

# Student Handbook

## 2024-2025



WILLIAM  
& MARY

CHARTERED 1693

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Consult the *Student Handbook* at [www.wm.edu/studenthandbook](http://www.wm.edu/studenthandbook) for the most up-to-date policies and procedures

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# Overview

In 1973, the university community--faculty, students, and administration--recommended to the Board of Visitors and the Board adopted the following Statement of Rights and Responsibilities. Amendments were made to the document in 1977 and 1991 and are included.

The unique nature of the university community suggests that its members be united in a common purpose. Because the work of each member of the institution contributes to the fulfillment of the educational mission of the university, the various constituent groups--students, faculty, and administrators--are dependent upon one another for the ultimate achievement of the university's goals. Accordingly, all should enjoy the same fundamental rights and privileges and be willing to accept the same responsibilities, except in those rare cases where either the rights and privileges or the responsibilities would be in conflict with existing law or with the goals and purposes of the university as an institution of higher education.

Students, faculty, and administrators (hereafter referred to as the "members of the university community") shall enjoy all rights, privileges, and immunities guaranteed to every citizen of the United States and the Commonwealth of Virginia. In addition, the members of the university community shall enjoy all the fundamental rights recognized as essential to fulfillment of the special mission of an institution of higher education. The full enjoyment of these rights, however, cannot be achieved unless certain concurrent responsibilities are accepted. Members of the university community have an obligation, therefore, to fulfill the responsibilities incumbent on all citizens as well as the responsibilities inherent in their particular roles within the academic community.

The institution and those who administer its affairs have a special responsibility to ensure that, in pursuance of the institution's functions, the rights of all members of the university community are preserved. The institution also has a right to expect, and a corresponding responsibility to ensure within the scope of its legitimate functions as an institution of higher education, that individual members of the university community fulfill their responsibilities to others as well as their responsibilities to the institution.

The Statement of Rights and Responsibilities is based upon the aforesaid principles and, when adopted, shall become the standard by which all rules, regulations, policies, and procedures of the university, except as otherwise prescribed by local, State, or Federal law, shall be measured. No rule, regulation, policy, or procedure which is incompatible with or which contradicts this document may be enacted; and any such rules, regulations, policies, or procedures which are in effect at the time of the enactment of this document shall be reviewed as soon as reasonably practicable to conform with this document, provided, however, that this Statement of Rights and Responsibilities shall not affect the powers of the Board of Visitors as provided by law.

# Rights, Privileges, and Immunities

The members of the university community, as individuals, shall enjoy all rights, privileges, and immunities guaranteed every citizen of the United States and the Commonwealth of Virginia.

- A. **Basic Rights:** Among the basic rights are freedom of expression and belief, freedom of association and peaceful assembly, and freedom from personal force and violence, threats of violence and personal abuse.
  
- B. **Right to Freedom from Discrimination:** Each member of the university community has a right in their dealings with the institution, and with members of the university community in the performance of their official duties, to be free from discriminatory treatment with regard to race, creed, gender, religion, national origin, or political belief.
  
- C. **Rights to Organize:** Each member of the university community has the right to organize their own personal life and behavior insofar as it does not violate local, State, or Federal law, university regulations, or agreements voluntarily entered into, and does not interfere with the rights of others. The following specific rights apply:
  - 1. The right to associate with any legally established group or to create such groups, professional or other, as serve legitimate interests.
    - a. The membership, policies, and actions of an organization shall be determined by vote of those who hold membership in that organization
    - b. Affiliation with an extramural organization shall not disqualify an organization from institutional recognition.
    - c. An organization shall be officially recognized after its constitution and bylaws have been approved by the appropriate body as designated by the President, or the President's delegated representative, and when consistent with the Bylaws of the Board of Visitors. A current list of officers, but not a membership list, may be required as a condition of recognition.
    - d. Officially recognized organizations, including those affiliated with an extramural organization, shall be open to all on a non-discriminatory basis with regard to race, religion, creed, national origin, gender, or political belief, provided however that, to the extent permitted by law, membership in social organizations may be restricted to members of the same gender, and membership in organizations whose primary purpose is political or religious may be restricted to those members of the university community who have similar beliefs.
  - 2. The right to hold public meetings, to invite speakers of their own choosing to campus, to post notices, to engage in peaceful, orderly demonstrations within



reasonably and impartially applied rules designed by the President or the President's delegated representative, to reflect the educational purposes of the university, and to protect the safety of members of the university and community and others. The university may establish rules, therefore, regulating time, place, and manner of such activities and allocating the use of facilities, but these regulations shall not be used as a means of censorship. In the event that there is a clear and present danger, as reasonably determined by the appropriate university authority designated by the President, to the health or safety of the members of the university community or to the educational process, such meeting or demonstration may be prohibited. Sponsorship of guest speakers does not necessarily imply approval or endorsement of the views expressed either by the sponsoring group or the institution.

3. The right, when charged or convicted of violation of general law, to be free of university discipline for the same conduct, unless such discipline by the university community is determined to be for the protection of other members of the university community or the safeguarding of the educational process. Such determination shall be made by the appropriate university authority designated by the President.

**D. Right to Fair and Equitable Adjudication Procedures:** Each member of the university community has a right to fair and equitable procedures for the adjudication of charges of violations of nonacademic university regulations and the sanctions or penalties to be imposed, including, without limitation, the following specific rights:

1. **Right to Notice:** The right to have advance written notice of all institutional rules and regulations, including the ranges of penalties for violation of such rules and regulations.
2. **Right to Due Process:** The right, in the case of charges of infractions of regulations which may lead to serious penalties, to formal procedures with fundamental aspects of due process, including the right to be informed in writing of the charges and given a reasonable time to prepare a defense, to have written findings, and to appeal to higher authority. Minor infractions may be handled more informally by the appropriate individual or committee with the consent of the individual charged. In such instances, the right of appeal is still preserved.
3. **Right to be Present:** Right to be present on campus, participate in classes, and generally exercise all those rights and privileges associated with membership in the university community until found guilty of the charges, except in those instances when continued presence on the campus would constitute a threat to health or safety of the individual, other members of the community, or to the educational process. Such determination shall be made by the appropriate university authority as designated by the President.

- E. Right to Privacy:** Each member of the university community has a right to privacy in their dealings with the institution, including, without limitation:
1. **Search and Seizure:** The right to be free of searches and seizures except in accordance with law. Routine inspections, however, may be held periodically for the purpose of assuring fire protection, sanitation, safety, and proper maintenance of the university's buildings.
  2. **Privacy of Records:** The right to expect that all records of their association with the institution are treated as confidential.
    - a. *Release of Information:* Except as provided below, the institution may not release information about any aspect of an individual's association with the institution without the prior written consent of the individual concerned or under the compulsion of law. Within the institution, access to such records shall be restricted to authorized personnel for authorized reasons, as determined by the President or the President's delegated representative, and such others as are agreed to in writing by the individual concerned. To the extent permitted by law, the institution may disclose, to an alleged victim of any crime of violence (as that term is defined in section 16 of title 18, United States Code), the results of any disciplinary proceeding conducted by the university against the alleged perpetrator of such crime with respect to such crime. The university may also release information about students which is defined as directory information under the Family Rights and Privacy Act of 1974, as amended, and information about other members of the university community which is a matter of public record (for more information on FERPA, please refer to the Registrar's web site at [www.wm.edu/registrar](http://www.wm.edu/registrar)).
    - b. *Inspection of Records:* Each member of the university community shall have the right to inspect the contents of their own records kept by the institution, other than information or records to which the member has specifically waived the right of access and letters of recommendation written by other members of the university community for the purpose of internal evaluation of a member for the award of a university honor, provided that such letters are not kept permanently by the institution and do not become a part of the official record, and may challenge any information included in the record which is believed to be inaccurate, inappropriate, or misleading. If an individual challenges any information contained in their records, the institution shall undertake to verify such information to the satisfaction of the individual concerned. Such decisions shall be made by the President or a designated representative. If the institution's decision is not satisfactory to the individual, the

member has the right to place in their record a statement challenging the information. Subsequent authorized disclosure of the contents of the record shall indicate such challenge.

- c. *Political and Religious Beliefs*: Records of the political and religious activities or beliefs of members of the university community may not be maintained except for purposes of official recognition of campus organizations as provided in Article I.C.1.c.
- d. *Separation of Academic Records*: To minimize the risk of improper disclosure from records, the academic record shall be maintained separately from other necessary student records. Transcripts of academic records shall contain only data essential for personal identification and information about academic performance and status. All withdrawals, whether voluntary or involuntary, may be recorded on the transcript.

Each member of the university community shall have the responsibility to respect the aforesaid rights of their associates and refrain from using the institution as a sanctuary from the general law.

## **Rights and Responsibilities of Citizenship**

Each member of the university community enjoys all rights of citizenship and has a responsibility to fulfill the obligations incumbent on all citizens. Additionally, there are special rights and responsibilities inherent in membership in an academic society.

- A. **Responsibility to Respect the Rights of Others**: Each member of the university community has a responsibility, based upon the special mission of an institution of higher education, to respect the rights of others to function in an atmosphere where freedom to teach, to learn, and to conduct research and publish findings is preserved and respected, an atmosphere which includes, without limitation, the following specific rights:
  - 1. The right of the instructor to academic freedom and impartial consideration for tenure in accord with the principles set forth in the Statement of Academic Freedom and Tenure, adopted jointly in 1940 by the Association of American Colleges and the American Association of university Professors, and with the standards and procedures approved by the Board of Visitors and set forth in the Faculty Handbook.
  - 2. The right of the instructor to determine the specific content of their course within established course definitions. Concurrently, the instructor has the responsibility not to depart significantly from their area of competence or to divert significant time to materials extraneous to the subject of the course.
  - 3. The right of the student to be evaluated entirely on the basis of academic performance and to discuss freely, inquire, and express opinions inside the classroom. The student has a responsibility to maintain standards of academic

performance as set by their professors, provided, however, that the student shall have means for redress against arbitrary, unreasonable, or prejudicial standards of evaluation.

4. The right to pursue normal academic and administrative activities, including the freedom of movement in the performance of such activities.
5. The right to privacy in offices, laboratories, and residence hall rooms and in the keeping of personal papers and effects.
6. The right to hear and study unpopular and controversial views on intellectual and public issues.
7. The right of the student to expect that information about their views, beliefs, and political associations, which an instructor acquires in the course of their work as a teacher, advisor or counselor of the student be held in confidence to the extent permitted by law.

**B. Rights and Responsibilities of Student Publications:** Because student publications are a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and intellectual exploration on the campus, it is essential that they enjoy the following rights and responsibilities:

1. The right to be free from prior censorship or advance approval of copy.
2. The right to develop editorial policies and news coverage.
3. The right to be protected from arbitrary punishment or suspension, or removal from an editorial or managerial position because of student, faculty, administrative, or public disapproval of editorial policy or content. Only for proper and stated causes, as defined by the Publications Council of the university, shall editors and managers be subject to such punishment, suspension, or removal. The academic status of a student editor or manager shall not be affected provided, however, that he/she remains subject to the provisions of Article I, Sections C.3 and D.3.
4. The responsibility to make clear in writings or broadcasts that editorial opinions are not necessarily those of the institution or its members.

**C. The Responsibility to Maintain High Standards:** Members of the university community have a responsibility to maintain the highest standards in the performance of their duties and to respect the aforesaid rights of their associates.

## **Responsibility of University to Preserve Rights**

The university, through those who administer its affairs, has a special responsibility to ensure that, in pursuance of its functions, the rights of all members of the university community are preserved, including, without limitation, the rights of such persons heretofore specifically enumerated.

The university has a right to expect, and a responsibility to ensure, within the scope of its legitimate functions as an institution of higher education, that all members of the university community fulfill their responsibilities to others as well as their responsibilities to the university.

- A. **Academic Performance and Personal Conduct:** The university has the right and responsibility to set and enforce reasonable standards of academic performance and personal conduct, in order to facilitate and safeguard the educational process, and to provide for the safety of the person and property of members of the university community, the university's physical property, and the person and property of others, to the extent that they are affected by university-sponsored activities or are engaged in legitimate activities on university property.
- B. **Validity of Charges:** The University has the right and responsibility to provide procedures for determining the validity of charges that a member of the university community is negligent or irresponsible in the performance of their duties.
- C. **Opportunity to be Heard:** The University has the responsibility to ensure that the members of the university community have an opportunity to be heard at appropriate levels of the decision-making process about basic policy matters of direct concern. Clearly defined means should be available to ensure this opportunity.
- D. **Leadership and Administrative Procedures:** The University has the responsibility to provide and maintain leadership and administrative procedures responsive to the needs and desires of the university community, consistent with high standards of academic excellence, and to the changing goals and responsibilities of institutions of higher education, including the responsibility:
  - 1. To make, from time to time, a clear statement of its purpose and goals.
  - 2. To disseminate information relating to the activities of the university, financial or otherwise, subject to the provisions of the Virginia Freedom of Information Act.
  - 3. To state the reasons for institutional decisions affecting the university community or individual members thereof, except as required by the provisions of Article I, Section E.2a., or by the advice of legal counsel in instances involving possible litigation.
- E. **Integrity and Prevention of Exploitation:** The University has the right and responsibility to protect its integrity and to prevent its political or financial exploitation by an individual or group by means including, but not limited to, the following:
  - 1. The university has a right to prohibit individuals and groups who are not members of the university community from using its name, its finances, or its physical facilities.
  - 2. The university has a right to prohibit members of the university community from using its name, its finances, or its physical facilities for activities not principally for the benefit of the university.

3. The university has the responsibility to provide for members of the university community the use of meeting rooms, including use for political purposes, provided that such use is not undertaken on a regular basis and used as free headquarters for political campaigns, and the right to prohibit use of its name, its finances, or its office equipment for any political or other purpose.

