scheduled based on the availability of a student’s chosen advisor.
- “Silent Supporter” means any person attending a meeting or proceeding to provide support for the student. Silent Supporters cannot speak or otherwise participate in university meetings and proceedings. Proceedings will not be scheduled based on the availability of a student’s chosen Silent Supporter.
- “Will” and “shall” are used in the imperative sense.
- “May” and “can” are used in the permissive sense.
- An “attempt” is any act beyond mere preparation carried out with the intent to engage in conduct that violates university policies. Attempted violations may be sanctioned in the same manner as completed violations.

- “A preponderance of the evidence” exists when a reasonable person, after a careful balancing of available information, would conclude that it is more likely than not that a violation has occurred and the referred student/organization is responsible for the violation.
- The VPSA is that person designated by the President to be responsible for the administration of the Student Code. The VPSA in turn delegates some functions to the AVP for Community Values & Connection and the Director of SARP.
- “Policy” means any written regulations of the university as found in, but not limited to, the [Student Handbook](#), [Residence Life Housing Contract](#), the [Office of Compliance & Equity’s Policy Library](#), the university’s web pages, Information Technology’s [Acceptable Use Policy for Students](#) (use of university computer resources) , and the applicable Graduate, [Undergraduate](#), or Professional School Catalogs.
- “Reporting Party” means any person who submits a report alleging that a student violated this Student Code. When a student believes that they are a victim of another student’s misconduct, that student will have the same rights under this Student Code as are provided to the Reporting Party, even if another member of the university community submitted the report. In certain cases, the university can serve as the Reporting Party, can appoint a proxy Reporting Party and/or can initiate reports without a formal report from the alleged victim of misconduct.
- “Responding Student” or “Responding Organization” means any student or student organization alleged to have violated this Student Code.
- “Working days” means any day that the university is open for business exclusive of weekends or official holidays.

What Conduct Violates the Code of Conduct?

Introduction

William & Mary is an educational community committed to learning and student development. The Student Code of Conduct supports the community’s values that provide an optimal living and learning environment that reflects the values of the institution. Through it, the university seeks to guide students toward the development of personal responsibility, respect for others, and mature behavior. While the university’s conduct system may have some similarities with the legal system established in the broader community, it is essentially educational and administrative in nature and is not governed by narrow legalisms or the restrictions found in criminal or civil proceedings.

Any student found to have committed or to have attempted to commit the following violations is subject to sanctions/educational measures. The examples of misconduct contained in the footnotes are illustrative, not exhaustive.

The university can hold students/organizations accountable for attempted or uncompleted violations.

Violations of the Student Code of Conduct

- Violations of Local, State, or Federal Law
 - The university has an interest in respecting the safety and welfare of members of the university community and protecting its institutional integrity and resources. Conduct leading to arrest, charge, indictment, or conviction for violation of local, state, or federal law may result in conduct action by the university if the Director of SARP/ designee determines such action affects a substantial interest of the university.
 - The Student Code of Conduct and its processes reflect its educational objectives and therefore differ from those of criminal courts. Therefore, it is not double jeopardy for the university to sanction conduct that also is sanctioned under local, state, or federal law. Proceedings under this Code can be carried out prior to, concurrently with, or following the resolution of criminal proceedings. Determinations made or sanctions imposed under this Code will not be subject to change because criminal charges arising out of the same set of facts were dismissed, reduced, or resolved in favor of or against the Respondent.
 - When criminal charges are pending, the university may not be able to conduct its own investigation and/or hold a proceeding to resolve the Student Conduct allegations. In such cases, the university can delay its proceeding until it can obtain sufficient information upon which to proceed. The university reserves the option to impose interim measures, including interim suspension, in such circumstances.
- Causing physical harm, threatening harm to any person, or behaving in a manner that a reasonable person would find alarming or intimidating.
- Behaving in a manner that endangers the health or safety of another person.
- Engaging in conduct that violates the rights of others.
- Holding or transporting another person against their will, or otherwise impeding a person's ability to exit any property.
- Violating the university's policy [Prohibiting Discrimination, Discriminatory Harassment, Retaliation, & Sexual Misconduct](#).¹
- Driving a vehicle under the influence of alcohol or with a blood alcohol level (as shown by a lawfully administered blood or breath test) in excess of that permitted for driver by Virginia law or driving under the influence of marijuana/cannabis or another controlled substance as defined by Virginia Law.²

¹ Violations of this policy are investigated and resolved by the Office of Compliance & Equity.

² This does not include controlled substances taken in accordance with directions prescribed by a licensed treatment professional.

- Hazing, including acts that endanger the mental or physical health or safety of a student, or that destroy or remove public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition of continued membership in, a group or organization. Apathy or acquiescence in the presence of hazing is not considered a neutral act; it is a violation of this policy. Tradition, intent, or the express or implied consent of the victim of such acts are not valid defenses.
 - **Amnesty from Allegations and Protection from Retaliation When Reporting Hazing or Participating as a Witness in an Investigation:** To encourage reporting of hazing, the university will extend amnesty from student conduct accountability to parties and witnesses for minor violations of the alcohol and drugs policies, such as underage consumption of alcohol, public intoxication, and possession or ingestion of illegal drugs for reporting parties, witnesses or respondents where such disclosures are made in connection with a good faith report or investigation of hazing or retaliation.

This amnesty provision does not apply to more serious allegations such as physical abuse of another or illicit drug or alcohol distribution that contributed to the commission of a policy violation.

The university also considers retaliation to parties and witnesses to be a serious violation and will investigate and hold accountable students found to have retaliated against another student as a result of that student's reporting of, or participation in an investigation of, hazing.

- Disruptive Behavior: Engaging in disorderly or disruptive action that interferes with the normal living and work environments of other members of the university community or the University's activities, including teaching, research, studying, and University-sponsored events and business operations. Disruptive behavior includes acts that interfere with the living/learning environment in the classroom and residence halls spaces.
 - Examples include, but are not limited to: blocking entrances, corridors or exits; interfering with ongoing educational activities cultural events, or recreational, extracurricular or athletic programs; obstructing, disrupting, or attempting by physical force to cancel or discontinue speech by any speaker, or the obstruction of speech by any person intending to see or hear a speaker, unauthorized presence in a building after normal closing hours or after notice that the building is being closed; interfering with vehicular or pedestrian traffic; and interfering with any other effort to protect the health and safety of members of the university community or larger public.
 - Classroom Disruption: Instructors are vested with the primary responsibility for managing the classroom environment, including providing instructions for classroom behaviors and addressing disruptive behavior.
 - See the university's [Policy for Use of Campus Facilities and Property by Recognized Student Organizations and Individuals](#) for additional regulations policies regarding disruption of campus events and activities.

- Using electronic or other devices to make an audio or video recording of the private activities of any person without the person’s prior knowledge or effective consent from the person.
- Violating the Firearms, Combustibles, Weapons and Explosives Policy (*see Appendix I.*) All users of campus facilities must abide by the university’s [Weapons on Campus Code of Virginia Regulation](#).
 - The following additional provisions apply to students. Students cannot:
 - Possess illegal or unauthorized firearms, explosives, fireworks, other weapons, or dangerous chemicals or combustibles on university premises
 - Use any such item, even if legally possessed, in a manner that harms, threatens or causes fear to others
 - Possess pellet, paint, and bb guns
 - Possess counterfeit, replica, or blank-firing firearms or realistic-looking toy firearms.
- Damaging property of the university and/or members of the university community or other personal or public property.
- Possessing property of another person, the university, or another entity without proper authorization.³
- Violating Fires/Emergency Equipment policies, including, but not limited to, intentionally initiating or causing any false report of an emergency or fire, warning or threat of fire, explosion or other emergency; tampering with fire safety or emergency equipment; intentionally, carelessly or recklessly causing a fire to be ignited; intentionally interfering with or failing to follow emergency procedures; or entering or failing to evacuate a building when a fire drill is conducted or when an alarm is sounded.
- Breaching Campus Safety or Security, including, but not limited to, intentionally damaging door locks, and unauthorized possession or use of university keys or access cards.
- Unauthorized Entrance or Presence. Unauthorized entrance into, or presence in, university facilities, offices of a faculty member, administrative personnel, or other person on university property, or the private rooms of a student. Students also cannot remain in a facility when the facility is officially closed (examples include the library and student centers). Students cannot enter any restricted area or assist or make possible the unauthorized entry of any person into any restricted area.
 - Restricted areas include, but are not limited to, tunnels, roofs, monuments, posted or enclosed construction sites, and secreted utility areas.
 - For reasons of safety and security, all roofs, balconies, porches, window ledges, mechanical equipment areas, and steam tunnels of university buildings are closed to all but authorized employees.
- Violating [Information Technology’s Acceptable Use Policy for Students](#) (computing and network policies)

³ Stealing is a violation of the Honor Code, and reports alleging stealing will be referred to the appropriate Honor Council.