## **Adoption, Amendment, and Interpretation of this Document**

This document shall be adopted and may be amended when:

- A. Accepted by a majority vote of those students who vote in a referendum.
- B. Accepted by a majority vote of the combined faculties of the university who vote in a referendum.
- C. Accepted by a majority vote of the administration of the university who vote in a referendum.
- D. Approved by the President of the university and the Board of Visitors. Nothing in this document shall affect the powers of the Board of Visitors as provided by law.

### **Interpretation Procedure**

On September 24, 1974, President Graves issued a clarifying statement concerning the interpreting mechanism for the Statement of Rights and Responsibilities, and his memorandum of that date is an addendum to that Statement:

“The President of the College, by virtue of his responsibility to implement and administer the policies established by the Board of Visitors, is responsible for implementing the Statement of Rights and Responsibilities.

The normal tasks of implementation are the responsibility of various offices of the College ‘who administer its affairs.’ These offices, whose policies and practices have been brought into conformance with the Statement, ‘have a special responsibility to ensure that . . . the rights of all members of the College community are preserved.’

There are, however, instances in which the Statement must undergo occasional interpretation in the process of its continuing implementation as a document.

In the Statement of Rights and Responsibilities, it is the responsibility of the President or an ‘appropriate College authority designated by him’ to determine when an exception to a specific section of the Statement should be made. The Statement also provides that members of the College community ‘should enjoy the same fundamental rights and privileges . . . except in those rare cases where . . . the rights or privileges...would be in conflict . . . with the goals and purposes of the College as an institution of higher education.’

Although the Statement does not indicate who, other than the President, the arbitrating authority should be for exceptions, or who should interpret the Statement when there is a difference of opinion among members of the College community or between individuals and the institution, the clear implication in both cases is that it should be the President or ‘an appropriate College authority designated by him.’

Therefore, I believe that it is desirable for us to proceed ahead along the lines suggested above. If and when relevant questions or issues are raised in connection with the Statement of Rights and Responsibilities, such questions or issues should be brought to the attention of the President’s Office as they occur. I shall take responsibility, depending on the nature and substance of a case, for determining whether I or another administrative officer, whom I would designate, should handle the case. Whoever is given that authority shall take responsibility for consulting with those whom he believes appropriate, depending on the circumstances, before reaching a decision.”

On May 2, 1990, Dr. Paul R. Verkuil, President of the College, issued the following interpretation of the Statement of Rights and Responsibilities:

The Statement of Rights and Responsibilities guarantees to members of the university community the “right in his or her dealing with the institution and with members of the College community in the performance of their official duties to nondiscriminatory treatment.” It further states that “each member of the College community has the right to organize his or her own personal life and behavior insofar as it does not violate local, state, or federal law, College regulations or agreement voluntarily entered into and does not interfere with the rights of others.” It is my determination that these words express a right to privacy, which extends not only to nondiscriminatory treatment in areas specified by federal law but to nondiscrimination based on sexual orientation as well. The student code of conduct already ensures nondiscriminatory treatment without regard to sexual orientation. In accordance with the resolution of the Faculty Assembly, I am directing that official publications of the university include specific reference to this topic in any enumeration of William and Mary’s nondiscrimination policies. It is also my interpretation that faculty, staff and administration should be extended the same assurances against discrimination based upon sexual orientation as the student body itself. This interpretation will be made a part of the Statement of Rights and Responsibilities.

On May 1, 1996, Dr. Timothy Sullivan, President of the College, issued the following clarification of the Statement of Rights and Responsibilities:

Under the Sections I.A. and I.B., each member of the university community has the right to be free from all forms of discriminatory treatment as guaranteed by law. Accordingly, the enumeration of specifically protected treatment should be understood to include disability, Vietnam veteran status, and all other categories ensured by the Commonwealth and by federal law. For faculty, failure to comply with federal and state non-discrimination laws and policies shall be handled in accordance with provisions in the Faculty Handbook, including the procedural guarantees therein outlined. Students alleging failure to comply with federal and state non-discrimination laws and policies shall contact the AVP for Community Values or the Vice-President for Student Affairs.

# Student Life Policies

## Authorities and Agencies

The following policies and regulations apply to students and their relationship to the university; the use or management of resources; and rights and expectations of students. Some of the policies listed below require action by the student, and failure to comply with the responsibilities outlined in these policies may result in student conduct action under the Student Code of Conduct, specifically “Failing to Comply with Directions”.

## General Policies

### Official Communications

Students are responsible for maintaining and updating current local, campus, and permanent addresses with the Registrar and, for regularly checking their university-provided accounts including email, Banner, and Blackboard. Students must maintain a current local address and phone number with the university. Messages sent to the student’s university-provided email account will constitute proper notification for the purposes of the Handbook. Periodically, the university requires students to verify the address and phone number on file. Failure to provide or verify an updated address and phone number may result in restriction of the student’s access to myWM and its services and/or restriction of registration and transcript release.

### Inspection and Search of Buildings, Student Living Quarters, Offices, Lockers or Other Facilities

The university may conduct routine inspections, including a student’s assigned university housing room, for the purpose of assuring fire protection, sanitation, safety, or proper maintenance of the university’s buildings and other facilities. In such cases, it is the student’s responsibility to ensure access to the areas needing repair and to protect personal property against damage.

The university also reserves the right to enter a student’s room/suite/apartment as deemed appropriate for reasons including, but not limited to health concerns, safety concerns, and suspected violation of university or residence hall policies.

With the exceptions noted above, university administrators will not inspect a student’s room, office, lockers, or private possessions on campus unless there is reasonable cause to believe that a student is violating policy or using the facilities in violation of university regulations. In such case, the administrator must request via certificate the authorization of a search from the Vice President for Student Affairs (or designee). The certificate must state the source of the information, the suspected violation, the location of the search, the materials to be seized or information sought, and the name of the person authorized to conduct the search.



Nothing in this regulation prohibits the William & Mary Police from securing a search warrant and executing it in or around university facilities.

## Student Financial Responsibilities

Students are responsible for reading and reviewing the Statement of Responsibilities on [Financial Operations' Student Accounts webpage](#)

## Missing Person Inquiry and Confidential Contact Information

The university has established a procedure to investigate when a student is reported missing. Each student has the option to designate a confidential contact at [personalinfo.wm.edu](http://personalinfo.wm.edu). The university will contact the designated person within 24 hours of the time that it considers a student missing. Law enforcement officials (including campus police) will also be notified of a student's absence and will follow their own investigation procedures. For students who are minors (under 18 and not emancipated), the university is obligated to notify parent(s) or guardian(s) within 24 hours of receiving a report that the student is missing.

## Required Disclosure of Arrests

School campuses are not immune from the dangers faced elsewhere in society. It has become increasingly important that schools take reasonable steps to help protect the safety of the members of their communities. One such step now being taken by many colleges and universities is a requirement that their students promptly report any arrests involving them. At William & Mary students must report within three calendar days any criminal process that has begun for them (whether by means of detention, court summons, citation, or other similar process) no matter where the incident occurs. This requirement applies to any criminal process resulting from:

1. Felony charges of any nature
2. Charges for offenses involving violence or the threat of violence or serious harm to other people.

Examples include but are not limited to

- Assault/battery
- Sexual assault/battery
- Stalking
- Resisting arrest
- Driving while intoxicated or under the influence of drugs
- Reckless driving resulting in injury.

If unsure whether a particular arrest is covered under this policy, disclose. While failure to report a criminal process covered by this policy will not result in honor proceedings, it can result in referral for possible Student Code of Conduct violations.

Disclosures can be made by [reporting the incident via web form](#).

For more information about this policy, see the [Disclosure of Arrests Frequently Asked Questions \(FAQ\)](#) page.

## **Discrimination and Title IX Policies**

William & Mary is committed to providing a safe and nondiscriminatory environment for all members of the university community and to respecting the rights of students, employees, and third-parties accused of misconduct.

The following relevant policies comply with federal and state anti-discrimination laws, providing protections, supports, and avenues for university response and remedy:

1. The [Student Discrimination & Title IX Complaint Procedure](#) and
2. The [Policy Prohibiting Title IX Sexual Harassment and Gender-Based Harassment](#) (“the Title IX Policy”)

These policies prohibit discrimination and harassment based on sex and discrimination, discriminatory harassment, and retaliation based on a protected class and establish reporting obligations and options.

Reporting misconduct the university to take prompt action to protect and support individuals in their educational or work environments. Supportive measures are available to any Impacted Party regardless of their desire to initiate a formal complaint and university investigation. Reporting does not equal an investigation; instead, “*report equals support.*”

Students are encouraged to report discrimination, harassment, and/or retaliation directly to the Title IX Coordinator:

**Dr. Jenelle M. Job, PhD**, Director of Title IX and Civil Rights Compliance, 108 James Blair Hall, (757) 221-4977, [jmjob@wm.edu](mailto:jmjob@wm.edu)

or by using available online reporting forms:

- [Employee Online Reporting Form](#) to report allegations of discrimination, harassment, or retaliation, including Title IX sex discrimination or sex-based harassment, by a faculty, staff or third-party to the university.

- [Student Title IX Report Form](#) to report allegations of sex discrimination or sex-based harassment by a student.
- [Student Incident Report](#) to report allegations of discrimination, harassment or retaliation based on a protected class (e.g., race, ethnicity, religion, disability) by a student.

## **Mandatory and Confidential Reporting**

Students who report to any faculty, staff, or designated student employee (e.g., resident assistants) need to know that university employees are MANDATORY reporters of misconduct and must report any disclosure or observation that falls under the above policies to the Title IX Coordinator.

Employees designated as Confidential Employees are confidential resources and are not mandatory reporters. Staff in the following offices are not obligated to share any disclosure or observation with the Title IX Coordinator without the student's permission.

- The Haven, Sadler Center 146P, 221-7478, [thehaven@wm.edu](mailto:thehaven@wm.edu)
- The Counseling Center, 2<sup>nd</sup> Floor McLeod Tyler Wellness Center, (757) 221-3620
- Student Health Center, 1<sup>st</sup> Floor McLeod Tyler Wellness Center, (757) 221-4386
- Tribe Sports Medicine, Deidre Connelly, Director of Performance Psychology, (757) 221-3386, [dxconn@wm.edu](mailto:dxconn@wm.edu)

## **Discrimination Policy**

The Discrimination Policy prohibits discrimination on the basis of a person's belonging to or perception that person belongs to a protected group. A protected group means category of individuals who are protected from discrimination based on race, religion, creed, national origin, color, sex, gender, sexual orientation, gender identity, pregnancy, physical or mental disability (or perceived disability), citizenship status, age, marital status, family responsibilities, Veteran or military status (including disabled veteran, recently separated veteran, active duty wartime or campaign badge veteran, and Armed Forces Service Medal veteran), predisposing genetic characteristics, The Discrimination Policy applies to all members of the university community—students, faculty staff and third party contractors. It supports students who experience discrimination or harassment based on a protected class, and it prohibits students from discriminating against or harassing others in the community.

The Discrimination Policy prohibits some sexual misconduct not defined under Title IX regulations, including non-consensual sexual intercourse, relationship abuse and sexual abuse

that occurs off-campus, and sexual exploitation regardless of location. The definitions of discrimination, discriminatory harassment, retaliation, and sexual misconduct are contained in Section III of the Discrimination Policy.

All employees of the university, with the exception of specifically identified confidential resources, are mandatory reporters of incidents of sexual misconduct. Mandatory reports of all information known are made to the Title IX Coordinator. This reporting obligation does not require survivors to report misconduct they experienced or other students to report information they learn from a friend or contemporary; it requires all employees, including some designated student employees in their employment capacity, to report incidents involving students.

### **Title IX Policy**

Consistent with federal regulations, the Title IX Policy prohibits the following types of misconduct:

- Hostile Environment Sexual Harassment
- Quid Pro Quo Sexual Harassment committed by an employee of the university
- Sexual Assault (Rape, Fondling, Incest, Statutory Rape)
- Domestic Violence
- Dating Violence
- Stalking
- Gender-Based Harassment

The Title IX Policy defines each of these types of misconduct and defines consent, force, incapacitation, and retaliation.

The Policy applies to all members of the university community –students, faculty, staff and third-party contractors. It supports students who experience Title IX Sexual Harassment and Gender- Based Harassment and prohibits students from sexually harassing others in the community. It also requires the university to provide supportive measures to anyone experiencing misconduct and to respond to reports as required by the regulations to ensure a hostile environment does not exist.

### **Prohibition of Certain Consensual Amorous Relationships**

Under the Faculty Handbook, the university's [Consensual Amorous Relationships Policy](#) (pg. 51) prohibits faculty from engaging in romantic or sexual relationships with undergraduate students. It also prohibits faculty from engaging in such relationships with graduate students enrolled in a degree-seeking program or in the case of Arts & Sciences, any department or program in which the faculty member has taught, plans to teach, or holds an appointment.

The Consensual Amorous Relationships Policy is designed to avoid relationships between individuals with unequal power and to avoid conflicts of interest. Violations of this policy are considered misconduct on the part of the faculty member, but it is not used to discipline students. Reports of violations of this policy may be made to the department chair or academic Dean or to [reportconcern@wm.edu](mailto:reportconcern@wm.edu).

## **Health Policies**

### **Health History and Immunization Record**

Virginia State law requires all full-time students enrolling for the first time in a four-year public institution to provide a health history and an official immunization record. The information required from you is based on Virginia State Law, William & Mary requirements, and information needed to assist in caring for you. This information must be submitted through the [Online Health Portal](#).

The [health requirement](#) provides the Student Health Center with a medical history and official immunization record for each student. It also serves to alert the Health Center to the unique medical needs of each particular student. Non-urgent services will not be rendered until all health requirements have been met.

Previously enrolled students entering a new program as full-time students after an absence from campus of two years or greater must update their health information and align with current immunization standards. If the absence from campus is 6 years or greater, then the student will also need to revalidate the immunization requirements.

Omission or misrepresentation of pertinent medical information is a violation of the honor system. The university will place a hold on the student's Banner account if a student is not in full compliance with these requirements. This hold will prevent registration for classes. Additionally, extended noncompliance will result in the assessment of a tiered late fee.