- Not Complying with Directions: Not complying with the directions of university officials or law enforcement officers acting in performance of their duties; failure to identify oneself to these persons when requested to do so;⁴ and/or failing to comply with a sanction issued by an appropriate Case Administrator or Panel.
- Not Complying with Written University Policies: Violating any university policy, rule, or regulation published in hard copy or available electronically on the university website or disseminated via official means of communication (e.g., email or letter) including the terms of the Housing Contract.
- Violating the [Policy for Use of Campus Facilities and Property by Recognized Student Organizations and Individuals](#).
- Failing to Disclose or Update Records of Convictions or Disciplinary Actions on Application. Students who do not comply with the university's requirement to disclose records of criminal conviction or disciplinary action taken by the student's school, either before or after applying but before matriculation, will be considered in violation of this section. Failure to disclose will be considered a serious violation and may include suspension or dismissal from the university.
- Abusing the Student Conduct or Honor System: refusing to appear, provide information, or remain present during an official university proceeding or meeting with any person connected with the student conduct or honor processes; distortion or misrepresentation of information before a panel, administrator, or the Honor Council; Contacting witnesses or any other party to an incident to intimidate them or to get them to change their testimony; or institution of a Student Conduct or Honor proceeding in bad faith.
- Abusing a Position of Trust or Responsibility. Students holding university positions of trust or responsibility include student workers (paid or unpaid), student leaders, Resident Advisors, Student Conduct Council and Honor Council members, and Orientation Aides. Students in these positions have a special relationship with the university and are expected to respect the privacy of other students and members of the university community, including by maintaining confidentiality of student records, abiding by university policies, and using resources in an ethical fashion.
- Hosting Guests Who Violate University Policy: All guests are expected to abide by university regulations. Students are responsible for the behavior of their guests and may be held accountable for violations committed by their guests.
- Violating the Alcoholic Beverage Policy: Use, underage possession, or distribution of alcoholic beverages (except as expressly permitted by university regulations), public intoxication, or driving under the influence of alcohol. (*See Appendix II. for a comprehensive list of prohibited conduct*)

⁴ Such a request must be made by one who identifies them self and acts in the reasonable and good faith belief that compliance with the request is necessary for the safety and welfare of the person or persons or others, to prevent the disruption of any lawful activity carried on by the University, to maintain University or personal property, to maintain vehicular traffic, or to perform the official's duties.

- In situations where a student is seeking medical attention for self or others, the Good Griffin policy will apply with respect to allegations of violating the Alcoholic Beverages and Drugs policies. (*See Appendix IV.*)
- Violating the Drug Policy: Use, possession, manufacturing, or distribution of drugs and/or drug paraphernalia. For the purpose of these regulations, drugs include any controlled substance, including marijuana/cannabis (including Delta 8 and Delta 9 products), cocaine, amphetamines, ecstasy, LSD compounds, mescaline, psilocybin (psychedelic mushrooms), DMT, narcotics, opiates, and other hallucinogens, except when taken under and pursuant to a physician's prescription in accordance with law.
 - In situations where a student is seeking medical attention for self or others, the Good Griffin policy will apply with respect to allegations of violating the Alcoholic Beverages and Drugs policies. (*See Appendix IV.*)
- Helping, Aiding, or Abetting Another Violate the Code. Helping any student violate, or attempt to violate, the Code of Conduct.

Student Code of Conduct General Guidelines & Principles

Objectivity: Administrative officers and panel members will disqualify themselves when unable to function fairly and objectively. A person's prior communication with the Responding Student or Reporting Party, or mere familiarity with relevant facts or a case are not normally valid reasons to grant a request for removal. A Responding Student or a Reporting Party may submit a request within two working days of the panel to the Director of SARP or designee to disqualify an administrator or panel member for partiality. The Director's decision will be final. If a student challenges the objectivity of a panel member during the proceeding, the Panel Chair whose member is challenged will decide such challenges unless the member challenged is the Chair. In such instances, the decision on disqualification will be decided by majority vote of the panel.

Confidentiality of Proceedings: The university conducts conduct proceedings in private and such proceedings are closed to the public.

Combined or Multiple Violations: In cases where more than one student/organization is referred for alleged violations for the same incident, the university can hold a single conference or panel on the matter but must determine findings for each Responding Student/Organization individually.

- In joint/combined proceedings, the Responding Student/Organization retains the right to disclose information regarding their own case to others; however, the Responding Student/Organization does not have the right to discuss the cases of other students/organizations without their written consent.

Multiple Allegations and Single Proceeding: The Director/designee can authorize resolution of multiple allegations at one time and in a single proceeding if they stem from the same incident or

are based on a pattern of behavior close enough in time or related sufficiently by their nature to be reasonably resolved in a single proceeding.

Alleged Violations of Both the Honor and Conduct Codes: Should an incident result in an allegation that a student has violated both the Honor Code and the Student Code of Conduct, the Director of SARP will decide whether the matter will be heard within the Student Conduct System or by the appropriate Honor Council. The system selected by the Director will review all allegations and reach a final disposition. A respondent cannot face more than one proceeding to determine the final disposition of a single incident.

What Are Students' Rights and Responsibilities in the Accountability Process?

- ***Honesty and Cooperation:*** Students involved in conduct proceedings are expected to cooperate and be honest and complete in their answers. Failure to do so may be a violation of the Student Code and/or of the Honor Code. A student can choose not to answer a question that may self-incriminate, and, if so, must so state this as the reason for declining to answer.
- ***The Presumption of "Not Responsible":*** Responding students/organizations are presumed "not responsible" for the alleged violations until found responsible after a careful assessment of the information presented and after determining the information provides proof that it is more likely than not that the student/organization committed the violation(s).
- ***Access to Student Conduct Records:*** SARP will provide the student/organization with a copy of the reported information under review when it provides the student/organization initial notification of a pending Code of Conduct matter. SARP will provide instructions regarding copying and distribution of the record.
- ***Students with Disabilities:*** The university provides reasonable accommodations within the accountability process for students with documented disabilities.

Students with disabilities who request modifications to the applicable Code of Conduct or Honor process should meet with the Director of Student Accessibility Services (SAS)/designee as early in the process as possible to request accommodations. The Director of SAS/designee will inform SARP of any granted accommodation(s).

Failure to Appear: If a student fails to make an appointment with the Case Administrator within three working days after being notified, fails to appear for a scheduled appointment, or otherwise fails to respond to a written direction to appear after being properly notified, the Case Administrator can submit an allegation of violation of Abuse of the Conduct System, and/or place a hold on the student's records. In addition, the Case Administrator can set a date to resolve the conduct case via an Administrative Conference.

- **Proper Notice:** Proper notice will consist of an email sent to a student's official university email account, written notice delivered through either campus or U.S. Mail to an address in the Registrar's records, or a letter delivered personally by university staff, including

Residence Life staff. In general, correspondence will be sent via email or to the student's local address or Campus Station Unit (CSU) when classes are in session, and to the student's home address when classes are not in session.

- Failure to Appear for a Conference/Panel: If, after receiving proper notice of the date, time, and location of a panel or conference, a student/organization fails to appear for a proceeding without justification for postponement (as determined by the Chair of the scheduled committee or administrator handling the case), the party will be deemed to have waived the right to appear, and the proceeding can proceed as scheduled. Absence of the student/organization in such circumstances will not constitute a violation of rights on appeal.

Interim Measures & Interim Suspension

The university can restrict a student's access to some university resources or activities for an interim period prior to case resolution. If the university determines that a student presents a significant risk to the orderly operation of the university or to the safety and welfare of members of the university community, the university officials designated below can issue Interim Measures or place the student in an Interim Suspension Status. Factors to be considered include, but are not limited to:

- Whether the reported conduct involved acts or threats of violence or significant potential risk to the safety of the student or others
- If the student's continued presence interferes with the university's ability to investigate and administer the student conduct resolution process
- The risk of significant interference with the university's normal operations
- In reports of disruption, the degree and scope of the reported disruption

The university can issue Interim Measures that include, but are not limited to:

- **Interim Suspension:** The AVP for Community Values & Connection/designee can issue a full interim suspension. During Interim Suspension, the student is barred from the university campus. The student cannot attend classes in person or virtually, enter or live in residence halls, participate in extracurricular activities, attend events sponsored by the university or any recognized student organization, or enter property owned or leased by the University without permission from the Director of SARP or designee. If the student enters university property without permission, they can be subject to arrest for trespassing and additional alleged policy violation(s) in the Student Code of Conduct.
 - At their discretion, the Director or designee can provide specific permission to allow the student to come onto campus as during the Interim Suspension period (e.g., to attend a meeting related to the accountability process); if granted, SARP will notify the student and William & Mary Police in advance in writing.
 - Circumstances that surround Interim Suspension Status often involve concurrent criminal charges, and/or concurrent civil litigation. The university can implement

Interim Measures or Suspension prior to the conclusion of the criminal or civil process; decisions made as a part of the Interim Suspension or the Accountability Process are independent from criminal or civil process and are not subject to additional review based on the outcome of such external process.

- The AVP for Community Values or the Director of SARP/designee can also issue interim measures that include, but are not limited to:
 - Restrictions from accessing or using university facilities or equipment
 - Removal of the student from, and/or a bar from presence in, residence halls and/or other campus buildings
 - Barring the student's presence in particular classes
 - Permission to be present on campus for attendance of classes only
 - Restrictions on extracurricular activities, athletic participation, student organizational leadership, and/or attendance at university events
 - Issuance of a No-Communication Order

Interim Suspension: The AVP for Community Values/designee can issue a full Interim Suspension. During Interim Suspension, the student is barred from the university campus. The student cannot attend classes in person or virtually, enter or live in residence halls, participate in extracurricular activities, attend events sponsored by the university or any recognized student organization, or enter property owned or leased by the University without permission from the Director of SARP or designee. If the student enters university property without permission, they can be subject to arrest for trespassing and additional alleged policy violation(s) in the Student Code of Conduct.

- At their discretion, the Director/designee can provide specific permission to allow the student to come onto campus as during the Interim Suspension period (e.g., to attend a meeting related to the accountability process); if granted, SARP will notify the student and William & Mary Police in advance in writing.
- Circumstances that surround Interim Suspension Status often involve concurrent criminal charges, and/or concurrent civil litigation. The university can implement Interim Measures or Suspension prior to the conclusion of the criminal or civil process; decisions made as a part of the Interim Suspension or the Accountability Process are independent from criminal or civil process and are not subject to additional review based on the outcome of such external process.