In order to protect the health of all members of the community, in the event of a vaccine-preventable disease occurring on campus, the university, in cooperation with state requirements, will likely remove the student from classes, on-campus residence, and/or the campus.

### **Insurance Requirement**

The University requires all full-time undergraduate, graduate and professional students and all F-1 & J-1 international students to have adequate health insurance coverage throughout the school year as a condition of enrollment. These students will be enrolled in the university-endorsed Student Insurance Plan, and the cost will be billed to their student accounts in two installments (fall and spring semester) UNLESS the student furnishes proof of other adequate health insurance coverage. Full-time students who

already have health insurance for the entire academic year must submit a Waiver Request by the posted deadline each academic year, and the waiver must be approved to avoid being enrolled in the Student Insurance Plan. Full-time students who want to enroll in the university-endorsed Student Insurance Plan must submit an enrollment form by the posted deadline each academic term to ensure their timely enrollment and billing of the Health Insurance Policy charge.

It is the student's responsibility to verify whether the university has billed the charge to the student's account. If there is a billing error, the student should contact the Student Insurance Coordinator immediately. To access the waiver or enrollment request forms and for more information about the insurance requirement or the university-endorsed insurance plan, please visit [www.wm.edu/health/insurance](http://www.wm.edu/health/insurance).

## **Tobacco, Nicotine Vapor Products, Alternative Nicotine Products, and Smoking**

The Commonwealth of Virginia outlaws the possession of tobacco products, nicotine vapor products, and alternative vapor products (i.e., vapes) by persons under the age of 21. Additionally, the university prohibits smoking by anyone in any university building or within 25 feet of the entrance of any building.

## **Reportable Diseases**

In the event a student is diagnosed as having a transmittable disease which must be reported to the State Department of Health, the university reserves the right to determine, on a case-by-case basis, whether it should establish conditions to limit or prohibit the student's continued participation in the university community in the interest of public health and/or the health of the student. The Director of the Student Health Service is empowered to make this decision with consultation as appropriate. Specific conditions may include, but will not be limited to, periodic medical/counseling procedures, confinement to the Student Health Center, reassignment, or removal from the residence halls, and/or a medical withdrawal from the university. If, in the opinion of the Director, the student's situation requires the immediate exclusion from the residence halls or the campus, the university will consider such action temporary until the student has an opportunity to receive a full review of the matter by the Director of the Student Health Service. For a list of reportable diseases to which this policy may apply, see the Virginia Department of Health web site at [www.vdh.state.va.us](http://www.vdh.state.va.us).

## **Intellectual Property Policies**

### **Student Intellectual Property Rights**

The Commonwealth of Virginia requires that all State colleges and universities have patent and copyright policies. The University's Intellectual Property Rights Policy

defines the ownership of patents and copyrights, collectively “intellectual property,” created by State university employees and students.

Students can act in two capacities: as students or as employees. When acting as employees, students can be either agents of the University or an individual university employee (their “principal”). Under certain circumstances, when not acting as an employee, students may own the IP rights to their contributions to works and inventions. When they act as agents, ownership of their works and inventions is determined in accordance with rules of the policy that would apply if their principal had created the works and inventions.

Students who believe the university may own Intellectual Property should consult the university policy described above and additional information available from the Office of Technology Transfer, (757) 221-1751.

### **Intellectual Property Rights of Others**

The university does not permit the recording, dissemination, or publication of academic presentations (including handwritten notes) for a commercial purpose without advance authorization of the course instructor.

The posting of lecture notes on for-profit websites is prohibited.

## **Technology Policies**

### **University Electronic Communications Systems**

Upon acceptance of admission, the university provides students with access to electronic messaging services include university email services, email distribution lists, chat and other collaboration tools. Use of these communications services are subject to the university’s [Email Policy](#) and Information Technology’s [Acceptable Use Policy for Students](#).

### **Social Networking Website Policy**

Social networking websites such as Facebook and Twitter are considered part of the public domain, and the university encourages students to use them wisely with full knowledge that anything they post may be viewed by the public. The university does not generally monitor these sites; however, the university may consider and investigate any potential violation of university policy brought to its attention by any person.

For more information regarding expectations of use of the university’s computing equipment and resources, see the [Acceptable Use Policy for Students](#).

# Motor Vehicles Policy

## Possession and Use of Motorized Vehicles

Students may not have motor vehicles on campus unless they are eligible to register them as follows:

1. The student does not reside in university-administered housing, OR
2. The student has completed 54 semester hours and has completed at least four regular (fall and spring) semesters, OR
3. The student is a classified or hourly employee of the university, is registered for fewer than five credit hours, and is paid from the Student Work Budget, OR
4. The student, although otherwise ineligible, has obtained special permission (designated as “restricted permission”) through the Parking Appeals Committee. Forms are available at Parking Services. Students with disabilities also may obtain the forms in Student Accessibility Services. The university may grant permission upon demonstration that a vehicle is indispensable for employment and for continuance at the university, is necessary to reasonably accommodate a disability, or for other essential university-related needs.

Students who bring a motor vehicle to campus without prior permission in anticipation of receiving that permission, are in violation of this regulation.

Students who would be eligible for a motor vehicle under this regulation may not register a motor vehicle for another student who would not be eligible.

The sanction for a first violation of the motor vehicle regulation ranges from warning to suspension for one semester and, for a subsequent violation, shall range from warning to dismissal.

Students are required to register all eligible motor vehicles operated on the campus, including motorcycles, motor scooters, and mopeds by the third day of classes.

The Parking Advisory Committee recommends and reviews regulations governing registration of vehicles as well as parking and traffic on the university campus. University motor vehicle regulations, procedures, and penalties are set forth on the Parking Services website. The operation of a motor vehicle on the university campus constitutes implied consent for university parking and traffic violations to be handled through informal disciplinary procedures with final written appeals to the Parking Appeals Committee.

For more detailed information, visit the Parking Services website [www.wm.edu/parking](http://www.wm.edu/parking).



## **Use of Campus Facilities**

Access to university facilities and use of campus grounds for non-academic purposes is governed by the [Use of Campus Facilities for Non-University Purposes Policy](#). This policy includes:

- Requirements for scheduling of meetings, demonstrations, rallies, and other organized activities
- Types of unscheduled activities in which students can engage and where these activities may be conducted
- Limitations on commercial activities and solicitation
- University facilities strictly reserved for administrative and academic uses.

## **Posting and Chalking Policy**

See the university's policy on [Posting and Chalking on Campus](#) for guidance related to posting and chalking on university property.

# **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 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 (hereafter referred to as VPSA), 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?**

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 [Discrimination, Discriminatory Harassment, Retaliation, & Sexual Misconduct Policy](#).<sup>1</sup>
- 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.<sup>2</sup>
- 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

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

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

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.<sup>3</sup>
- 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)

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<sup>3</sup> 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;<sup>4</sup> 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*)

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<sup>4</sup> 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 CVC 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 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,<sup>5</sup> 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.<sup>6</sup> 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.

***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.

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<sup>5</sup> 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.

<sup>6</sup> 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.

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](http://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”) 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 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.
  - The student may have one Silent Supporter of their choice with them at Information Session.
    - 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.

## 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 student conduct record.

The assigned staff member will share with the student what alternative options are available, including restorative conversations, conferences, or circles. Ultimately, the staff member will decide which process to use. The process will result in an action plan for the student, and the student will be accountable for completing these actions by deadlines established by SARP. If the student does not complete these actions by the deadlines established, 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.

### ***Panels***

- ***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.”

### ***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, Respondent, and student advisor, if any, 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 Sanctions<sup>7</sup>

**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 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

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<sup>7</sup> 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.

- 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.

<b>Disruptive Behavior</b>				
<b>Violation</b>	<b>Examples</b>	<b>1st Violation</b>	<b>2nd Violation</b>	<b>3rd Violation</b>
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	Probation	Suspension or dismissal	Suspension or dismissal

	a university official to cease  Continuing disruptive conduct in the 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 or dismissal	Dismissal	

<b>Alcohol Policy Violations</b>				
<b>Violation</b>	<b>Examples</b>	<b>1st Violation</b>	<b>2nd Violation</b>	<b>3rd Violation</b>
Minor alcohol policy violation	Underage possession of alcohol without significant intoxication; possession of open container of alcohol in public; possession of alcohol containers in excess of 750ml	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

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
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<b>Fire Safety Violations</b>				
<b>Violation</b>	<b>Examples</b>	<b>1st Violation</b>	<b>2nd Violation</b>	<b>3rd Violation</b>
Possession of items that violate fire safety regulations	Non-compliant extension cords	Warning and removal of non-compliant item	Probation and possible Housing Probation	Probation and Loss of Housing
	Open flame such as candles in a university building	Warning or Probation; other secondary sanctions as appropriate; Housing Probation	Probation and loss of housing	Suspension
Failing to Evacuate During a Fire Alarm		Warning, secondary sanctions as appropriate	Probation and Housing Probation	Probation and Loss of Housing
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
	Intentionally Pulling a False Fire Alarm	Probation and loss of housing; secondary	Suspension	Dismissal

		sanctions as appropriate		
	Intentionally starting a fire in a university building	Permanent Dismissal		

<b>Violence and/or Threatening or Alarming Behavior</b>				
<b>Violation</b>	<b>Examples</b>	<b>1st Violation</b>	<b>2nd Violation</b>	<b>3rd Violation</b>
Behaving in a manner that a reasonable person would find alarming or intimidating	Threatening physical violence	Probation or Suspension	Suspension or Dismissal	
Committing acts of violence	Fighting, physically hitting another	Probation or Suspension; if not suspended, loss of housing is possible  If significant harm was inflicted, Dismissal is possible	Suspension or Dismissal	
	Holding or transporting another person against their will; impeding another's ability to exit a property	Probation or Suspension	Suspension or Dismissal	
Reckless Behavior that Results in Injury to Another	Throwing items that hit another person	Probation or Suspension if harm was significant	Suspension or Dismissal	Dismissal

<b>Driving Under the Influence of Alcohol or Drugs</b>				
<b>Violation</b>	<b>Examples</b>	<b>1st Violation</b>	<b>2nd Violation</b>	<b>3rd Violation</b>

	Driving with a BAC in excess of law (currently .08)	Probation or Suspension	Suspension or Dismissal	Dismissal
	Driving with a BAC in excess of law (currently .08) resulting in an accident or injury	Suspension	Dismissal	
	Driving while impaired by cannabis or other drug	Probation or Suspension	Suspension or Dismissal	Dismissal

<b>Damaging Property</b>				
<b>Violation</b>	<b>Examples</b>	<b>1st Violation</b>	<b>2nd Violation</b>	<b>3rd Violation</b>
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	Suspension
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	Suspension
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 or Dismissal	

<b>Possession of Drugs</b>				
<b>Violation</b>	<b>Examples</b>	<b>1st Violation</b>	<b>2nd Violation</b>	<b>3rd Violation</b>
Possession of cannabis ; possession of psilocybin (psychedelic mushrooms)		Probation; referral to counseling; other secondary outcomes as appropriate; if in housing, Housing Probation	Suspension	Suspension or Dismissal
Possession of cannabis with intent to sell or distribute	Growing cannabis in residence hall room; possession of quantity inconsistent with personal use	Suspension or Dismissal, depending on scope and circumstances	Dismissal	
Possession of other drugs	Possession of LSD, Ecstasy, Cocaine, Opiates	Suspension	Dismissal	
Possession of other drugs with intent to sell or distribute	Possession of quantity inconsistent with personal use	Suspension 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	Suspension	Dismissal

<b>Possession of Weapons, Combustibles, or Explosives</b>				
<b>Violation</b>	<b>Examples</b>	<b>1st Violation</b>	<b>2nd Violation</b>	<b>3rd Violation</b>
Possession of weapon	Possession of a knife with a blade in excess of 3"			

	Possession of a firearm			
	Possession of gasoline or other flammable item in a campus building			
	Possession of bow and arrow, sword, nun chucks			
Possession of an item that resembles a weapon	Toy gun that appears to be an authentic gun			

# 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](mailto: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](mailto: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.
- **Discrimination** in the proceeding on a basis prohibited by university policy which caused an unfair proceeding.
- **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 or to have a conference with a Case Administrator or 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.<sup>8</sup>
- ***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.

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<sup>8</sup> 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.

- **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.

### **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 Records Do the University Maintain and 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?**

SARP maintains records of cases resulting in sanctions less than Suspension for three years after the student graduates, at which time SARP will destroy the record unless it involves separation (Suspension, Permanent Dismissal, or Resignation) from the university. The university keeps 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.

# **Review and Amendments to the Handbook**

All sections of the Handbook are subject to periodic review and modification.

Each spring semester, the VPSA requests suggestions for amendments to the Handbook. All members of the university community are encouraged to submit suggestions to SARP ([SARP@wm.edu](mailto:SARP@wm.edu)) by March 1st of each year. The VPSA disseminates proposals for public comment prior to recommending amendments to the President.

# The Honor System

This document does not, and shall not, be interpreted to limit the authority of the President of the university.

## I. Purpose

- A. The university's Honor Code is based upon the premise that a person's honor is their most cherished attribute. In a community devoted to learning, a foundation of honor among individuals must exist if that community is to thrive with respect and harmony among its members. An Honor System is an ideal mechanism to ensure such a state of affairs. With it, students and faculty are afforded a freedom that otherwise cannot be available. With this freedom comes each individual's responsibility to conduct themselves in such a way that the spirit of mutual trust which sustains the system is not compromised.
- B. While we endeavor to create a climate of honor that is self-sustaining, it is imperative that all members of the community work to uphold the Code. Reasonable precautions by instructors to deter violations are not incompatible with the letter or spirit of this Code provided that they respect students' right to privacy and non-discrimination. Students, faculty, administrators, and other members of the community are encouraged to take action when they believe that any person may have violated the Honor Code; although failure to take action is not, in itself, a violation of the Honor Code, it detracts from the community of trust.