Interim Measures Process:

- SARP will notify the student of the alleged policy violation(s) at issue and that they are being placed under an Interim Suspension Status through a method that may include, but is not limited to, in person notification, notification via the Responding Party's W&M

email address, or notification via telephone; SARP will follow up any in person or telephone notice promptly with a letter to the student's W&M email account.

- The student can appeal the Interim Measures within five working days of receiving notice that they are being placed under an Interim Suspension Status with or without specific provisions to the VPSA or designee. The student's notification letter will include information regarding how to appeal the interim actions.
- An Interim Suspension Appeal does not determine whether a student is ultimately responsible for violating university policy(s) nor does it issue any sanctions for the case. An Interim Suspension Appeal only determines if the current Interim Suspension Status, with or without specific provisions, will be upheld, overturned, or altered (including the removal of previously granted specific provisions) until the alleged violations of the Code of Conduct are resolved. If the current Interim Suspension Status is upheld after appeal, the Interim Suspension Status will remain in place until the conclusion of the Accountability process.

Interim Measures Appeal Process:

- Interim Measures appeals will occur via Zoom or similar videoconferencing medium
- The AVP for Community Values & Connection/designee can have a staff member in the Zoom meeting to manage the administrative and technical aspects of Zoom so they can focus on the case.
- Students can be accompanied by one Silent Supporter of their choice. The Silent Supporter cannot communicate for or speak on behalf of the student but may give advice to the student on how to present their case; the Silent Supporter cannot also serve as a witness in the subsequent Accountability Process.
- The Appeal will be recorded; students are not permitted to make recordings of appeals.
- SARP can use information shared or evidence provided during the Interim Measures Appeal that related to the alleged incident or behavior in the ultimate resolution of the case.
- The Responding Party will be notified of the outcome of the Appeal, along with a written rationale of the outcome, within two calendar days of the scheduled Appeal.
- At the conclusion of the Appeal, the AVP will forward the matter to the Director of SARP to begin the Accountability Process to determine if the student is ultimately responsible for the alleged policy violation(s) and, if applicable, to issue formal sanctions/education measures. The student will be provided the choice of Informal Resolution, Conference, or a Panel Proceeding.
 - The resolution will take place as promptly as possible, typically within fifteen (15) working days from the date of the issuance of Interim Suspension or Appeal.

Anticipated timelines, deadlines, restrictions, or procedures listed within the Interim Suspension Process will not be altered except in unexpected and unavoidable circumstances, as determined by the AVP for Community Values & Connection/designee, or with the agreement of the party(ies), as approved by the AVP/designee. The university can make other alterations to the process with the agreement of the party(ies), as approved by the AVP/designee. Any requests for alterations must be communicated to the AVP/designee as soon as practicable.

Who Administers the Code of Conduct?

Case Administrator

Upon receipt of a report alleging misconduct, the Director/designee will assign a staff member from the Division of Student Affairs the primary responsibility to investigate and resolve the report.

Student Conduct Council

The Student Conduct Council is a committee of student, faculty, and administrative members constituted as follows:

Undergraduate Students - 15 students (preferably at least four seniors, five juniors, and six sophomores) selected on an annual basis. Each year the Director/designee will coordinate an application/selection process. A committee consisting of the Student Assembly Vice President,⁵ the Director or designee, a faculty member (preferably one who has served as a member of the Student Conduct Council), two students who have served on the Student Conduct Council, and two undergraduate members of the Student Assembly will select Student Conduct Council nominees.⁶ Any student currently on disciplinary or honor probation or who previously has been suspended or dismissed from the university for non-academic reasons is ineligible for membership on the Council. Students must have and maintain a cumulative William and Mary GPA of at least 2.5. Undergraduate students cannot serve concurrently as standing members on the Honor Council and the Student Conduct Council.

In the event that there are not enough qualified candidates to fill the traditional mix of classes as outlined above, the selections committee will choose the most qualified candidates to fill the vacancies.

⁵ If the Student Assembly Vice President is not an undergraduate student, then the next most-senior undergraduate Student Assembly member will serve in place of the Vice President.

⁶ The Director, the faculty member, and the Student Assembly Vice President all serve as ex-officio, non-voting members. The Student Assembly Vice President may vote in the event of a tie among the other voting members.

Graduate Students - 15 students (three from each of the five graduate schools) selected on an annual basis by a process determined by each of the graduate student governing bodies.

Faculty - Eight full-time members of the faculty appointed on an annual basis by the Provost of the university. At least one faculty member will be appointed from each of the five graduate schools.

Administrative Staff - Four members of the administrative staff appointed on an annual basis by the Vice President for Student Affairs.

Council Duties

All members will serve on Community Panels. Student members also will serve on Student Panels.

On an annual basis, the undergraduate membership of the Student Conduct Council will elect two of its members to serve as co-chairs. Each graduate school governing body will designate one of its Student Conduct Council members to serve as chair for panels involving members of its academic unit.

The term of office for all graduate and professional members begins the day after classes begin in the fall semester and runs through the first day of classes the following fall semester. Should a vacancy occur on the Council or should additional, temporary Council members be required, the Director of SARP is empowered to make the necessary appointments. The term of office for undergraduate members is contained in the Undergraduate Student Conduct Council Bylaws.

Appeals

The VPSA/designee will determine and assign designees to review any appeals resulting from violations resulting in a Primary Sanction of Disciplinary Suspension or Permanent Dismissal.

The Director of SARP/designee reviews appeals resulting from violations resulting in Primary Sanctions below Disciplinary Suspension.

What is the Process to Resolve Allegations of Violation?

Alleged Violations and Resolution Procedures

Any student, member of the faculty, administration, support staff, visitor or guest to the campus community may submit reports via www.wm.edu/report. The Director/designee will review all reports and determine the appropriate course of action to be taken. Options include no action, forwarding the report for resolution via the Student Code of Conduct resolution procedures, referring the matter for Alternative Resolution, or requesting informal action by appropriate staff members.

Amnesty for Victims/Student Reporting Parties: The university encourages the reporting of Code violations and crimes by victims. Sometimes, victims might be hesitant to report to university officials because they fear they may personally face sanctions due to policy violations involving underage drinking or drug use at the time of the incident. It is in the best interests of this community that as many victims as possible choose to report violations. To encourage reporting, the university provides such victims amnesty from minor to moderate policy violations involving underage drinking or drug use at the time of the incident.

Any alleged violation report should be submitted as soon as possible after the event takes place. If an alleged violation is not reported within four months of the time it becomes known by the Reporting Party, it will be considered untimely unless the Director/designee concludes that there has been good cause for the delay and that it is still feasible to hold a fair proceeding.

The person filing a report need not be the actual victim/recipient of the conduct.

Upon receipt of a written report of misconduct, the Director/designee will determine if the alleged misconduct is unfounded or frivolous, and if so, will dismiss the report. The Director/designee also will decide the potential level of seriousness of a particular report.

In circumstances in which a student is reported for a significant violation while not presently enrolled, the university can conduct an investigation to gather and preserve relevant information. If the student has indicated an intent to re-enroll, the university will require the student to resolve any pending student conduct code or honor code matters prior to returning to the university. If the student does not intend to re-enroll, the student can choose to withdraw permanently from the university (*see "Permanent Resignation" on page 18*) and in such cases, the university will close the conduct case and place a notation on the student's records to denote their ineligibility to return.

Levels of Seriousness of Violations

- "Minor violation" cases are those in which the student faces a primary sanction no greater than a Warning.
- "Moderate violation" cases are those cases in which the alleged violation might result in a sanction between a Warning and Disciplinary Probation.
- "Serious violation" cases are those cases in which the alleged violation would likely result in a removal from the university's residence halls, Disciplinary Suspension, or Permanent Dismissal.

Voluntary Withdrawal with Pending Criminal or Civil Charges

When a student is accused of a felony criminal charge, they may determine it is in their best interest to withdraw from the university until the criminal charges are resolved. The university has an existing procedure for voluntary administrative withdrawals that may be applied, with the following conditions:

The university can carry out proceedings under this Code prior to, concurrently with, or following the resolution of criminal proceedings. Determinations made or sanctions imposed under this Code will not be subject to change because of criminal or civil outcomes.

When criminal charges are pending, the university may be unable to conduct its own investigation and/or hold a proceeding to resolve the Student Conduct allegations. In such cases, the university can delay its process until it can obtain sufficient information upon which to proceed. In such circumstances, the university can impose interim measures, including interim suspension.

In cases where a student has extenuating circumstances, including, but not limited to, incarceration, that prevent attendance in the Accountability Process, the decision to continue with or delay the process is at the discretion of the Director of SARP/designee.

If a Student Withdraws Prior to the Conclusion of the Accountability Process:

- The Director/designee will notify a student who withdraws from the university after oral or written notification that an alleged violation is under investigation that the university is issuing a hold on the student's record that will prevent registration, graduation, or receipt of a transcript.
 - Before the Director/designee places a notation on the transcript, they will notify the student in writing and give an opportunity to meet to discuss the action. The Director/designee will remove the notation if the student resolves the matter.
 - Normally, the university will not re-enroll the student unless the alleged violations have been resolved.
- During the withdrawal, the student may not be present on university premises or attend university-sponsored activities or activities sponsored by recognized student organizations.
- The student cannot register for or attend any classes, including course offerings through remote learning.
- The university will place a hold on the Respondent's registration, graduation, and/or transcripts.
- The student must agree that in order to be eligible to reenroll at the university, they must first be subject to and fully cooperative with a campus investigation (if conducted) and proceeding and must complete any assigned sanctions/measures arising from a proceeding. Re-enrollment in a specific academic degree program is subject to that program's approval.
- Students prepared to meet these conditions can submit a written request to the Director seeking a voluntary withdrawal due to a pending felony. If the Director approves the request, the Director will forward the request for a withdrawal to Academic Wellbeing.
- A student granted a voluntary withdrawal while felony criminal charges are pending will follow the same procedures and will be subject to the same conditions contained in the *Undergraduate and Graduate Catalogs*, except as outlined in this section.

Permanent Resignation

Upon notification of pending conduct or honor allegations, a student may choose to permanently resign from the university in lieu of going through the accountability resolution process. The Director will place the following statement on the student's transcript: "Student permanently resigned with Code of Conduct allegations pending. Ineligible to return." The student must certify, via a submission on the official webform provided by SARP, that the student understands that the student cannot seek or receive admission into any William & Mary academic program in the future. The student will not be able to be present on campus and will leave the university "not in good standing."

Information Session

- If the Director does not dismiss the report, the student/official representative of the student organization will receive written notice that includes a copy of the report received, a summary of the primary facts as understood by the university at the time, the applicable policy violations raised by the report, information about the conduct process, including options for resolution and, the option for an Alternative Resolution, if offered.
 - The letter will provide the option to request an Information Session at which the Case Administrator will review the student's options for resolution, answer questions about the resolution process, and provide an opportunity to discuss the report and respond on the student's/organization's behalf although the student/organization will not be required to make a statement.
- After meeting with the student/organization and conducting any necessary investigation, the Case Administrator will dismiss the report if unfounded.
- If a student/organization does not respond to the initial letter, SARP will schedule an Information Session. If the student/organization fails to appear at the scheduled Information Session, the Case Administrator may investigate further and dismiss the report if unfounded, place a hold on the student's records (which prevents a student from registering or engaging in other transactions with the university), or prepare written allegations and notify the student/organization that the matter has been scheduled for a conference or panel.
- Timeline to Choose a Method of Resolution: The student/organization will have two working days after the Information Session to decide upon a resolution option unless the Case Administrator grants an extension for good cause. Once made, this election is irreversible.
 - If the student/organization does not inform the Case Administrator of their election within two working days after the Information Session, the Case Administrator can deem the lack of notification as a waiver of the right to dispute the report and can resolve the report based on the information available without the need for a formal proceeding.

Resolution Options

If the Case Administrator does not dismiss the report after the Information Session, the student or organization may elect to resolve the case through one of the following three options (Panels are not available in Minor Level cases).

Informal Resolution: If the responding student and the Case Administrator agree as to the basic facts, and the student waives a conference/panel in writing, the student can resolve the matter informally with the Case Administrator. The Case Administrator will assess sanctions/educational measures and inform the student in writing.

- The student may have one Silent Supporter of their choice with them at the Informal Resolution meeting. If the student plans to have an attorney serve as Silent Supporter, they must notify SARP in writing at least two working days in advance of the meeting, and the university reserves the option to have its legal counsel or advisor present if a student opts to have legal counsel serve as their Silent Supporter.
- If the Case Administrator determines that a case cannot be resolved through an informal process, the administrator can refer the matter for a conference or panel. The type of resolution method will still be the choice of the student/organization.

Administrative Conference: The student/organization can resolve the case by meeting with the Case Administrator for an informal proceeding.

- The student may have one Silent Supporter of their choice and one W&M student advisor with them at the Administrative Conference.
 - If the student plans to have an attorney serve as Silent Supporter, they must notify SARP in writing at least two working days in advance of the meeting. The university reserves the option to have its legal counsel or advisor present if a student opts to have legal counsel serve as their Silent Supporter.

Panels: The Respondent can resolve the case via a formal proceeding with the appropriate panel (not available for Minor Level cases).

- The student may have a Silent Supporter of their choice and one W&M student advisor with them at the Panel.
 - If the student plans to have an attorney serve as Silent Supporter, they must notify SARP in writing at least two working days in advance of the meeting. The university reserves the option to have its legal counsel or advisor present if a student opts to have legal counsel serve as their Silent Supporter.

Alternative Resolution: If the Director/designee determines Alternative Resolution is appropriate, the student can opt to resolve the incident via Alternative Resolution. Alternative Resolution provides the student and affected parties an opportunity to engage in an active accountability process facilitated by trained university members. Students

who agree to an Alternative Resolution are accepting responsibility for their actions and agreeing to engage in good faith discussion and problem-solving to identify the harms created by their actions and to repair the harm.

If a student reaches an agreement via Alternative Resolution, SARP will monitor completion of the agreement within the specified time frames and will keep a copy of the agreement as part of the student's conduct record. SARP will not, however, disclose the matter with entities outside the university community.

The Director/designee will consider the following factors when determining whether Alternative Resolution should be offered:

- Whether the student is accepting responsibility for their actions
- The severity of the harm/potential harm presented by the alleged conduct
- The impact on safety and well-being of others
- The complexity of the matters reported
- Whether the affected parties are willing to engage in an alternative resolution process
- The student's prior disciplinary record.

The assigned staff member will share with the student what alternative options are available, including reflective conversations, restorative conferences, or circles. Ultimately, the staff member will decide which process to use. The process will result in formal actions and educational measures for the student, and the student will be accountable for completing these measures by deadlines established by SARP. If the student does not complete these educational outcomes, the Director can consider the failure to complete as "Not Complying with Directions" under the Code of Conduct.

The student may have one Silent Supporter of their choice at Alternative Resolution meetings.

- If the student plans to have an attorney serve as Silent Supporter, they must notify SARP in writing at least two working days in advance of the meeting. The university reserves the option to have its legal counsel or advisor present if a student opts to have legal counsel serve as their Silent Supporter.

Procedures for Reports Received After the Last Day of a Semester or During the Summer Session

Students or organizations with unresolved allegations of the Code after the last day of classes in a semester or during the summer session will be provided with a panel if possible. If the regular Student Conduct Council is unable to meet, the student or organization can select one of the following options:

- The Director/designee can appoint a three-member panel consisting of members of the faculty, the Student Affairs staff, and the student body (if practical). The panel will observe customary panel procedures.
 - For students completing degree requirements in the term in which the alleged violation originates, this is the only option available other than Informal Resolution and an Administrative Conference.
 - The Director or designee can defer the panel until the beginning of the following semester provided such a deferral, in the Director's opinion, would not preclude a fair proceeding due to the loss of evidence or unavailability of witnesses. The Director may place a hold on the student's records pending resolution of the matter.
- When a student has an unresolved case pending or incomplete actions/education measures, and the student is scheduled to graduate, the university can issue a hold on the granting of the student's diploma pending resolution of the alleged violations and completion of all actions/education measures.

General Resolution Guidelines & Procedures

- **Credibility and Relevance:** Case Administrators (or Chairs) will determine the relevance and admissibility of any information presented. Case Administrators and panelists will determine the credibility of participants. Reasonable deference will be made to these discretionary determinations on any appeal.
- **Rules of Evidence and "Second Hand" Information:** University proceedings do not follow the rules of evidence employed by courts of law. The Chair or Case Administrator can consider information that does not come from a first-hand source if deemed to be reliable, although a finding of responsibility may not be premised solely on such information.
- Results of Lie detector/polygraph tests are not permissible.
- **Remote Participation:** Any party, including the Respondent, Reporting Party or any witness, can participate in a proceeding remotely by way of telephone, videoconferencing, or other appropriate means provided all other guidelines and procedures described in this Code are followed.
- **Separation of Witnesses:** To preserve the independence of each witness's participation, the Chair can opt to separate the witnesses during the course of the proceeding. If separated, no witness who has already participated in the proceeding may have Communication with any witness that is due to participate.

Procedures for Panels and Administrative Conferences

- **Allegations:** If the Respondent chooses to resolve a case via a Panel, SARP will prepare formal written allegations of violation and notify the student and Case Administrator.

- **Resolution Timeline:** Alleged violations normally will be scheduled for a panel within fifteen working days of notification to the responding student except in unusual cases where 1) the Director of SARP grants a postponement to the Case Administrator, or 2) the party responsible for the proceeding grants the Respondent a postponement, or 3) when a university break makes a proceeding impractical.
 - Formal proceedings cannot be held in fewer than four working days from the date of official notification unless the student waives in writing the four-working-day time period.
- **Panel Proceedings**
 - **Types of Panels**
 - A Student Panel resolves Minor Level cases (as defined in Levels of Seriousness of Violations).
 - A Community Panel resolves cases above a Minor Level (as defined in Levels of Seriousness of Violations).
 - **Procedures for Student Panels**
 - Normally, the university uses informal procedures in deciding Minor Level allegations. However, the student/organization will be provided:
 - Written notice of the alleged violations and the date and location of the alleged violations;
 - A copy of all information to be presented to the Panel
 - The opportunity to respond on their own behalf
 - The opportunity to suggest relevant witnesses (the Chair may limit witness statements that are repetitive or irrelevant), and
 - Written notice of the outcome of the proceeding
 - **Composition of Panels:**
 - The Director of SARP/designee will determine the composition of Student Panels and which Student Conduct Panel will be authorized to resolve each matter
 - Normally, three student members of the Student Conduct Council will comprise a Panel. Each three-member panel will select one of its members from the Respondent's school to serve as Chair.
 - A fourth member, who may not vote or participate in any way in the proceeding or deliberations of the Panel other than as record-keeper, will be designated as Recorder.
 - **Authority of the Panel:** The Panel will determine whether the responding student is responsible for the alleged violations and will recommend sanctions/educational measures to the Director of SARP

if it finds the student responsible. The panel will require a majority vote to reach decisions.