## II. Authority

### A. Application of the Honor Code

The Honor Code applies to alleged acts of lying, stealing or cheating that adversely affect the university community, whether committed by a student on campus or elsewhere.<sup>9</sup> For reported behavior that alleges possible violations of either the Honor Code or the Code of Student Conduct or both, the Director of SARP will determine which process, Honor or Student Conduct, is appropriate to resolve the matter.<sup>10</sup>

### B. Honor Council with Authority for Review

When a student is alleged to have violated the Honor Code, the Honor Council for the academic unit in which the student is enrolled as a degree candidate will have authority to resolve the case.

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<sup>9</sup> See Section I of the Code of Conduct for the definition of "student."

<sup>10</sup> For matters referred to be resolved via the Code of Conduct, the Code of Conduct's resolution process will apply.

1. **Non-Degree-Seeking Student:** a student who is not enrolled as a degree candidate in any specific academic unit will be subject to the Honor Council associated with the course in which the violation is alleged to have occurred, if the alleged violation is associated with a particular course, or the Undergraduate Honor Council if the matter is not associated with an academic course.
2. **Joint Degree-Seeking Students:** for students declared as joint degree seeking, the matter will be subject only to the authority of the Council in which the alleged violation occurred, if the violation is an academic matter. If the violation is non-academic, the joint degree Respondent can elect to have the matter referred to the Honor Council of either of the academic programs in which the Respondent is enrolled.

### III. Definitions

- A. Academic matter: any work, required or volunteered, that is a) submitted to a faculty member, b) submitted for publication in a university-sponsored or university-affiliated academic publication, or c) submitted for use in conjunction with a university-sponsored event or activity.
- B. Attempt: any act beyond mere preparation carried out with the intent to engage in conduct that violates the Honor Code. Attempted violations can be sanctioned in the same manner as completed violations. A student need not complete the intended act in order to be held accountable.
- C. Beyond a Reasonable Doubt: the amount of proof required to find a student in violation of the Honor Code. Reasonable doubt is doubt based upon reason and common sense that is based on the information presented at the proceeding. Reasonable doubt is not doubt created in order to avoid the unpleasant duty of finding a student responsible.
- D. SARP: Student Accountability & Restorative Practices
- E. Designates: all administrators involved in the honor process can designate subordinates to carry out their responsibilities.
- F. Dishonorable conduct: an act of cheating, lying, or stealing that adversely affects the university community.
- G. Inconsequential conduct: conduct that is of too minimal a scope to affect the university community.
- H. Intent: an act that is not the result of accident. A student acts with intent if the student carries out an act knowingly and voluntarily; one need not prove that the student intended a particular result or particular harm in order to establish intent under the Code of Conduct or the Honor Code.
- I. Principal parties: the Respondent and Reporting Party.
- J. Respondent: the student reported for engaging in behavior in violation of the Honor Code.
- K. Reporting Party: the party reporting the matter for review by the Honor Council. The Reporting Party need not be the individual who directly witnessed, or was affected by,



the alleged conduct (e.g., an instructor in whose course a student observes academic cheating, or a student who discovers that a classmate has submitted an inflated grade point may serve as the Reporting Party).

- L. Working Days: any day that the university is open for business and classes are in session, exclusive of weekends and holidays.

## IV. Administrative Procedures

### A. The Honor Councils

1. Students administer the Honor Code through a system of six Honor Councils constituted in each of the major academic units of the university: (1) the undergraduate student body and the graduate schools of (2) Arts and Sciences, (3) Business, (4) Education, (5) Law, and (6) Marine Science.
2. In addition to conducting investigations, proceedings and deliberations as outlined in the Honor Code, each Council is responsible for overseeing its own operations, ensuring that the Council has valid Bylaws, educating its student body regarding Honor Code expectations and procedures, and ensuring that all members of the Council receive, at a minimum, initial training provided by SARP. Each Council also will ensure that all entering students, upon matriculation, execute a pledge to abide by and uphold the Honor Code.

### B. Student Governing Bodies

1. A student governing body for each academic unit will:
  - a. approve the procedures for selecting and removing its Honor Council members and qualifications for continued service on that Council
  - b. approve amendments to the Code on behalf of its students as outlined in Sec. XIII
2. The governing bodies are as follows:
  - a. **Undergraduate:** the undergraduate members of the Student Assembly Senate
  - b. **Arts and Sciences:** the Graduate Student Association
  - c. **Business:** the MBA Association in conjunction with the MAC Council
  - d. **Education:** the Education Association in the Graduate School of Education
  - e. **Law:** the Student Bar Association
  - f. **Marine Science:** the Graduate School Association in the School of Marine Science.

### C. Honor System Advisory Committee (HSAC)

1. The Honor System Advisory Committee's responsibilities consist of the following:

- a. reviewing and recommending changes to core provisions of the Code (Sec. XIII)
  - b. approving amendments to procedural provisions of the Code (Sec. XIII)
  - c. establishing the presumptive initial levels of sanction for each category of violation in consultation with the Council of each academic unit (Sec. X)
  - d. issuing periodic guidance to the Councils, students, and faculty on issues pertaining to interpretation and application of the Code
  - e. assisting with efforts to educate the university community regarding the Code
  - f. assessing the climate of academic integrity
  - g. reviewing concerns and grievances about the system
  - h. responding to evolving challenges regarding honor and integrity
  - i. publishing each semester a brief summary of cases in a manner that does not identify the student, to include the charges, a short summary of the case, the findings, and sanctions imposed; this summary is to be provided to student media publications and posted on the Honor Council website.
2. The Honor System Advisory Committee's composition is as follows:
- a. Voting Members:
    - i. Two undergraduate students nominated by the President and approved by the Student Assembly Senate serving a one-year renewable term;
    - ii. One graduate/professional student nominated by the President and approved by the Student Assembly Senate serving a one-year renewable term;
    - iii. The Undergraduate Honor Council Chair or another member of the Undergraduate Honor Council designated by the Chair to represent it;
    - iv. One graduate/professional Honor Council Chair selected by the group of graduate school chairs;
    - v. The Director of SARP/designee;
    - vi. Two faculty members nominated by the President and approved by the Faculty Assembly (one with a role in teaching graduate/professional students) serving two-year renewable terms;
    - vii. One administrator with current or previous Appeals Committee experience nominated by the President and approved by a majority of the other members of HSAC.
  - b. Non-voting members:
    - i. The Chairs of the other four graduate/professional Honor Councils (aside from the voting member designated under Sec. IV.C.2.a.4).

- ii. The Chair of the Undergraduate Student Conduct Council or another member of the Student Conduct Council designated by the Chair to represent it.
- iii. The Chair of the Conduct/Honor Advisors Program (CHAP) or another member of CHAP designated by the Chair to represent it.

## V. Rights and Duties<sup>11</sup>

### A. Rights and Duties of the Respondent

1. **Right to Freedom from Harassment and Retaliation:** The right to be free from harassment, intimidation, and coercion, including attempts to change any person's previously provided information. Any violations of this right can be considered a serious violation of the Student Code of Conduct.
2. **Right to Notice**
  - a. The right to preliminary written notice of the nature of the allegations received from the Reporting Party as soon as practical and not less than one week in advance of a proceeding.<sup>12</sup>
  - b. The right to subsequent written notice of the formal allegations and of the date, time and location of any proceeding no fewer than 72 hours in advance of the proceeding. The panel cannot find the student responsible for allegations other than those reasonably embraced within the original alleged violations.
  - c. If a student, after being properly notified of the date, time, and location of the proceeding, does not appear, the Council can proceed proceeding in the absence of the student.
3. **Right to Know the Information to be Presented:** The Respondent will have the opportunity to inspect, review and request copies of all documentary information to be considered by the panel at least 72 hours prior to the proceeding. The Respondent can be required to sign an agreement that they will not make copies of or disseminate the work product of an instructor or other materials containing information about other students that are protected under the Family Educational Rights and Privacy Act and must return the materials immediately after the proceeding. The Respondent will be instructed that failure to abide by the agreement can be considered a serious violation of the Student Code of Conduct.
4. **Right to Assistance**
  - a. The right to have another willing currently enrolled William and Mary

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<sup>11</sup> The list of rights and duties is provided as an addition to other enumerated rights outlined in the Honor Code.

<sup>12</sup> Written notice includes notice by letter delivered to the student's residence and/or email delivered to the student's official William & Mary email account.

student serve as a student advisor.<sup>13</sup> The Respondent should be informed of this right as soon after the initial discussion with the Reporting Party as practical. The advisor can assist the Respondent at any point in the process, but the scheduling of matters cannot be constrained due solely to the inability of the advisor to be present (another advisor can be obtained in the event that the student's original advisor is unavailable).

- b. The right to the presence of a silent supporter (who can be legal counsel) and one immediate family member to attend the proceeding. Neither the silent supporter nor the family member can participate in the proceeding in any manner.
  - c. The right to the assistance of a designated Procedural Advisor, a member of the Honor Council who can explain and answer questions about the process but cannot offer advice or strategy.
5. **Right to Confidentiality:** The Respondent has the right to confidentiality regarding all matters related to the alleged violations.<sup>14</sup> Violations of that right can be considered an infraction of the Code of Conduct.
  6. **Right to Receive Notification:** The right to be notified of the outcome of the proceeding following review by SARP and prior to the commencement of the appeal period.
  7. **Right to Continue Course Attendance and Participation:** The Respondent will continue to enjoy the right to attend courses, including the course in which the alleged violation occurred, until a finding of responsibility is found, and the appeal process is completed. However, the university will not award any degree or academic credit until the process is completed. Students who have been suspended are not allowed to participate in university activities during the appeal period without the permission of the Vice President for Student Affairs. Students found not responsible for the reported violations will have the option to withdraw from the course in which the violations were reported.
  8. **Right to Timely Resolution:** Generally, honor reports should be resolved within 30 working days of the date the Council receives the report; this timeline can be extended by the Chair, with approval from the Director of SARP, for cases which require extended investigation or in which extraordinary circumstances arise. If the Council cannot resolve a report within the 30-day time period and no extension has been granted, the Director of SARP can resolve the matter informally with the

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<sup>13</sup> The student advisor for undergraduate students must be undergraduate students; graduate and professional students can consult an undergraduate student advisor.

<sup>14</sup> All parties will keep matters confidential except from those who have a legitimate educational interest in the information under the Family Educational Rights and Privacy Act. Examples include the instructor of the course in question or members of the SARP staff who serve as advisors to the Council.

agreement of the Respondent. If the Respondent is found responsible for the reported violation(s), the student retains all options to appeal contained in Section XII.

9. **Rights within the Panel Proceeding**

- a. The right to the presumption that the Respondent is not in violation until the panel has found the student in violation by evidence beyond a reasonable doubt.
- b. The right to a separate proceeding on each alleged violation if multiple and unrelated allegations have been reported.
- c. The right to request a separate proceeding if two or more students are alleged to have committed the same violation(s).<sup>15</sup>
- d. The right to present information relevant to the allegations and, if necessary, possible sanctions and to request the presence of necessary witnesses. SARP staff can assist in procuring the presence of student witnesses upon request.<sup>16</sup> The Presiding Chair can limit the number of witnesses if the Chair finds the proposed statements will duplicate that of the other witnesses or the proposed statements are immaterial. The Respondent can submit written statements from witnesses in lieu of personal appearances.
- e. The right to ask relevant question of all witnesses.
- f. The right to a closed proceeding and the right to request an open proceeding.

10. **Right to be Free from Conflict of Interest**

- a. The right to have the Reporting Party or witnesses barred from participating in the matter in any other capacity.<sup>17</sup>
- b. The right to request that a Council member be removed from the case on the grounds of possible bias or conflict of interest. The Respondent must provide reason as to why the Council member in question is unable to hear the case fairly, and the decision whether to grant the request is left to the Council's Chair, who, where such a request is rejected, will provide a written explanation.

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<sup>15</sup> The Chair can deny a request for a separate proceeding in cases where the student is unable to distinguish their case from the others referred or in extraordinary circumstances, such as if a matter involves a large number of respondents and separate proceedings would be impractical. If the Chair denies the student's request, the Chair must provide the student with a written explanation of the basis for the denial.

<sup>16</sup> If a witness fails to appear, the Presiding Chair will determine whether the proceeding should proceed in the witness's absence, and the Respondent can appeal the Chair's decision through the Appeals process.

<sup>17</sup> For example, when the Director of SARP is the Reporting Party, that person would not also conduct the post-proceeding review or provide advice to the panel or Presiding Chair.

11. **Right to Prepare for Appeal:** The right to review the documentary evidence and recording in preparation for appeal. The review must occur in the presence of at least one Honor Council member or member of SARP staff.
12. **Right to Waive any Rights:** The Respondent has the right to sign a knowing and voluntary waiver of any of the rights accorded in the Honor Code.
13. **Duty to Cooperate:** The Respondent will cooperate reasonably with the investigation and, if necessary, any proceeding. This duty includes answering questions fully and honestly and presenting requested information; however, the Respondent has the right not to answer questions if the Respondent is facing charges in criminal court for the same or similar behavior.<sup>18</sup> Lying in the course of an investigation or proceeding can be considered a separate violation of the Honor Code. This duty also includes complying promptly with requests for meetings or information.

#### B. Rights and Duties of the Reporting Party

1. **Right to Freedom from Harassment and Retaliation:** The right to be free from harassment, intimidation, and coercion, including attempts to change previously provided information. Any violations of this right can be considered a serious violation of the Student Code of Conduct.
2. **Duty to Preserve Confidentiality:** The Reporting Party will keep all matters regarding the honor case confidential except from those who have a legitimate educational interest in the information under the Family Educational Rights and Privacy Act.<sup>19</sup>
3. **Right to Know the Outcome of the Case:** Faculty reporters will have the right to know the outcome of the case, both following the proceeding, and if applicable, the appeals process. This right does not extend to providing faculty with access to all case materials. Due to the protections afforded student records, this provision does not extend to those who do not have a legitimate educational interest in receiving the information.
4. **Right to Know Grounds for Dismissal of Case:** Faculty reporters will have the right to know the basis for dismissal of a particular case, regardless of the stage at which the case is dismissed, if such knowledge serves a legitimate educational purpose.

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<sup>18</sup> The Respondent should make the Chair aware of any reasonably foreseeable criminal charges during the investigation phase, and the Chair can deem an assertion of this right improper if the party was aware of pending charges and failed to make the Chair aware until the proceeding. One cannot assert the right not to answer questions solely in order to protect another.

<sup>19</sup> Examples include faculty supervisors and members of Student Affairs staff.

5. **Right to Request Student not Participate in End of Semester Evaluations:** A faculty member who reports a student for a potential violation of the Honor Code will have the right to request that the student be excluded from conducting a formal end of semester evaluation.
6. **Duty to Cooperate:** The Reporting Party will cooperate reasonably with the investigation and, if necessary, proceeding. This duty includes answering questions fully and honestly and presenting requested information and complying promptly with requests for meetings or information.

#### C. Rights and Duties of Witnesses

1. **Right to Freedom from Harassment and Retaliation:** The right to be free from harassment, intimidation, and coercion, including attempts to change previously provided information. Any violation of this right can be considered a serious violation of the Student Code of Conduct.
2. **Duty to Preserve Confidentiality:** Witnesses will keep all matters regarding the honor case confidential.
3. **Duty to Cooperate:** Student witnesses will reasonably cooperate with the investigation and, if necessary, the proceeding. This duty includes answering questions fully and honestly and presenting requested information; however, the witness has the right not to answer questions if the witness is facing charges in criminal court for the same or similar behavior.<sup>20</sup> Lying in the course of an investigation or proceeding can be considered a separate violation of the Honor Code. This duty also includes complying promptly with requests for meetings or information.

#### D. Rights and Duties of the University and the Council

1. The university has the right to have its own counsel present when a student chooses to have legal counsel present.<sup>21</sup>
2. Members of the Council will have the right to be free from harassment and retaliation specified in Sec. V.B.1. above.
3. The university and the Council have the duty to treat all parties fairly and with respect.

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<sup>20</sup> The party should make the Chair aware of any reasonably foreseeable criminal charges during the investigation phase, and the Chair can deem an assertion of this right improper if the party was aware of pending charges and failed to make the Chair aware until the proceeding. One cannot assert the right not to answer questions solely in order to protect another.

<sup>21</sup> The University's counsel can include the University's legal counsel or a member of the SARP staff. Students must notify the Chair of the presence of legal counsel at least 48 hours prior to the proceeding, and the Chair retains the right to bar any legal counsel from the proceeding if sufficient notice has not been provided.

4. Pending final disposition of a case, the university has the right to withhold the awarding of academic credit for any courses taken during the term in which the alleged violation occurred and/or to withhold the awarding of an academic degree.

#### **E. Students with Disabilities**

The university is committed to providing reasonable accommodations for students with documented disabilities. Such accommodations can include, but are not limited to, administrative assistance, additional time, and/or an alternative to the formal proceeding. Students with disabilities who need reasonable modifications to address a suspected violation of the Honor Code are encouraged to meet with the Director of Student Accessibility Services (SAS) as early in the process as possible to identify and plan specific accommodations. SAS staff will ask the student to provide medical documentation. The Director of SAS will inform the Council of appropriate accommodation(s).

## **VI. Honor Code Violations<sup>22</sup>**

A student violates the Honor Code if the student engages in dishonorable conduct as defined below. The Honor Code will be applied reasonably in accordance with the examples below. Examples of proscribed conduct are meant to be instructive and not all-inclusive.

- A. Lying:** the presentation of false information with the intent to deceive. Lying includes, but is not limited to:
  1. Misrepresenting oneself or one's accomplishments for the purpose of gaining an academic advantage or an advantage in opportunities for employment or other co-curricular opportunities;
  2. Falsifying university documents including alteration or forgery;
  3. Providing false or misleading information to Honor or Student Conduct members during the course of an investigation or proceeding of an alleged violation of the Honor Code or Student Code of Conduct. The Council can refer allegation of lying within this context can be charged as a separate violation.
- B. Stealing:** knowingly taking or appropriating the property of another, including property of the university, without the rightful owner's permission and with the intent to permanently or substantially deprive the owner of the property. One does not receive rightful permission if it is induced by fraud or deception.
- C. Cheating:** including, but not limited to, the following acts:

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<sup>22</sup> Specific application of these policies can vary by department or school, and schools, departments, and/or faculty are encouraged to make all students within their programs aware in advance of the particular expectations of their students. Students are expected to be responsible for knowing University, school, departmental and individual instructor policies regarding the Honor Code.



1. **Plagiarism:** the presentation, with intent to deceive, or with disregard for proper scholarly procedures of a significant scope, of any information, ideas or phrasing of another as if they were one's own without giving appropriate credit to the original source.
  - a. One commits plagiarism when one includes the words of another without quotation or when one includes the substantive work of another without properly crediting the source with footnotes, quotation marks, or other appropriate citation.
  - b. The panel can infer a student's intent based on the extent and context of the improperly cited material and whether the student has provided false citation or has manipulated the original text such that a reasonable person would conclude the student did so in order to avoid detection.
  - c. The instructor can address disregard for proper scholarly procedure that is minimal in scope solely as an academic matter and can determine whether an academic penalty should be applied without pursuing resolution under the Honor Code. However, the instructor should treat any intentional acts of plagiarism or disregard for scholarly procedure of a significant scope as violations of the Honor Code and address them under either Sec. VIII or Sec. IX below.
2. **Unauthorized Assistance/Collaboration:** giving unauthorized aid to another student or receiving unauthorized aid from another person on tests, quizzes, assignments, or examinations. Unauthorized assistance includes providing information to another about an assignment or examination prior to the conclusion of the administration of such exams/assignments to all related sections of the course unless permitted by the instructor.
3. **Use of Unauthorized Materials:** using or consulting unauthorized materials (including electronic materials) or using unauthorized equipment or devices on tests, quizzes, assignments, or examinations.
4. **Unauthorized Dual Submission of Previous Academic Work:** using any material portion of a paper or project to fulfill the requirements of more than one course unless the student has received prior permission to do so from the appropriate instructor(s).
5. **Time Constraint Violation:** intentionally commencing work or failing to end work on any examination, test, quiz, or assignment according to the time constraints imposed.
6. **Directions Violation:** failing to follow instructions for an assignment or examination despite knowing or having reason to know that such conduct could result in an unfair academic advantage.

## VI. Reporting Violations

- A. Timeline for Addressing and Reporting:** Alleged academic cheating or lying violations must be addressed and reported within 30 calendar days of discovery unless the Director of SARP/designee finds good cause for delay. Allegations of non-academic lying or stealing must be addressed and reported within four months of discovery unless the Director finds good cause for the delay and determines that a fair proceeding may be held despite the delay. Once a party officially reports an alleged violation, the party cannot withdraw the complaint unless the Chair agrees such withdrawal is appropriate.<sup>23</sup>
- B. Good Faith Requirement:** The Code is not designed to be a tool of harassment. The Chair of the appropriate Council can decline to pursue allegations that appear to be motivated by personal animosity, and students alleging misconduct without a good faith basis to do so can be charged with an Honor violation or with “Abusing the Conduct System” under the Student Code of Conduct.
- C. Initial Discussion:** Prior to pursuing a suspected violation under the Code formally, the Reporting Party must make a diligent and good-faith effort to discuss the matter with the alleged violator, preferably in person. This discussion should occur as soon as practical after the Reporting Party observes or learns about the alleged violation, as specified in Sec. VII.A. The Reporting Party should request a truthful explanation of the suspected violation, reminding the Respondent of the obligation to uphold the Honor Code. If the student offers an explanation that satisfies the Reporting Party that no violation has occurred, both parties are to move forward as though there is no violation. If, however, the Reporting Party remains concerned that a violation has occurred, or if despite good faith efforts an initial discussion between the parties is not held, the Reporting Party should pursue the matter under Sec. VIII (if appropriate) or Sec. IX.

## VIII. Early Resolution Procedures

- A. Early Resolution under the Honor Code:** In participating academic units,<sup>24</sup> a faculty member can propose early resolution of suspected Level I and II Honor Code violations (see Appendix I) directly to the student rather than refer the matter to the Honor Council. An instructor considering this option contacts the Director of SARP (prior or subsequent to an initial conversation with the student under Sec. VII.C above) for guidance on the level of conduct at issue, the student’s eligibility for early resolution (which can be restricted due to previous Honor or serious Conduct violations), and the sanctions available (see Appendix I).

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<sup>23</sup> An example would be when another person accepts responsibility for the alleged violation.

<sup>24</sup> Early resolution is an option only for undergraduate students and graduate students in the School of Business and only for defined Levels of Violations. The Council for each graduate/professional school, in consultation with the Honor System Advisory Committee, decides whether to make early resolution for violations involving Respondents enrolled in that school. Please see the School of Business Honor Council’s website for details regarding its Early Resolution Process.

## B. Early Resolution Proposals

1. **Level I Violations:** The instructor proposes a grade consequence and an educational requirement in accordance with Appendix I.
2. **Level II Violations:** The instructor proposes both a grade consequence and referral to the Honor Council for additional sanctions in accordance with Appendix I.
3. **Level III Violations:** Level III Violations are eligible for early resolution on a case by case basis determined by the Chair and a member of the SARP staff. If deemed eligible, the incident will be referred to the Honor Council for a panel proceeding on additional sanctions in accordance with Appendix I. If not, the incident will be referred to the Honor Council for investigation and, if necessary, a proceeding to resolve the matter.

## C. Undergraduate Early Resolution Process

1. An instructor who chooses to offer Early Resolution informs the student of the student's option to consult with SARP staff and of the right to consult a student advisor prior to agreeing to the proposal.
2. An instructor who chooses to offer Early Resolution reports the proposal to SARP.
3. SARP will summarize the suspected violation(s) and proposed sanction in writing, and the student has one working day to decide whether to accept the instructor's proposed resolution.
4. If the student agrees to the proposed resolution, SARP will provide a copy of the agreement to the instructor, the Honor Council, and the student. The matter of the violation will then be resolved through the following steps, and no subsequent appeal is available (although the Respondent can appeal any additional sanction imposed by the Honor Council in Level II violations under Sec. VIII.B.1).
  - a. The Chair will convene an Early Resolution Panel consisting of the Presiding Chair and two Honor Council members.
  - b. The Respondent may request a student advisor (CHAP) to attend the meeting with the Early Resolution panel.
  - c. The Panel will meet with the Respondent and can consider information regarding the violation, but the primary focus of the proceeding is on issues regarding determining appropriate sanctioning and educational measures.
    - i. The Reporting Party may attend a portion of the panel to provide more information about the violation's extent and harm created by the violation. If the Reporting Party declines to participate in the proceeding, the Presiding Chair may request additional information and/or documents (e.g., course syllabus or the assignment in question) regarding the violation if more information is necessary for a panel to make a sanction decision.

- d. After meeting with the Respondent, the panel will write a sanctions rationale not later than the next working day. Any sanctions will require the support of at least two of the three panel members.
  - e. If the Presiding Chair determines that a case cannot be resolved through this process, the Chair will refer the matter for investigation and resolution via other means available in the Honor Code.
5. If the student contests the suspected violation and/or declines the Early Resolution proposal, the instructor reports the alleged violation to SARP and informs the student of the duty to report to the Honor Council under Sec. IX.
  6. An instructor who chooses not to offer Early Resolution reports the alleged violation to SARP and informs the student of the duty to report to the Honor Council under Sec. IX.
  7. If the student is not enrolled in the course that was allegedly compromised, the instructor handles the matter under Sec. IX.

## IX. Honor Council Resolution Procedures

- A. Referring to the Honor Council:** If after initial discussion with the student (VII.C), the Reporting Party remains concerned that a violation may have occurred (and provided an Early Resolution agreement under Sec. VIII is not possible), the party submits a report through SARP to the Chair of the appropriate Honor Council within five working days (or longer, provided the latter finds good cause for the delay). Upon receipt of the report, the Chair will notify the Respondent of the alleged misconduct, inform the Respondent of the right to receive the assistance of a student advisor,<sup>25</sup> and provide the Respondent with a list of current Council members, as well as instructions for the Respondent to indicate whether the Respondent believes any member of the Council would be unable to render a fair decision based on the facts and circumstances presented.<sup>26</sup>
- B. Reporting to the Honor Council or Resigning from the University:** Upon receipt of a report of alleged violation, the Director of SARP will confirm that the Reporting Party has made the Respondent aware of the concern regarding possible violation, has provided the Respondent the opportunity to offer an explanation for the alleged conduct, and/or has made a good faith effort to do so. In the case of a good faith effort, SARP will not forward a case to the Council until at least two working days have passed without reply by the Respondent.
1. **Resignation:** The Respondent will have the option of resigning from the university within two working days in lieu of the Honor Council investigating and resolving the matter(s) reported. The Respondent can meet with the Director of SARP/designee to

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<sup>25</sup> Graduate and Professional students can opt to request the assistance of trained undergraduate student advisors if desired.

<sup>26</sup> Respondents must document in writing the reasons they believe a member is unable to fairly hear the case, and the Chair will promptly respond in writing the decision and, in the event of a denial, the basis for the decision.

discuss options before making a decision. Resignation is an agreement that the student will leave the university within two working days and will not seek or receive re-enrollment at any point in the future as a student in any program. In the case of resignation, SARP will place a permanent notation on the student's transcript: "Resigned under suspicion of an honor code violation: ineligible to return." The student must sign a form letter provided by SARP indicating the intention to resign and the understanding of the terms attendant with resigning.

### **C. Honor Council Chair's Obligation to Report to SARP**

The Chair will immediately notify SARP of any reports of alleged violation received by that Council.