- **Witnesses:** Witnesses are persons who have personal knowledge of the incident under review. Witnesses cannot serve in any other role in the proceeding, such as Advisor or Silent Supporter, and will appear in the proceeding only during their opportunity to provide information and answer questions.
 - At least three working days in advance of the panel, the Chair will require that each party provide a list of witnesses they wish to participate in the proceeding and a summary of what information or perspective each proposed witness would offer.
 - The Chair will reject witnesses whose statements are irrelevant or unnecessarily duplicative of other witnesses.
 - At least one day in advance of the proceeding, the Chair will inform the Case Administrator and student/organization which witnesses will be called.
 - If the Respondent notifies the Director or designee in a timely fashion that a critical witness, one whose testimony will not be duplicative, is refusing to appear at the scheduled proceeding, the Director/designee will review the matter and assist as appropriate.
 - The Respondent can request that the university pursue conduct action for any student witness who refuses to appear or to cooperate so long as timely, appropriate, and the witness was provided verifiable notice. The university may consider a witness's failure to fulfill the responsibility to participate in a panel to be "Abusing the Student Conduct System." The Director/designee will ensure notification to all available witnesses required to appear of the date, time, and place of the proceeding.
- **Determination of Responsibility and Burden of Proof:** The Panel will meet in closed session to determine whether the Respondent has violated the Code as alleged. The panel uses a preponderance of the evidence standard (i.e., it is more likely than not that a violation has occurred) At least two of the three Panel members find a preponderance of evidence to find the student responsible.
- **Recommendation of Sanctions/Educational Measures**
 - If the Panel finds the Respondent responsible for one or more violations, the Case Administrator will brief the Panel

on any previous violations of the Code by the Respondent, any previous Alternative Resolutions involving the student, any precedent for similar situations, any additional relevant information concerning the Respondent's prior history, and any applicable sanction guidelines . The Respondent can make a statement concerning sanctioning. The student then is dismissed from the proceeding, and Panel meets in closed session to determine the appropriate sanctions to recommend to the Director.

- At least two of the three members of the Panel must agree to the sanctions/educational measures to be recommended to the Director. Recommendations are not final until the Director/designee issues a written decision to the Respondent and any appeal is complete.
- Records of the Proceeding: The Recorder and the Chair will summarize the information presented and the Panel's findings, including the reasons for the finding and recommended sanctions/educational measures if the Panel finds the student responsible. Normally, the Chair will submit the summary to SARP within two working days of the proceeding.
- **Case Review and Notification of Outcome:** The Director/designee will review the decision and sanction recommendations promptly.
 - If the Director disagrees with the sanction recommendations, the Director will inform and provide their reasoning to the responding student/organization and the Panel Chair. Normally, the Director/designee will notify the student in writing of the Panel's decision within two working days after the Panel submits its summary.
- **Appeals of Student Panels:** The Director/designee will serve as appellate reviewer for appeals of Student Panel decisions in accordance with the principles outlined under "Appeals of Student Conduct Actions" (*see p. 41*)

Procedures for Community Panels

- **Composition:** Five Student Conduct Council members will comprise a Community Panel: three students, one faculty member, and one administrator.
 - The Director of SARP/designee will determine the composition of Community Panels and will designate one of the three students to serve as Chair of the panel.

- If the Respondent is a graduate or professional student enrolled in a degree program in two different schools, the Director/designee will appoint student members to the Panel from both schools if possible.
- The Chair will designate a sixth member of the Conduct Council, who may not vote or participate in any way in the proceeding or deliberations of the Panel other than as record-keeper, to serve as recorder.
- **Recording:** Panel proceedings will be recorded via digital media.
- **Notification and Preliminary Conference**
 - SARP will schedule a Panel and inform the Respondent in writing at least five working days in advance of the Panel of the date, time, and location of the panel, the date and location of the alleged violations and the relevant conduct code violations the Panel will consider.
 - SARP also will schedule a Preliminary Conference in which the Panel Chair will meet with the Respondent and the Case Administrator at least three working days prior to the scheduled Panel.
 - The student can have a student advisor present, but the university will not reschedule the meeting if the student's advisor of choice is unavailable.
 - The Case Administrator will provide the Respondent a copy of the documentary information to be provided to the Panel and the names of any witnesses the Case Administrator proposes to present (unless a witness has been granted anonymity). The Chair will provide the Respondent a sample script of the proceeding.
 - The student/organization must inform the Chair in writing by the end of the next working day whether the student/organization is accepting responsibility for each allegation, which documents they plan to challenge in the proceeding and the names, phone numbers, and emails of any proposed witnesses, along with a summary of each witness's expected statements.
 - By the end of the following working day, the Chair will inform the Case Administrator and Respondent what witnesses will be called based on what information is in dispute or needs further investigation by the Panel. The Chair's determination is final, but the student/organization can challenge this decision in any subsequent appeal.
 - If a student/organization does not appear for the Preliminary Conference without advance notice and without the Director/designee granting a postponement for good cause,

this will not be considered good cause to request delay of the Panel.

- **Witnesses:** The Chair will notify witnesses to be called of the date, time, and location of the proceeding and of the necessity of their participation. If the Chair notifies the Director/designee in a timely fashion that a critical witness, one whose testimony will not be duplicative, is refusing to appear at the scheduled proceeding, the Director/designee will review the matter and assist if appropriate. The Director may report any student witness who refuses to appear or cooperate so long as the witness was provided timely, appropriate, and verifiable notice. The university may consider this action “Abusing the Student Conduct System.”
- **Requests for Postponement:** The Respondent may request postponement of the Panel, citing the reasons for the request in a written statement to the Director/designee at least two working days in advance of the Panel, if possible. The Respondent should provide supporting documentation where appropriate. The Director/designee can grant a postponement for good cause, or, if the request is not supported by good cause, deny it. If the Respondent subsequently is absent for the Panel, the Panel will proceed in the Respondent’s absence.
- **Conduct of the Panel:** The Chair is responsible for the conduct of the proceeding as follows:
 - The Chair introduces the members of the Panel and summarizes any special situations pertinent to the matter or the proceeding.
 - The Chair shares the Respondent’s response to each alleged violation under review (either "responsible" or "not responsible").
 - The Case Administrator provides a brief summary of the alleged violations and the nature of the information to be presented (no longer than 5 minutes).
 - The Respondent may present brief opening remarks (no longer than 5 minutes) and perspective as to the basis of the Respondent’s response to each alleged violation.
 - The Chair and panel ask questions of the Case Administrator and Respondent as necessary.
 - The Chair informs the parties which witnesses are being called, the order of witnesses to be called, and whether any witnesses are no longer necessary considering the matters in dispute and the information those witnesses can provide.
 - The Panel, Case Administrator, and Respondent can ask relevant questions to each witness called.

- Following witness participation, the Panel can ask questions of any party.
- The Chair provides the Case Administrator and Respondent the opportunity for them to ask relevant questions of each other.
- The Panel can ask the Respondent or Case Administrator any remaining questions.
- The Case Administrator and the Respondent can present brief summary remarks to the panel (no longer than 10 minutes).
- If the Respondent has responded “Not Responsible” to any of the allegations, the Panel convenes in closed session to deliberate to reach a judgment as to responsibility for each alleged violation.
- **Determination of Responsibility and Burden of Proof:** The Panel will meet in closed session to determine whether the Respondent has violated the Code. At least four of the five Panel members must conclude that a preponderance of the evidence exists (i.e., it is more likely than not) for each alleged violation.
- **Determination of Sanctions/Educational Measures**
 - If the Panel finds the student responsible for one or more violations, the Case Administrator will inform the Panel of any previous violations of the Code by the Respondent, any previous Alternative Resolutions reached by the student, any applicable precedent for similar situations, any additional relevant information concerning the student’s prior history, and any applicable guidelines concerning sanctions/educational measures. The Panel and Case Administrator can ask the Respondent questions relevant to determining sanctions. The Panel then meets in closed session to determine appropriate recommended sanctions/educational measures.
 - At least four of five Panel members must agree to the sanctions/measures recommended.
 - Sanctions/measures are not final until the Director/designee issues a written decision to the Respondent and any appeal procedure is complete; however, for students receiving Disciplinary Suspension or Permanent Dismissal, the university will limit the respondent to academic participation only during the appeal period.
- **Records of the Proceeding:** The Recorder and the Chair will summarize the proceeding, the information presented, and the Panel’s reasoning for the judgment and any sanctions/measures recommended (the “rationale” document).
- **Filing with the Director:** The Chair normally will submit the summary, the recording, and all evidence within two working days to the Director.
- **Case Review and Notification:** The Director/designee will review the case documents and decision promptly and can modify any recommended sanctions that are not appropriate considering sanction guidelines, relevant prior case outcomes, and the facts and circumstances of the student’s case. The Director/designee will provide

the Chair and the Respondent with the rationale for any deviations from the Panel's recommendations.

- **Written Decision and Findings:** Normally, the Director/designee will notify the Respondent in writing of the Panel's findings and sanctions and the student's opportunity to appeal within two working days after the Panel submits its summary. The notification will include a copy of the Panel's written rationale.

Procedures for Administrative Conferences

- If the Respondent elects to have the alleged violations resolved via an Administrative Conference, the procedures outlined under "Procedures for Student Panels" or "Procedures for Community Panels" above will be followed with appropriate allowances for the differences in structure depending on the level of the alleged violations.
- Modified Procedures for Alleged Violations of the Hazing Policy or Alleged Crimes of Violence:

If a case of alleged crime(s) of violence (as defined in [Title 18 of the U.S. Code Section 16](#)) or hazing is not resolved via Informal Resolution, the Reporting Party will have the following additional rights:

- The Reporting Party may have a Silent Supporter of their choosing present at the proceeding. The Silent Supporter will not participate in the proceeding and will be bound by the rules of confidentiality governing the proceeding.
 - If the student plans to have an attorney serve as Silent Supporter, they must notify SARP in writing at least two working days in advance of the meeting. The university reserves the option to have its legal counsel or advisor present if a student opts to have legal counsel serve as their Silent Supporter.
- The Reporting Party can choose to be physically separated from the respondent during the proceedings.
- The Director/designee will provide the Reporting Party written notification of the final outcome of the proceeding, any sanctions/educational measures imposed as permitted by law, and their options for appeal.
- The Reporting Party has the right to appeal. (See Appeals).

Sanctions/Educational Measures

Sanctions and educational measures are assigned based on an individual review of each case in light of all known facts and circumstances and on other factors, including, but not limited to:

- The nature of the conduct
- The harm or injury that was caused by, or could foreseeably be caused by, the conduct

- The potential for ongoing risk to the safety and wellbeing of the community and the risk to the university's continued orderly operations
- The intent and motivation of the student
- The student's willingness to accept responsibility and cooperate with the resolution process
- The level of the student's demonstrated insight and capacity to learn
- The desires of the Reporting Party, if applicable
- The student's prior honor and conduct history.

Unless otherwise stated, sanctions for violations of the code of conduct range from Warning to Permanent Dismissal for individuals, and from Warning to Termination of Recognition for organizations.

Sanctions/education measures are issued for the purposes of student development and community wellbeing.

The university issues sanctions/measures in two categories: Primary and Secondary. Upon a finding of responsibility, the student will receive at least one Primary sanction and one or more Secondary sanctions/education measures.

Secondary sanctions/measures typically are assigned to engage the student in opportunities for the purposes of active learning, reflection, repair of harm, restoration of community, and to address the factors that contributed to the student's actions.

All sanctions are effective immediately upon completion of the appeal or appeal period unless the Director authorizes an exception. Students appealing a separation from the university (a suspension or dismissal) will be limited to academic activities only during the appeal period.

SARP will provide a due date for all active sanctions/measures.

Primary Sanctions⁷

Permanent Dismissal is an involuntary separation of the student from the university without the possibility of future readmission. Dismissed students cannot be present on university property and are not eligible to participate in classes or participate in or attend any university-sponsored or university-related activities, either on or off campus.

When a dismissal becomes final (after the appeal period), SARP will withdraw the student from classes and cancel any future registrations. Dismissed students are not

⁷ The university may issue Permanent Dismissal or Suspension even when the student is not currently on Disciplinary Probation, has not previously been placed on Probation, or has otherwise not been disciplined. Students who are suspended or dismissed from the university are considered not to be in good standing during the term of suspension/dismissal. Students will not be eligible for any refund of tuition, general fees, or residence fees if required to withdraw by the university.

eligible for a refund of tuition or fees for the term in which they are dismissed. If a case is unresolved at the end of a term, the student will be permitted to retain the academic credit earned that term, and SARP will cancel all future registrations.

As students sign a Housing Contract for a full academic year, the student will be responsible for paying the remainder of their housing fees if dismissed prior to the end of the academic year.

The university places a permanent notice of dismissal on the student's transcript, "Permanent dismissal due to violation of the Student Code of Conduct; ineligible to return."

Disciplinary Suspension is an involuntary separation of a definite duration from the university during which the student cannot be present on university property without prior written permission from the Director or designee. The student is not eligible to participate in or attend classes or any university-sponsored or university-related activities, and any events sponsored by recognized student organizations, either on or off campus.

- Suspended students are ineligible for student employment.
- During the period of suspension, the university places a notice of on the student's transcript, "Disciplinary Suspension due to violation of the Student Code of Conduct." Upon completion of the period of suspension and any other sanctions or educational measures, the university removes the notation from the student's transcript.
- In some cases, the student must fulfill specified conditions before the student is eligible for re-enrollment. Suspended students must apply for re-enrollment to the university, if desired. Students cannot re-enroll for courses until they have fulfilled the period of suspension and all assigned sanctions and educational measures.
- Requirements to Complete Suspension
 - To complete suspension successfully and be returned to Good Standing, the student will:
 - In cases of academic dishonesty, complete at least one formal university workshop/program of the student's choice (from the choices provided by SARP) such as time management, study skills, writing workshop, effective citation, and the academic integrity seminar.
 - Complete at least two educational measures from among a list of options provided by SARP.
 - Complete a reflection paper to be submitted at the time the student applies for reinstatement.
 - Apply for Reinstatement using the university's official form.

- Following reinstatement, the student must [submit a re-enrollment form](#) to confirm completion of sanctions if they wish to re-enroll at William & Mary.
- The university usually issues Disciplinary Suspension immediately following the completion of the appeal process/period; however, the Director can withhold immediate imposition of suspension if it is issued within three weeks of the end of an academic term and the Director determines that the student's continued presence on campus does not constitute a substantial risk to members of the community or the community as a whole or to the university's continued orderly operation.
- When a suspension becomes final (after the appeal period), SARP will withdraw the student from classes and cancel any future registrations.
 - If the case has not fully resolved by the last day of classes, the student will be permitted to complete that term's coursework unless the Director determines that the student's continued presence presents a substantial risk to members of the community or the community as a whole or to the university's continued orderly operation.
- If a student is suspended during the term in which the violation occurred, they will not be eligible for a refund of tuition or fees for that term. If a case is unresolved at the end of the last day of classes in a given term, the student will be permitted to retain the academic credit earned that term, and SARP will cancel all future registrations.
 - As students sign a Housing Contract for a full academic year, the student will be responsible for paying the remainder of their housing fees if suspended prior to the end of the academic year.

Disciplinary Probation (hereafter referred to as “Probation”) is a period during which a student is expected to show compliance with the Code of Conduct and the Honor Code and a notice that subsequent violations are likely to result in suspension or dismissal from the university. Probation can involve meeting with designated university personnel, restrictions of privileges, prohibition against participation in university activities or events, including athletic activities, and/or prohibitions on holding office or participating in student organizations.

- In determining whether Probation is appropriate, the Case Administrator will consider the student's total conduct record, the severity of the violation/harm created, and any other relevant circumstances.
- Students on Probation may be required to engage with a William & Mary Connects or staff mentor and comply with tasks as assigned by the mentor.

Warning is a notation confirming that a violation of university policy has occurred and that future violations may result in more severe sanctions. No student may receive more than two warnings in an academic year without more serious action resulting.

Revocation of Admission and/or Degree: The university can revoke admission to, or a degree awarded for fraud, misrepresentation, or other violations of university standards in obtaining the

degree, or for other serious violations committed by a student prior to the student's matriculation or graduation.

Secondary Sanctions/Educational Measures

- **Loss or Restriction of Privileges:** A temporary limitation or removal of specific privileges including, but not limited to:
 - The ability to participate in some or all extra-curricular events
 - The ability to live in on campus housing
 - The ability to represent the university
 - The ability to be present in specific buildings on campus
 - Loss or restriction of access to university computer resources
 - Hosting of guests in the private areas of a residence hall
 - Participation in social activities sponsored by the university
 - Driving and/or parking on campus
 - In cases of classroom disruption, a student can be removed from the course in which the disruption has occurred.
- **Housing Probation:** Official notice that the student's conduct is in violation of Housing and/or university policies and that more significant sanctions, including removal from housing, may result if future violations occur. A student serving Housing Probation is ineligible to hold an elected or appointed office in any affiliated housing organization.
- **Educational Measure:** The requirement that the student complete one or more specific educational activities directly related to the violation committed or the underlying factors that contributed to the student's actions.
- **Task/Service Participation:** The requirement that the student participate in assigned tasks that are appropriate to the policy violated or behavior displayed.
- **Restitution:** The requirement that the student reimburse the university for damage or misappropriation.
- **No Communication Orders:** A directive to refrain from contact with one or more students.

Sanctions/Education Measures Guidelines

The following charts provide a range of sanctions for each violation, assuming the student has no prior record of honor or conduct violations. If a student has a prior record, the nature of that history will be reviewed by the assigned Case Administrator or, in the case of a Panel, the Director/designee. A history of prior conduct similar to the nature of the current violation generally will result in escalation of the presumed sanctions below (for example, a student who has received Probation for a prior violation likely would receive Suspension for a subsequent violation of a similar nature. Subsequent violations that are of a similar nature typically will result in more substantial sanctions than those reflected in the Guidelines below.

The university issues sanctions/measures in two categories: Primary and Secondary. Upon a finding of responsibility, the student will receive at least one Primary Sanction and one or more Secondary Sanctions/Education Measures.