### **D. Determining Authority**

1. **Alleged violations of both the Honor Council and the Student Code of Conduct:** If the alleged misconduct involves possible violations of the Honor and Student Conduct codes, the Director of SARP/designee will determine which forum, student conduct or honor, is appropriate to resolve the charges. In any case, there can only be one proceeding to resolve the matters asserted. The Director's decision is final and cannot be appealed.
2. **Proper Authority:** Before commencing an investigation, the Chair must first determine that the Honor Council has proper authority to address the matter. Proper authority results when the alleged conduct reasonably constitutes a possible violation of the Code, the alleged violation was committed while the person was a student as defined in the *Student Handbook*, and the matter asserted is not inconsequential. The Chair must disclose the decision regarding jurisdiction to the Reporting Party, the Respondent, and the Council within two working days. If the Chair finds that the Council does not have proper jurisdiction for any of the above reasons, the Chair will submit a 1-3 line summary of the matter, to be maintained by the Director, and dismiss the case. All other records of the matter will be destroyed within two weeks of the decision.

### **E. Large-Scale Case Resolution Process**

1. Upon receipt of a report of a suspected violation involving five or more students, the Chair will have the option of employing the following plan for resolution of the cases in place of the ordinary resolution process.
  - a. **Initial Meeting**
    - i. The Presiding Chair will send written initial notifications to all Respondents that will include all information that would be covered in an initial meeting, including the relevant information and options under this Large-Scale Resolution Process.

- ii. If a Respondent, after receiving the letter, wishes to meet to discuss the report, the student can schedule a meeting with the Presiding Chair and a Procedural Advisor.
- iii. The investigation phase will begin automatically.

***b. Investigation***

- i. Within four working days of receipt, the Investigating Committee Chair (ICC) will complete a preliminary investigation to the extent the ICC deems warranted and will determine whether further investigation is necessary. The ICC also will provide the Respondent with the opportunity to submit any relevant information and/or the Respondent's explanation/narrative regarding the incident.
- ii. If the ICC determines further investigation is necessary, the investigating committee will investigate the matter using its ordinary investigation procedures.

***c. Panel Authorization Committee (PAC)***

- i. After the IC completes its investigation, or determines that further investigation is not necessary, the Chair will appoint a three-member Panel Authorization Committee (PAC) to determine whether sufficient information exists to offer a Large-Scale Case Resolution to each student reported.
  - a) The PAC will determine which of the student cases will be eligible for the Large-Scale Case Resolution Process.
  - b) For those cases determined to be eligible for the Large-Scale Case Resolution Process, the PAC will develop a summary of the facts of the incident and the sanction to be offered to eligible Respondents.
- ii. If the PAC finds that there is insufficient information in any particular student's case, it will close the case with no violations.

***d. Resolution Proposal***

- i. The Presiding Chair will present the PAC's proposed agreement and sanctions/educational measures to a Panel composed of three members of the Council not previously involved in the /matter.
- ii. If the panel concludes that the proposed agreement is acceptable, the Presiding Chair will have appropriate authorization to offer each Respondent the proposed agreement in writing. The Respondent will have 48 hours to indicate whether the student accepts the proposed resolution.
- iii. By accepting the agreement, the student both agrees to accept responsibility for committing the violation(s) and accept the proposed

sanctions/measures. For students accepting the agreement, the sanctions/measures will go into effect immediately upon acceptance. The Respondent will not have a right to appeal, and the agreement will be considered final. If the student rejects the proposed agreement or fails to respond within the 48-hour period, the Chair will refer the case for a Panel in accordance with the standard procedures outlined in Section X.

- iv. Once a student opts not to accept the proposed agreement or fails to respond within the 48-hour period, the student no longer will be eligible for the Large-Scale Case Resolution Process.

## **F. Informal Resolution**

1. Upon receipt of a report alleging violation(s) of the Honor Code, the Director of SARP will confer with the Chair of the Honor Council to determine whether the reported matter is appropriate for possible resolution via Informal Resolution. If so, SARP will send the student notice of a scheduled Information Session meeting during which the Director/designee and the Presiding Chair will inform the student of their rights under Section V of the Honor Code and will provide: a copy of the report submitted, the Respondent's resolution options, the deadline for the Respondent to indicate whether the Respondent desires a possible Informal Resolution or an investigation to commence. The Respondent will have two working days to decide whether to pursue an Informal Resolution. If the Respondent does not respond within two working days, the Presiding Chair will refer the matter to the Investigating Committee for investigation. The Respondent will have the option to waive the two working-day period for decision and, if the Respondent chooses, can proceed with an Informal Resolution during the Information Session meeting.
2. If the Respondent chooses an Informal Resolution, the Director/designee will schedule a meeting to include the Presiding Chair and the Respondent. The Respondent can bring a student advisor to the meeting; this advisor can be any currently enrolled student who is of the same academic status as the Respondent (e.g., an undergraduate student can bring an undergraduate student advisor, and a graduate student can bring a graduate student advisor). If the Respondent and Chair agree to a written summary of facts, and the Respondent waives further investigation and a Panel in writing, the Respondent can resolve the case informally with the Presiding Chair. The Chair will determine whether the matter can be resolved with a finding of responsibility, whether the case should be dismissed with a finding of "not responsible", or whether the matter should be referred for investigation and resolution via the Council's standard processes. The Chair can conduct further investigation as necessary to make the determination as to whether Informal Resolution is appropriate.
3. If the Chair finds the Summary of Facts supports a finding of responsibility for one or more violations, the Chair will provide the Respondent written notice of this finding

and will assign sanctions/educational measures. The notice will provide the Respondent with information regarding the option to appeal the findings and sanctions, but the Respondent cannot challenge previously agreed upon facts in an appeal.

4. If the Presiding Chair determines that a case cannot be resolved through an informal process, the Chair will refer the matter for investigation and resolution via other means available in the Honor Code.
5. The Presiding Chair will inform the full Council in writing of any case resolved via Informal Resolution within three working days. This notice will contain the allegations, the agreed-upon summary of facts, and sanctions (if any), and if the case was dismissed, the rationale for the decision to dismiss.

### **G. Investigations**

1. Upon determining that the Council has proper authority, the Chair will determine whether the nature of the reported matter can be resolved through the Informal Resolution Process or if the matter requires a formal investigation.
2. If the Chair determines an investigation is necessary, the Chair will appoint an investigation team to investigate the matter. Based on the complexity of the matter asserted or the number of possible witnesses involved, the Chair can appoint the number of investigators necessary to conduct a timely and thorough investigation. The investigation team's responsibilities include interviewing necessary witnesses and collecting and preserving other necessary and relevant information. The team will prepare an investigation report detailing the significant facts and information gathered in the investigation. The report will not contain opinions regarding whether the student has violated the Code, regarding witness credibility, or regarding the reliability of any information provided, although the report can point out consistencies or inconsistencies between witness statements and/or other available evidence. Both the Reporting Party and the Respondent will be provided the opportunity to submit written statements to be included in the investigation report prior to its completion.
3. In general, the investigation report should be completed within seven working days unless the Chair grants an extension in writing for good cause shown. The Chair must notify the Reporting Party and the Respondent of any extension and deadline for completion of the investigation.

### **H. Panel Authorization Determination**

Within five days of receipt of the final investigation report, the Chair will refer the case to a three-member Panel Authorization Committee (PAC) to review the investigation report and determine if sufficient information exists to refer the matter to a panel. The PAC will not base its decision on whether it ultimately believes the student has violated the Code, but whether there is sufficient information for a panel to conduct a more



thorough review of the matter and that the matter at issue is legitimately embraced within the proscribed conduct outlined in the Code. If at least two of the three panel members find sufficient information exists, the Committee will refer the matter to a panel as soon as practical. The Chair will prepare and present to the Reporting Party and Respondent a brief written statement outlining the PAC's decision and its bases and, if a finding of sufficient information was reached, the primary information expected to be presented at the panel. The PAC's decision is final and cannot be appealed.<sup>27</sup>

## **I. Panels**

As soon as practical, the Chair will meet with the Respondent and the student's advisor, if the student has chosen one, to provide: a copy of the alleged violations that will be addressed at the panel; a copy of the investigation report and list of potential witnesses expected to appear; written notice of the date, time, and location of the panel; and a copy of this Honor Code if the student has not received one previously. If the Respondent does not reply to reasonable efforts by the Chair to schedule this meeting, the Chair can send the information to the student electronically.

### **1. Type of Panel Conducted**

The Respondent will be provided at least 72 hours to review the investigation report and, if desired, can elect in writing to accept the findings of the report and accept responsibility for the alleged violations.

- a. *Student Not Challenging Alleged Violations.* If the student accepts responsibility for the violations in writing as specified above, the panel will hear information about the violations but will focus primarily on the issue of sanctioning and educational measures.
- b. *Student Challenging the Violations.* If the student does not accept responsibility for the violations, or if the student does not respond, the panel will focus first on the issue of whether the student violated the Code and, if so, what sanctions and educational measures should apply.

### **2. Procedures for Reports Received During or After the Last Two Weeks of a Semester or During the Summer Session**

- a. For a reported violation received within the last two weeks of the fall or spring semester or during a summer session, if Informal Resolution (Sec. IX, F) is not applicable, and if the Council cannot assemble a full, six-person panel, it can assemble a three-member panel instead. The panel will observe all customary procedures; a finding of responsibility and sanctions will require the concurrence

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<sup>27</sup> If the Vice President determines that consequential new information has arisen regarding a case that has been dismissed by a previous PAC, the Vice President can refer the matter to the appropriate Council for a new investigation and, if warranted, a new proceeding.

of at least two out of the three members. All Rights and Duties under Section V. apply.

- i. For a Respondent scheduled to graduate at the end of the semester in which the alleged violations originate, the three-member panel is the only means of resolution available should the Council be unable to assemble a full panel. If the alleged violation is reported to have occurred after the last day of classes, including during Commencement, and the student is scheduled to graduate, the university will hold the student's degree pending resolution of the alleged violations.
- ii. In all other cases, the Respondent can choose to proceed with the three-member panel or request that the Chair or designee defer resolution. Provided the Chair determines that such a deferral would not preclude a fair proceeding due to the loss of relevant information or unavailability of witnesses, the Chair will convene a full six-member panel at the beginning of the next fall or spring semester (The Respondent can appeal the denial of a request to defer under Sec. XII, B, 3). SARP can place a hold on the student's records pending resolution.

3. **Composition of the Panel**

- a. *Six Member Panels.* In normal circumstances, panels will be comprised of six Honor Council members appointed by the Chair/designee.
- b. *Three Member Panels.* When the Chair/designee is unable after reasonable efforts to assemble a full-six-person panel, the Chair/designee can schedule a proceeding before a three-person panel of Council members. In such cases, a finding of responsibility and determination of sanctions will require the concurrence of at least two out of the three panel members. All other customary panel procedures will be observed, and all Rights and Duties under Sec. V will apply.

Rather than proceed with a three-person panel, the Respondent can request that the Chair or designee defer resolution until the Chair can assemble a full-six-person panel. Such deferment may extend until the start of the next fall or spring semester. The Chair/designee can deny the request if the Chair determines that there is a reasonable probability that deferring the panel would result in the loss of relevant information or unavailability of necessary parties or witnesses. If the Chair denies the request, the Chair must provide the Respondent with a written explanation of the basis for the denial, and the Respondent can appeal the Chair's denial of the request to defer in accordance with Section XII.B.3.

The Chair will serve as Presiding Chair of the panel unless the Chair designates another Council member to serve in that capacity. The Chair/designee will appoint one member of the panel to operate the recorder and type notes during the

proceeding.<sup>28</sup> The Chair cannot appoint any member of the investigation team or PAC to serve on the panel.<sup>29</sup>

4. **Rules of Evidence:** Panels will be conducted in an equitable manner so as to provide fairness to the principal parties and all other interested parties. As Honor Code processes serve primarily as means of educating students, formal rules of evidence employed by the Courts of Law do not apply to Honor Code proceedings. The panel can consider information that does not come from a first-hand source, although a finding of responsibility will not be premised solely on such information. Results from lie detector/polygraph tests, are not permissible.
5. **Timeline:** Panels will be conducted no sooner than a) one week from the time the student was originally informed of the allegation or b) 72 hours after the Respondent is formally notified of the PAC decision and the alleged violations, whichever time period is longer. The panel will not occur more than two weeks after this notification unless the Chair has granted an extension for good cause. Panels will not be conducted in conflict with religious holidays or practices of the principal parties and should be scheduled, to the extent feasible, to accommodate the schedules of the principal parties.
6. **Location of the Panel:** Panels will be conducted in an environment that provides an appropriate level of confidentiality.
7. **Requests for an Open Panel:** The Respondent will enjoy the right to have the panel closed to the public unless the Respondent waives this right in writing at least 72 hours prior to the proceeding. The only persons permitted in a closed panel are the Honor Council members involved in the panel, the Respondent, witnesses during their portion of the proceeding, and, if chosen, the Respondent's student advisor, one silent supporter, and one immediate family member. The student advisor, silent supporter and family member will not serve as witnesses in the panel. A request for an open panel does not necessitate a change in its ordinary location. The Presiding Chair can close an open proceeding for the following reasons: a request is made by one or more students in a case where two or more students face alleged violations arising from the same incident; a Reporting Party can demonstrate that an open panel would violate their rights; or if the open panel results in disruption of the process or raises safety or security concerns. The Presiding Chair must announce the closing and the reasons for closing the proceeding on the record, and the Respondent can appeal

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<sup>28</sup> Panel notes are not a verbatim transcript. The notes and recording will remain the property of the University.

<sup>29</sup> No member who has served on the investigation team or the Panel Authorization Committee will be appointed to the panel. If insufficient members from the Council are available for the panel, the Chair may appoint to the panel other members of the student body of the academic unit in which the Respondent is enrolled. These appointees must receive advance training from SARP prior to hearing the case.

on this basis if the Respondent can establish that this decision may have affected the outcome of the case.

8. **Conduct of the Panel:** The proceeding normally will consist of distinct phases: the “responsibility phase,” during which the panel will consider evidence regarding whether a violation has occurred and the “sanctions” phase, during which the panel will consider information related to what sanctions/educational measures to issue.
  - a. Where the Respondent is challenging the alleged violations, a finding of responsibility will require at least five of the six panel members deciding that the information presented establishes the Respondent’s responsibility for the violations beyond a reasonable doubt.
  - b. The Presiding Chair will exercise control over the proceedings and the conduct of all persons participating in or observing the proceeding. The Presiding Chair also makes determinations regarding the relevance or admissibility of information and can limit questions that are repetitive or unlikely to produce new information.
  - c. The number of character witnesses permitted to make statements during the sanctions phase generally will be limited to two, although the Respondent can introduce letters from other parties that are relevant to the issue of sanctioning.
  - d. The proceeding will begin with the Presiding Chair reminding all parties that the proceedings are confidential unless the Respondent has requested an open panel and the Chair has granted that request.
  - e. The Presiding Chair will read the alleged violations and ask the Respondent to indicate whether the Respondent is accepting responsibility for each violation.
  - f. A member of the investigating team will present the results of the investigation and call witnesses as necessary to provide the panel with information required to make an informed decision. A member of the investigating team, the panel members, the Presiding Chair, and the Respondent and the Respondent’s advisor will be permitted to question the Reporting Party and all witnesses.
  - g. The Respondent will be permitted to present relevant information.
  - h. A member of the investigating team, the Presiding Chair, and the panel members will be permitted to question the Respondent and any witnesses.
  - i. Following presentation of all information, the Presiding Chair will remind the panel of the duty to evaluate carefully the evidence presented in order to determine whether a violation has occurred and that a finding of responsibility requires a vote of at least five of the six panel members finding proof beyond a reasonable doubt. All panel deliberations will occur in private, and the panel can consult the Presiding Chair or the Director of SARP with questions about interpretation of the Code, case precedent, or procedural matters.

- j. If the panel finds the Respondent responsible for at least one violation, it will conduct the sanctions portion of the proceeding during which the panel will determine the appropriate sanctions/educational measures for the violation(s). The panel will consider the gravity of the violation, the impact or potential impact of the violation on the community, and actions necessary to remedy the violation. The panel also may consider extraordinary circumstances present at the time of the violation that impacted the Respondent's actions and any aggravating factors such as a prior record of violation or the Respondent's failure to cooperate fully with the process. The sanction will require the support of at least four of six panel members. The sanctions phase usually will occur on the same day, although it can be postponed for good cause (e.g., to accommodate participation by previously scheduled character witnesses) and scheduled as soon as possible (with the same panel composition) thereafter, but not more than seven calendar days later unless approval is granted by the Director of SARP.
- k. Following the determination of sanction, the Presiding Chair will inform the Director of SARP of the sanctions in writing, including a statement affirming that the sanctions were supported by at least four of the five panel members. The Director will arrange for a Sanctions Delivery meeting with the Respondent and the Presiding Chair (if available) not more than three working days after the conclusion of the proceeding.
- l. The Panel Secretary will prepare a summary report of the proceeding, including the decision of the Honor Council. The Secretary will deliver the case file, the proceeding notes, and the panel's decision and rationale to SARP, typically by the end of the next working day. The record will consist of the audio recording of the proceeding and the tangible information presented.

## **X. Sanctions/Educational Measures**

### **A. Initial Level**

*The presumptive initial levels of sanction for each category of violation defined in Sec. VI are established by the Honor System Advisory Committee (see Appendix I) in consultation with the Councils. Those levels can be different for undergraduates and students in each graduate/professional program.*

### **B. Sanctions Phase**

Following early resolution of a Level II violation or a finding of responsibility in an Honor Council proceeding, the panel will determine the appropriate final sanction(s)/educational measures to assign. It will consider extraordinary circumstances or aggravating circumstances by evaluating the facts and circumstances of the violation, the gravity of the violation(s), the harm/potential harm created by the act, and the student's prior record of Honor or Code of Conduct violations. The Council can assign any of the primary sanctions listed in Sec. VII of the *Student Handbook* and any

combination of secondary sanctions/educational measures including, but not limited to, loss or restriction of particular privileges, community service, an essay, restitution, or other reasonable sanctions.

### **C. Written Finding**

All sanctions/measures decided by a panel must be accompanied by written findings that explain why the panel determined them to be appropriate. The panel must establish in its rationale any significant deviation from the initial presumptive sanction level in Appendix I (or, in the case of Graduate Honor Councils, other such appropriate guidelines).

### **D. Grade Determination**

1. An instructor can assign a grade consequence up to, and including, a failing course grade if the student either accepts a proposal for Early Resolution (Sec. VIII) or is found in violation by the Honor Council (Sec. IX). Following a proceeding, the Honor Council can recommend a grade consequence, but the instructor retains the final decision regarding the student's earned grade. If the student receives a failing grade as a result of an academic integrity violation, that grade will remain on the transcript even if the student has withdrawn, or has been withdrawn from the course, and regardless of whether the student retakes the course.
2. In some cases, the alleged misconduct can be found not to be a violation of the Honor Code, but instead can be considered a failure of the student to understand or abide by the instructor's directions for the assignment. In such a case, the faculty member can assign a grade consequence proportionate to the violation of directions on the instructor's own authority independent of the Honor Code.

## **XI. Post-Panel Review Procedures**

### **A. SARP Review**

Upon receipt of an Honor Council's written finding of responsibility, the Director of SARP, in consultation with the Dean of the school with jurisdiction, will commence a review of the case, including the case documents, panel notes, rationale of the panel, and, if necessary, the proceeding recording.

1. If the Director finds that the judgment and/or sanctions/educational measures were discriminatory or that material prejudicial procedural error occurred that significantly affected the outcome, the Director can set aside the judgment and, if the error can be corrected by referring the matter for a new proceeding, order that the matter be reconsidered.
2. If the Director finds that the sanction is impractical or cannot be implemented under law or university policy, the Director can modify the sanction.
3. Sanction Modification. The Director's decision to modify the sanction will be

provided in writing to the Respondent and the Chair of the Honor Council; the student can appeal the decision to modify the sanction. The Director will summarize the outcome of the case in an official letter to the Respondent.

## **XII. Appeals Procedures**

**A. Timeline for Appeal:** The Respondent must submit a written appeal specifying the ground(s) for appeal and the reasoning supporting the grounds to the Vice President for Student Affairs (VPSA) within five working days of receiving written notice from the Director of SARP /designee. The VPSA can grant reasonable extensions for good cause.

### **B. Grounds for Appeal**

Appeals are limited to the following grounds:

1. The judgment and/or sanction/educational measures violate university discrimination policy;
2. Violation of rights provided in the Code in Sec. V.A.;
3. Procedural error that significantly affected the outcome of the proceeding;
4. Insufficient information to support the finding of responsibility;
5. Excessive or inappropriate sanction; or
6. New or potentially exculpatory evidence discovered after the proceeding that is not merely corroborative and could not have been discovered by due diligence.

### **C. Appeals of Permanent Dismissal**

The Director will forward appeals of Permanent Dismissal to the Provost for a complete review and not require prior review by the Appeals Committee.

### **D. Grounds for Appeal of Early Resolutions**

1. **For Level I violations resolved via Early Resolution:** the Respondent cannot appeal the violation or the sanctions issued; however, the Respondent will retain the option of requesting a grade review in accordance with the policies established in the relevant *Academic Catalog*.
2. **For Level II violations resolved via Early Resolution:** the Respondent can submit an appeal limited to the sanctions issued. The Respondent also can request a grade review in accordance with the policies established in the relevant *Academic Catalog*.
3. **Appeals of Council Resolutions:** Respondents can appeal the outcome of their case on the bases and according to the procedures established in this section. The Director will refer all appeals of honor cases automatically to the Appeals Committee. If the Committee finds the appeal merits further review, the Committee will refer it to the Provost/designee for review. The Provost's decision is final and cannot be appealed further.

## **E. Appeals Procedures**

1. Upon receipt of a properly filed and timely appeal, the Vice President for Student Affairs (VPSA) will send the Respondent the list of Appeals Committee members and instructions that the Respondent can raise objections to any particular member of the Committee who the Respondent believes has a conflict of interest to review the case. The Respondent will be required to state the reason for conflict of interest with specificity, and the VPSA will determine whether there is indeed a conflict that would prevent the member from fairly reviewing the appeal.
2. The VPSA will promptly notify the Appeals Committee members of the name of the Respondent, the Reporting Party and material witnesses in order to permit the members to recuse themselves from serving on the panel if the member has a real or presumed conflict of interest.
3. The VPSA will appoint a four-member panel, composed of one faculty member, one administrator, and two students from the Respondent's academic unit, to review the student's appeal. Should temporary Appeals Committee members be required, the VPSA can make the necessary appointments.
4. The Appeals panel will review the Respondent's appeal letter, the case file, and any other records it deems advisable.
5. The panel will render its decision within five working days from the time the Respondent submitted the appeal unless the VPSA authorizes a reasonable extension for good cause.
6. The Appeals panel will determine whether the Respondent has made a claim that has potential merit, and if so, the panel will submit its brief rationale to the VPSA to be included among the materials for review by the Provost.
7. If the Appeals panel finds "no merit," the appeal will be denied, and the decision will be final, and no further appeal can be submitted.

## **F. Provost Review**

1. The Provost can order a new proceeding take place if the Provost finds the matter can be corrected via a new proceeding. The Provost has discretion to order that the new proceeding take place before a new panel if the Provost concludes that the previous panel cannot re-consider the matter fairly.
2. If the Provost finds that the sanctions imposed are excessive or inappropriate, or not permitted by law or university policy, the Provost can lessen the sanctions as appropriate.
3. If the Provost concludes that a re-consideration via a new proceeding cannot remedy the issue, the Provost can dismiss the case.
4. The decision of the Provost is considered final, and no further appeal can be submitted.



## **XIII. Amendments**

### **A. Approval of Processes for Review**

The Honor System Advisory Committee must approve each governing body's procedures for approval or rejection of any proposed Code changes.

### **B. Amendments to Core Provisions of the Code**

Sections I-III, V-VII, X and XIII are considered core provisions of the Code. Proposals to modify core provisions can be submitted to the Honor System Advisory Committee from any Council or any member of the university community and should be accompanied by an explanation and/or rationale. Preliminary approval of core provisions requires the assent of at least 7 of the 9 voting members. Following preliminary approval, the Director of SARP will forward the proposals to the governing bodies of each Council which will have at least one month to consider and vote upon the recommendations. All six governing bodies must approve proposed recommendations, and, if so, the Director will submit the proposals to the President who will render the final decision. Proposals that do not garner the approval by all six governing bodies or the President will be returned the Honor System Advisory Committee for reconsideration, and the Committee will have the option to amend the proposals and resubmit them to the governing bodies. The governing bodies will be granted at least two weeks to reconsider any previously rejected proposal.

### **C. Amendments to Procedural Provisions of the Code**

1. Sections IV, VIII and IX as well as the Appendix are considered procedural provisions. Procedural provisions can be received and approved by the HSAC with the assent of at least 7 of the 9 voting members. No further review is required.

### **D. Amendments to Council Bylaws**

1. Each Honor Council will maintain Bylaws governing the internal operation of the Council, the qualification of members and their manner of selection and removal.
2. Councils will submit changes to its Bylaws to the Honor System Advisory Committee. The Committee will review the proposed changes and, in a timely fashion, indicate whether it approves of the changes or has reservations with them. If a majority of Committee members indicates reservations, the committee will convene to discuss the proposed changes. By a majority vote, the Committee can accept, reject, or revise and return the proposals to the Council for reconsideration.

## Honor Code Appendix I.

### Levels of Undergraduate Violations-Cheating

	<b>Violations<sup>30</sup></b>	<b>Means for Resolution</b>	<b>Grading Consequences</b>	<b>Presumed Sanctions</b>
<b>Level I Violations</b>	<ul style="list-style-type: none"> <li>◆ Plagiarism in the form of inadequate paraphrasing or direct use of another’s words, without quotation marks, with intent to deceive or with disregard of proper scholarly procedure, affecting an insignificant portion of the work; source is cited.</li> <li>◆ Unauthorized collaboration on a homework assignment</li> </ul>	<ul style="list-style-type: none"> <li>◆ Faculty/ Student Resolution</li> <li style="text-align: center;">or</li> <li>◆ Either party can opt for formal review by Honor Council</li> <li style="text-align: center;">Or</li> <li>◆ Informal Resolution by mutual consent of the student and Honor Council Chair</li> </ul>	<ul style="list-style-type: none"> <li>◆ Reduced grade on the work</li> <li style="text-align: center;">or</li> <li>◆ A failing grade or grade of zero on the work</li> </ul>	<ul style="list-style-type: none"> <li>◆ The instructor or the Council can require student to re-submit the work for no additional credit or can require the student to confer with the Writing Resource Center, or can refer the student to a time management/study skills seminar in the Academic Wellbeing.</li> <li>◆ The matter will be reported to SARP so a record can be maintained</li> </ul>

<sup>30</sup> Table is adapted from Tufts University’s Academic Integrity Policies.