Disruptive Behavior				
Violation	Examples	1st Violation	2nd Violation	3rd Violation
A pattern of minor disruptions that are akin to a nuisance.	Loud conversation in quiet areas; violating quiet hours in a residence hall; minor interference with university activities; interrupting others in class or continually engaging in off-topic conversation	Warning and secondary sanctions/measures as appropriate	Probation plus secondary sanctions/measures as appropriate If violations occur in on campus housing, relocation of residence and/or housing probation could occur	Probation plus relocation or loss of on campus housing plus other secondary sanctions/measures as appropriate
Moderate disruptions that interfere with the orderly conduct of university activities and actions that may provoke disturbances.	Disrupting a speaker or event; preventing others from seeing or hearing a speaker; blocking passageways or vehicular traffic; continuing the conduct following an instruction from a university official to cease Continuing disruptive conduct in the	Probation and secondary sanctions/measures as appropriate	Suspension or dismissal	Suspension or dismissal

	classroom following instruction to cease			
Major disruptions that involve violent, forceful, or abusive behavior posing a clear risk to others	Violent behavior; property damage; erecting physical barriers to impair others' movement; failing to comply promptly with an instruction from a university official to cease or depart resulting in the event/activity needing to be stopped or ended; disruptive behavior that involves other violations of policy (ex: occupying a university building)	Suspension and secondary sanctions/measures as appropriate or Permanent Dismissal	Permanent Dismissal	

Alcohol Policy Violations				
Violation	Examples	1st Violation	2nd Violation	3rd Violation
Minor alcohol policy violation	Underage possession of alcohol without significant intoxication; possession of open container of	Warning and referral for alcohol education as appropriate	Probation and referral for alcohol education as appropriate; housing probation is possible	Probation or suspension; loss of housing is likely if violations occurred in housing

	alcohol in public; possession of alcohol containers in excess of 750ml			
Major alcohol violation	Significant intoxication; transport to hospital; providing alcohol to underage students; possession of kegs/common containers or a large quantity of alcohol	Probation and referral for alcohol education as appropriate; other secondary sanctions as appropriate	Probation or Suspension; if Probation, loss of related privileges; loss of housing is possible	Suspension

Fire Safety Violations				
Violation	Examples	1st Violation	2nd Violation	3rd Violation
Possession of items that violate fire safety regulations	Non-compliant extension cords	Warning and removal of non- compliant item; secondary sanctions/measures as appropriate	Probation and possible Housing Probation; secondary sanctions/measures as appropriate	Probation and Loss of Housing; secondary sanctions/measures as appropriate
	Open flame such as candles in a university building	Warning or Probation; other secondary sanctions as appropriate; Housing Probation	Probation and loss of housing; secondary sanctions/measures as appropriate	Suspension and secondary sanctions/measures as appropriate

Failing to Evacuate During a Fire Alarm		Warning, secondary sanctions as appropriate	Probation and Housing Probation; secondary sanctions/measures as appropriate	Probation and Loss of Housing; secondary sanctions/measures as appropriate
Causing a false fire alarm	Smoking in a university building that results in an alarm	Probation and Housing Probation; secondary sanctions as appropriate	Probation or Suspension with loss of appropriate privileges; if not suspended, Loss of Housing	Suspension and secondary sanctions/measures as appropriate
	Intentionally Pulling a False Fire Alarm	Probation and loss of housing; secondary sanctions as appropriate	Suspension and secondary sanctions/measures as appropriate	Permanent Dismissal
	Intentionally starting a fire in a university building	Permanent Dismissal		

Violence and/or Threatening or Alarming Behavior				
Violation	Examples	1st Violation	2nd Violation	3rd Violation
Behaving in a manner that a reasonable person would find alarming or intimidating	Threatening physical violence	Probation and secondary sanctions/measures as appropriate or Suspension	Suspension and secondary sanctions/measures as appropriate or Dismissal	
Committing acts of violence	Fighting, physically hitting another	Probation and secondary sanctions/measures as appropriate or Suspension; if not suspended, loss of housing is possible	Suspension and secondary sanctions/measures as appropriate or Dismissal	

		If significant harm was inflicted, Dismissal is possible		
	Holding or transporting another person against their will; impeding another's ability to exit a property	Probation and secondary sanctions/measures as appropriate or Suspension	Suspension and secondary sanctions/measures as appropriate or Dismissal	
Reckless Behavior that Results in Injury to Another	Throwing items that hit another person	Probation or Suspension if harm was significant; secondary sanctions/measures as appropriate	Suspension and secondary sanctions/measures as appropriate or Dismissal	Dismissal

Driving Under the Influence of Alcohol or Drugs				
Violation	Examples	1st Violation	2nd Violation	3rd Violation
	Driving with a BAC in excess of law (currently .08)	Probation and secondary sanctions/measures as appropriate or Suspension	Suspension and secondary sanctions/measures as appropriate or Dismissal	Dismissal
	Driving with a BAC in excess of law (currently .08) resulting in an accident or injury	Suspension and secondary sanctions/measures as appropriate	Dismissal	
	Driving while impaired by	Probation or Suspension; secondary	Suspension and secondary sanctions/measures	Dismissal

	cannabis or other drug	sanctions/measures as appropriate	as appropriate or Dismissal	
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Damaging Property				
Violation	Examples	1st Violation	2nd Violation	3rd Violation
Negligent conduct that results in minor damage to property	Throwing a ball that breaks a window	Warning or Probation; restitution and other appropriate secondary sanctions	Probation or Suspension; secondary sanctions/measures as appropriate	Suspension and secondary sanctions/measures as appropriate
Intentional conduct that results in minor damage to property	While locked out of their room, a student sticks an object into their door lock resulting in damage	Probation; restitution and other appropriate secondary sanctions	Probation or Suspension; secondary sanctions/measures as appropriate	Suspension and secondary sanctions/measures as appropriate
Intentional conduct that results in significant damage to property	A student throws a ball inside their residence hall; the ball hits the fire alarm strobe light resulting in damage of \$1000	Probation or Suspension; restitution and other appropriate secondary sanctions; Housing Probation or Loss of Housing	Suspension and secondary sanctions/measures as appropriate or Dismissal	

Possession of Drugs				
Violation	Examples	1st Violation	2nd Violation	3rd Violation
Possession of cannabis ;		Probation; referral to counseling;	Suspension	Suspension or Dismissal

possession of psilocybin (psychedelic mushrooms)		other secondary sanctions as appropriate; if in housing, Housing Probation		
Possession of cannabis with intent to sell or distribute	Growing cannabis in residence hall room; possession of quantity inconsistent with personal use	Suspension and secondary sanctions/measures as appropriate or Dismissal, depending on scope and circumstances	Dismissal	
Possession of other drugs	Possession of LSD, Ecstasy, Cocaine, Opiates	Suspension and secondary sanctions/measures as appropriate	Dismissal	
Possession of other drugs with intent to sell or distribute	Possession of quantity inconsistent with personal use	Suspension and secondary sanctions/measures as appropriate or Dismissal	Dismissal	
Possession of prescription medication without a prescription	Possessing a stimulant without a prescription	Probation or Suspension, referral to counseling; if in housing, Housing Probation or Loss of Housing; other secondary sanctions/measures as appropriate	Suspension and secondary sanctions/measures as appropriate	Dismissal

Possession of Weapons, Combustibles, or Explosives

Violation	Examples	1st Violation	2nd Violation	3rd Violation
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Possession of weapon	Possession of a knife with a blade in excess of 3"	Warning and secondary sanctions/measures as appropriate	Probation and secondary sanctions/measures as appropriate; Housing Probation possible	Suspension and secondary sanctions/measures as appropriate
	Possession of a firearm	Suspension and secondary sanctions/measures as appropriate or Dismissal	Dismissal	
	Possession of gasoline or other flammable item in a campus building	Probation or Suspension and secondary sanctions/measures as appropriate; Housing Probation or Loss of Housing	Suspension and secondary sanctions/measures as appropriate	Dismissal
	Possession of bow and arrow, sword, nun chucks	Warning or Probation; secondary sanctions/measures as appropriate	Probation or Suspension; secondary sanctions/measures as appropriate; Loss of Housing is possible	Suspension
Possession of an item that resembles a weapon	Toy gun that appears to be an authentic gun	Warning and secondary sanctions/measures as appropriate	Probation and secondary sanctions/measures as appropriate	Suspension and secondary sanctions/measures as appropriate

Appeals of Student Conduct Actions

Right to Appeal

The student found responsible for a conduct violation (the Responding Student) has the limited right to appeal. In conduct cases involving “crimes of violence” (as currently defined in Section 16 of Title 18 of the U.S. Code), the Reporting Party also has the limited right to appeal the outcome of a conduct proceeding.

Timeline and Form of Appeal

- The Responding Student must submit a written appeal to SARP within five working days following written notification of the decision, either via the Advocate database’s appeal form or via email (to sarp@wm.edu) from the student’s official W&M email account.
- A Reporting Party who wishes to appeal a conduct action of alleged hazing or a crime of violence must email their appeal to SARP (to sarp@wm.edu) from the student’s official W&M email account within five working days following written notification of the decision.
- All appeals must clearly cite the grounds for the appeal, the reasoning supporting the appeal, and any evidence/information supporting it.

Grounds for Appeal

The Respondent can appeal Informal Resolutions only on the ground that the sanctions issued will result in an extraordinary and disproportionate impact on the student or sanctions that exceed the Sanction Guidelines without adequate justification.

Students may appeal Administrative Conferences or Panels on the following grounds:

Procedural irregularity. Procedural or technical deviations found to be severe enough to have denied the Respondent a fair proceeding or that affected the outcome of the case.

Lack of a preponderance of evidence to support the decision.

New material evidence that is not merely corroborative or repetitive, unknown by the student at the time of the proceeding and pertinent to the case.

Sanctions that either exceed the Code of Conduct’s Guidelines without adequate justification or that will have a significantly disproportionate impact on the individual student. The ordinary or typical impacts arising from sanctions generally will not support an appeal based on disproportionate impact.

Appeals by the Reporting Party

- A party alleging a “crime of violence” or hazing can appeal a sanction(s) on one or more of the following three grounds.
 - **Procedural irregularity.** Procedural or technical deviations severe enough to have denied the Reporting Party a fair proceeding or that affected the outcome of the case.
 - **New material evidence** that is not merely corroborative or repetitive, unknown to the Reporting Party at the time of the proceeding and pertinent to the case.
 - **A sanction that is too lenient or inappropriate.** (This ground is not available if the Respondent was found “not responsible.”)

The Director/designee will provide the reporting party reporting a "crime of violence" or hazing prompt notice of any appeal received by the Respondent.

Upon request, the Reporting Party may receive a copy of the case record in preparation for appeal. The record will instruct the party that they cannot copy or disseminate the record to others.

Procedures for Appeals

Appeals normally will be limited to a review of the records contained in the student’s casefile at the time of the initial judgment. The administrator reviewing the appeal can request to speak with any party regarding the appeal; the purpose of such communications will be to gather information relevant to the appeal request, not to rehear the matter.

The Director of SARP/designee reviews appeals in cases that result in sanctions of Warning or Disciplinary Probation. If the Director served as the Case Administrator in a given case, the appeal will be reviewed by another member of the Student Affairs staff assigned by the AVP for Community Values & Connection.

The VPSA/designee considers appeals in cases that result in the primary sanctions of Disciplinary Suspension or Permanent Dismissal.

- **Appellate Outcomes**
 - Reviews by the Director of SARP/designee (Reviews of Outcomes that include Probation)
 - If the Director finds there is no basis for the appeal, the Director then will uphold the original decision and dismiss the appeal, and the original decision stands.
 - If the Director finds a lack of Preponderance of the Evidence, the Director will reverse the finding of responsibility and dismiss the case.

- If the Director finds a violation of rights or a harmful error in process has occurred, the Director will order a new proceeding before a panel/administrator unless the error cannot be corrected via a new proceeding;
- If the Director finds the assigned Action is not supported by the Guidelines without adequate justification, the Director will modify the Action. The Director will not increase the level of the Action.
- Reviews by the AVP for Community Values & Connection (CVC) (Reviews of Suspension or Permanent Dismissal)
 - If the AVP finds there is no basis for the appeal, the AVP then will uphold the original decision and dismiss the appeal, and the original decision stands.
 - If the AVP finds a lack of Preponderance of the Evidence, the AVP will reverse the finding of responsibility and dismiss the case.
 - If the AVP finds a violation of rights or a harmful error in process has occurred, the AVP will order a new proceeding before a panel/administrator unless the error cannot be corrected via a new proceeding.
 - If the AVP finds the assigned Action is not supported by the Guidelines without adequate justification, the AVP will modify the Action. The AVP will not increase the level of the Action.
- **Continued Enrollment During Appeal:** If the outcome appealed includes Suspension or Dismissal from the university, the student will not take part in any university function except scheduled classes while the appeal is pending without the advance written permission from the Director of SARP. Where appropriate, the Director also can restrict the student from parts of the campus or specific functions or activities during the appeal period.

Procedures for Appeal by the Reporting Party

- The AVP for Community Values & Connection decides appeals submitted by the Reporting Party.
- When the AVP determines that a Reporting Party's appeal regarding a "not responsible" finding has merit, the AVP will deem the results of the first proceeding void and order a new proceeding using the original resolution method. When the AVP determines that a Reporting Party's appeal regarding sanctions has merit, the AVP can modify the sanction to one that is appropriate to the facts and circumstances of the case or uphold the decision(s) of the original decision-maker. In Reporting Party Appeals, the AVP *can* increase the level of the Action assigned.

Notification and Access to Record During Appeal

- The individual reviewing an appeal will have access to the full case record. In such instances, the Case Administrator or the Chair of the student conduct panel whose decision is being appealed may also be invited to be present to respond to the appeal.
- The student and the administrator or board that heard the original case will receive written notification of the decision regarding the appeal, including the reasons for the

decision. The record maintained by SARP will include a copy of the appeal findings and all correspondence.

Regulations for Recognized Student Organizations

Accountability and Authority

As a condition of recognition by the university, all student organizations must abide by the rules and regulations of the university and the terms of contracts and agreements into which they enter with the university. Recognized organizations and sponsored activities are subject to the same rules and regulations as individual students, and the university may hold them accountable for their actions even when the university pursues charges of misconduct for the same incident against individual members of the group. The university will deem an organization responsible for its conduct when it can be demonstrated that:

- The conduct is sanctioned by the organization and/or any of its officers. “Sanctioned by” includes, but is not limited to, active or passive consent or encouragement, or possessing prior knowledge that the conduct was likely to occur
- The activity involved such a significant number of members of the organization and/or the organization advertised or promoted the activity through communications associated with the organization, that a reasonable person would conclude that the activity was affiliated with or sanctioned by the organization
- The organization, either in whole or in part, planned and/or implemented the activity, and/or advertised the activity
- The activity occurred on property (whether on campus or off) owned, controlled, rented, leased, or used by the organization or any of its members for organization activities
- The activity was related to initiation, admission into, affiliation with, or as a condition for continued membership in the organization
- The organization knew or should have known about the activity and failed to act responsibly in preventing it.

Procedures

In the case of alleged violation by a recognized organization, the organization will have the option to resolve a matter informally with a Case Administrator via an Informal Resolution, have a conference with a Case Administrator, or a proceeding before the appropriate panel. SARP considers the President, Chair, or similar office-holder to be the official representative of their organization; accordingly, SARP will direct all communications to that official student representative.

The student representative can bring one other member with them to meetings with the assigned case administrator or panel. The organization also can bring one Silent Supporter with them to any official meetings.

The same general resolution procedures applicable to individual respondents will be followed.

Sanctions/Educational Measures for Recognized Organizations

Upon a finding of violation, organizations will receive one or more sanctions/educational measures. Sanctions/educational measures are categorized as primary and secondary. At least one primary sanction and any combination of primary and secondary sanctions may be imposed for any single violation. All sanctions are effective immediately upon completion of the appeal or appeal period unless the Director of SARP authorizes an exception.

Primary Sanctions for Organizations

- **Termination of Recognition:** Removal of institutional recognition. The university denies the organization all privileges associated with recognition including, but not limited to, the right to reserve space in university facilities or to use university property or resources, the right to receive student activity fee or other funding from university resources, and the right to participate in or sponsor extracurricular or social activities on campus.
- **Suspension of Recognition:** Removal of institutional recognition for a stated period. During suspension, the organization will be denied the use of all university facilities and resources and cannot participate in or sponsor any extracurricular or social activity on campus. At the end of the suspension period, the organization will be allowed to re-form subject to any condition(s) set forth at the time of suspension.⁸
- **Probation with Loss of Privileges:** Continued recognition with loss of the right to sponsor or participate in some or all extracurricular and/or social activities for a stated period. Further misconduct during the period of probation or violation of the terms of the probation will most likely result in suspension.
- **Probation:** Continued recognition and operation with a warning that further misconduct during the period of probation or violation of the terms of the probation may result in suspension. SARP can attach conditions as terms of continued recognition during probation.
- **Warning:** Notification to the organization that it has violated university regulations and a caution that repetition of the behavior or other misconduct may result in more severe sanctions. An organization cannot receive more than two warnings for the same conduct in an academic year without more serious action being taken.

⁸ In determining the length of suspension, the university will consider a number of factors including but not limited to: the gravity of act(s) for which the organization is being suspended and the actual or potential harm created by the act(s); whether the organization's leadership knew about, planned, or implemented the activity or whether the leadership should have known about the activity but did not due to insufficient oversight, supervision, neglect, or failure to train its members sufficiently; the length of time the organization has been engaged in the activity; the prior conduct history of the organization; other indicia of an organization in poor health such as insufficient academic progress of its members, disproportionate conduct history of the individual members, and lack of positive contribution to the community in the form of service and philanthropy.

Secondary Sanctions for Organizations

- **Loss or Restriction of Privileges:** Limitation or removal of some or all privileges including, but not limited to, the opportunity to schedule social functions, to use university facilities or vehicles, or to post notices. In addition, consistent with the provision of written agreements (should such exist), an organization's assignment of space in university facilities may be canceled and/or other privileges removed.
- **Educational Measure:** Completion of specific assignments at the organization's expense directly related to the violation committed.
- **Restitution:** Requiring an organization to reimburse the university, appropriate individual(s), or vendor(s) for damage or misappropriation.
- **Task Participation:** Requiring the organization's members to participate in assigned tasks or service projects appropriate to the regulation(s) violated.

Records of Action Taken: What Does the University Disclose?

When a student is found "not responsible" for an alleged violation and, in cases involving crimes of violence, all opportunity for appeal has been exhausted, SARP will destroy all statements not related to other pending reports of alleged violations after two weeks and will ensure that no reference to the proceedings appears in the student's official educational records.

What is Noted on the Student's Transcript?

Sanctions of Permanent Dismissal and Suspension are posted as notations on the student's transcript while the student is ineligible to enroll. SARP maintains information concerning such sanctions permanently even though it removes the transcript notation once the student becomes eligible to re-enroll.

What Records does SARP Maintain?

The university will maintain records of sanctions less than separation for three years after the student graduates. However, it will not disclose warnings to persons or entities outside the university unless the student has consented in writing to disclosure or has received been found responsible for further violations. Sanctions greater than warnings, on the other hand, will be maintained for three years after the student graduates, at which time the Director will destroy the record unless it involves separation from the university. The university will keep records of separation permanently. Also, when the graduates of a school or program must be licensed by a regulatory body (e.g., Law, Education, Accounting), the university may maintain records permanently.