	<b>Violations</b>	<b>Means for Resolution</b>	<b>Grading Consequences</b>	<b>Presumed Sanctions</b>
<b>Level II Violation</b>	<ul style="list-style-type: none"> <li>◆ Plagiarism in the form of inadequate paraphrasing or direct use of another’s words, without quotation marks, with intent to deceive or with disregard of proper scholarly procedure, affecting a significant portion of the work; source is cited.</li> <li>◆ Plagiarism in the form of direct use of others’ words, without quotation, affecting a minor portion of the work; source is not cited.</li> <li>◆ Unauthorized collaboration on a lab report or paper</li> <li>◆ Cheating on a quiz or an examination worth 25% or less of the final course grade</li> <li>◆ Submitting one work for two courses without advanced permission from the current instructor</li> <li>◆ Providing work to another student and/or enabling another student’s dishonesty</li> <li>◆ Any second Level I violation.</li> </ul>	<ul style="list-style-type: none"> <li>◆ Faculty/ Student Early Resolution with referral to Honor Council for determination of sanctions</li> <li style="text-align: center;">Or</li> <li>◆ Either party can opt for a formal review by the Honor Council</li> <li style="text-align: center;">Or</li> <li>◆ Informal Resolution by mutual consent of the student and Honor Council Chair</li> </ul>	<ul style="list-style-type: none"> <li>◆ Failing grade or a grade of zero on the work</li> <li style="text-align: center;">or</li> <li>◆ Course grade reduction or a failing course grade</li> </ul>	<ul style="list-style-type: none"> <li>◆ Disciplinary Probation for two full semesters or Deferred Disciplinary Suspension for one semester</li> <li>◆ The instructor or the Council can require student to re-submit the work for no additional credit, can require the student to confer with the Writing Resource Center, or can refer the student to a time management/study skills seminar in the Academic Wellbeing.</li> <li>◆ The matter will be reported to SARP so a record can be maintained.</li> </ul>

<b>Level III Violation</b>	<ul style="list-style-type: none"> <li>◆ Plagiarism in the form of direct use of others' words, without quotation, affecting a significant portion of the work; source is not cited</li> <li>◆ Inventing or falsely attributing the sources used in a paper or other work</li> <li>◆ Cheating on an examination worth more than 25% of the final course grade</li> <li>◆ Falsifying data or research</li> <li>◆ Submitting a fraudulent excuse to receive an extension on an assignment or examination</li> <li>◆ Bringing materials or equipment into a room where an exam is being given in contradiction of school/department or the instructor's course policies</li> <li>◆ Using or viewing any materials or equipment, including a cell phone, laptop/tablet or other electronic device, during an examination without explicit instructor authorization</li> <li>◆ Enlisting or contracting with another to take an examination for you; taking an exam for someone else</li> <li>◆ Unauthorized collaboration on a take-home exam or final paper worth more than 25% of the final course grade.</li> <li>◆ Submitting a paper, lab report, project, thesis or other assignment as one's own that has been significantly created by someone else, whether the work has been purchased, borrowed, found, etc.</li> <li>◆ Soliciting another to participate in unethical behavior</li> </ul>	<ul style="list-style-type: none"> <li>◆ All Level III violations must be referred to the Honor Council for Informal Resolution or an investigation and panel proceeding, if the PAC refers the matter to a panel.</li> </ul>	<ul style="list-style-type: none"> <li>◆ Failing grade in the course or a course grade reduction</li> </ul>	<ul style="list-style-type: none"> <li>◆ Disciplinary Suspension or Permanent Dismissal</li> <li>◆ Other appropriate sanctions/educational requirements</li> </ul>
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	<p>◆ An additional violation after the student has had a prior Level II violation</p>			
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## Levels of Undergraduate Violations-Lying and Stealing

Violations <sup>31</sup>	Means for Resolution	Presumed Sanctions
<ul style="list-style-type: none"> <li>◆ Lying of a scope and scale that tends to undermine the community of trust but does not inflict significant or lasting damage.</li> <li>◆ Stealing when the quantity, value and/or nature of the property taken is not significant.</li> </ul>	<ul style="list-style-type: none"> <li>◆ Informal Resolution by mutual consent of the student and Honor Council Chair</li>   <li style="text-align: center;">OR</li> <li>◆ Either party can opt for formal review by Honor Council</li> </ul>	<ul style="list-style-type: none"> <li>◆ Primary sanction: Warning, Disciplinary Probation, or Deferred Disciplinary Suspension</li>   <li style="text-align: center;">AND</li> <li>◆ Secondary sanctions: restitution, task/service participation, educational requirement, and/or loss of restriction/privileges.</li> </ul>

Major Violations	Means for Resolution	Presumed Sanctions
<ul style="list-style-type: none"> <li>◆ Lying of a scope and scale that inflicts significant or lasting damage on the community of trust.</li> <li>◆ Stealing when the quantity, value and/or nature of the property taken is significant.</li> <li>◆ Lying or stealing designed to attain an academic advantage are presumed to be major violations.</li> </ul>	<ul style="list-style-type: none"> <li>◆ All major violations must be referred to the Honor Council for Informal Resolution or an investigation and panel proceeding, if the PAC refers the matter to a panel.</li> </ul>	<ul style="list-style-type: none"> <li>◆ Primary sanction: Disciplinary Suspension or Permanent Dismissal</li>   <li style="text-align: center;">AND</li> <li>◆ Secondary sanctions: restitution, task/service participation, educational requirement, and/or loss of restriction/privileges.</li> </ul>

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<sup>31</sup> Determination of the level of violation is made by SARP in consultation with the Chair of the Honor Council; a written rationale for that determination is made available to the Respondent.

# Appendix I: Weapons, Firearms, Combustibles, and Explosives

All students must abide by the university's [Weapons on Campus Code of Virginia Regulation](#).

The following additional provisions apply to students. Students cannot:

- A. Possess illegal or unauthorized possession of firearms, explosives, fireworks, other weapons, or dangerous chemicals or combustibles on university premises.
- B. Use any such item, even if legally possessed, in a manner that harms, threatens or causes fear to others.
- C. Possess pellet, paint, and bb guns.
- D. Possess counterfeit, replica, or blank-firing firearms or realistic-looking toy firearms, knives, or swords.<sup>32</sup>

**Confiscation.** The university reserves the right to confiscate weapons, fireworks, and any instruments, non-conforming toys or prop weapons, or other items that reasonably appear to be weapons or other prohibited items listed above, to hold those items for appropriate disposition, and to refer the possessor for student conduct accountability.

**Obtaining Permission to Possess.** Any student who wishes to possess an object that is deemed a “weapon” by this policy on campus for any reason, including participating in an academic activity, club sport, or extra-curricular activity, [must seek and obtain approval from WMPD](#) prior to bringing the object to the university. The university reserves the right to refuse permission to any request and/or to place conditions on the approval of such requests.

**Self-Defense Items.** Students may possess mace, pepper spray, and other such items that are intended for self-defense purposes only. Use in other ways would constitute a violation of university regulations. Stun guns and tasers are prohibited.

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<sup>32</sup> Students may, however, possess single-edged knives with blade lengths of three inches or less. Students who live in residence halls may possess kitchen knives; such knives must be stored out of sight when not in use.

# Appendix II: Alcohol Beverage Policy

## I. The following conduct is prohibited by law:

- A. Possessing, purchasing, or consuming alcohol under the age of 21.
- B. Selling or providing alcohol to any person under the age of 21.
- C. Appearing intoxicated in a public area.
- D. Selling or serving alcoholic beverages to an intoxicated person.
- E. Possessing an open container of alcohol in a public area.
- F. Driving a vehicle while impaired by alcohol or with a blood alcohol level (as shown by a lawfully administered blood or breath test) in excess of that permitted for drivers by Virginia law. Impairment can be determined by a registered Blood Alcohol Content (BAC) and/or a reasonable evaluation of the totality of the facts and circumstances.
- G. Bringing any type of alcoholic beverage into an Alcoholic Beverage Control (ABC) licensed facility or area and taking alcoholic beverages out of an ABC area.

## II. The following additional conduct is prohibited on campus at the university:

- A. Possessing alcohol in public. Public areas where alcohol is prohibited include all indoor and outdoor university property unless an event has been approved through the university's event registration process.<sup>33</sup>
- B. Participating in drinking games or progressive drinking parties by students or guests.
- C. Possessing items used predominantly for drinking games (e.g., beer pong tables and beer bongs).
- D. Possessing "common containers" of alcohol, including but not limited to, kegs, pony kegs, beer balls, box wines and containers greater than 750 ml, and mixed alcoholic punch. The Office of Student Leadership Development may grant permission for the use of common container alcohol at registered functions.

## III. The following additional provisions apply to possession or consumption of alcoholic beverages in Residential Facilities:

- A. Alcohol is prohibited in common areas of residence halls unless an event has been approved through the university's event registration process. Common areas include lobbies, lounges, bathrooms, kitchens, and hallways of residential spaces.
- B. Freshman Residence Halls
  - 1. Alcohol is prohibited in any individual room in a freshman residence hall unless one of the residents is at least 21 years of age and the alcohol belongs to that

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<sup>33</sup> "Common areas" does not include a student's residence hall room.



resident. In freshman residence halls, guests of underage residents, regardless of the guest's age, may not possess alcohol in any freshman residence.

2. Alcohol is prohibited in the common areas of freshman residences. Functions with alcohol cannot be scheduled in freshman residence halls.
- C. Empty alcohol containers in residence hall facilities may constitute evidence of alcohol consumption or possession, and may, therefore, be subject to inspection and seizure, and residents may be subject to referral to SARP.
- D. Any person who desires to host and have alcohol available in his or her private residence hall room, or apartment must register the event with the Office of Student Leadership Development if the number of individuals present is more than eight over the room, or apartment occupancy. Maximum occupancy restrictions of the room, or apartment cannot be exceeded.<sup>34</sup>

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<sup>34</sup> Refer to the Residence Life Housing Contract for occupancy information.

# Appendix III: Events Where Alcoholic Beverages Are Served

**A. Scope:** This policy applies to all student events and student organization-sponsored events at which alcoholic beverages are served.

1. **ABC Banquet/Special Event License:** The university (and/or VA Department of Alcohol Beverage Control) may require a license from the Virginia Alcoholic Beverage Control Board for certain events. The event organizer is responsible to check and secure any license in advance. Allow two weeks for processing. Submission of an application for an ABC license does not guarantee approval. Students may obtain applications from the Office of Student Leadership Development.

**Advertising (for non-private events):**

- a. Advertising means publicity that promotes attendance at an event. It includes, but is not limited to ads, posters, flyers, or electronic media.
  - b. Advertising for private functions is prohibited.
  - c. Advertising for campus-wide events, banquets or events with a Special Event License, or any event that involves the sale of alcohol must be limited to the campus.
  - d. Advertising for non-private events must include the name of the sponsoring organization and a statement indicating that a William & Mary ID and proof of age are required for entry into the event. Advertising cannot focus on alcohol consumption and should be limited to the type of function, location, date, time, and entertainment.
2. **Alternative Beverages and Food Items:** Non-alcoholic beverages must be visible and available on the same basis as any alcoholic beverages served at approved functions. The event host is responsible for providing appropriate food items and sufficient quantities to last throughout the function as long as alcoholic beverages are present.
  3. **Entrance and ID checking:**
    - a. A completely sober individual (who has refrained from consuming any alcohol) must check to ensure that every guest either has a William & Mary ID card or is accompanied by a William & Mary student with a valid ID. An additional ID that provides proof of legal drinking age is required to consume alcohol. The use of false, altered, or borrowed identification of any type is lying, an infraction of the Honor Code, and is also a criminal offense.
    - b. Wrist Bands/Hand Stamps- At functions where alcoholic beverages are served, sold, or consumed, the sponsoring organization must distinguish between those of age and

those underage by either a separate drinking area or by use of wrist bands and/or hand stamps.

**4. Event Management:**

- a. All registered events require at least one “Event Manager.” The Event Manager takes full responsibility for management of the event. Events where the alcohol is served/provided by the hosting organization must have a University Intervention trained Event Manager. Events where the alcohol is served by licensed caterer are encouraged, not required, to have a University Intervention trained Event Manager.
- b. All Event Management Staff must be sober (have refrained from consuming any alcohol).
- c. Events where alcohol is provided/served by the hosting organization:
  - (i) If the event has more than 25 guests: at least one Event Manager and one server are required.
  - (ii) If the event has fewer than 25 guests: the Event Manager may also be the Server.
- d. Additional event management requirements:
  - (i) Two individuals stationed at main entrances for any event with more than 50 guests.
  - (ii) One individual stationed at each additional point of entry/exit.
  - (iii) Minimum of one monitor per 50 guests, whose purpose is to address violations of the alcoholic beverage policy that are not occurring at the bar and/or entrance to the event.
  - (iv) Monitors are strongly encouraged to have completed university training. This training is required for Event Manager and Servers.
- e. The consumption of alcohol at/around/adjacent to events that have been scheduled or registered as non-alcoholic is prohibited. Host organizations may be held responsible for alcohol consumption at events they register as non-alcoholic.

- 5. Event Management Planning Meeting:** Student organizations hosting events with alcohol will be required to participate in at least one planning meeting with a representative of the Student Event Approval Committee in preparation for the event(s). This meeting should take place at least one week prior to the date of the event.

**6. Event Managers:**

- a. Are responsible for registering the event with The Office of Student Leadership Development and participating in an event management planning meeting with a representative of the Student Event Approval Committee.
- b. Are responsible for supervising the serving and management of alcohol.
- c. Are responsible for designating the Event Management Staff for the event and for ensuring that they carry out all responsibilities of the Event Management Staff.
- d. Are responsible for the process of checking identification and verification of those eligible to be served throughout the entire event.

- e. Must be present in the area where the alcohol is being served and consumed throughout the entire event.
  - f. Must display notice at all entrances stating “Private Function. Members and invited guests only.”
  - g. May share responsibility with their organization and possibly face student conduct allegations and/or legal penalties for violating the provisions of this policy and/or the laws of the Commonwealth.
7. **Event Termination:** Events that fail to comply with the university’s Alcohol Beverage Policy or state law or with generally accepted rules of safety may be terminated by a member of the Student Affairs staff, law enforcement officers, including agents of the Virginia Alcoholic Beverage Control, or an appropriate fire or safety officer (depending on the circumstances).
8. **Focus of Events:** Progressive drinking parties, drinking games, and other activities where drinking alcohol is the principal attraction are not permitted.
9. **Guests and Guest Lists (for private events):** Individuals or groups sponsoring social functions are responsible for the actions of all guests in attendance at the event.
- a. All private events must have a guest list. Guests are defined as those individuals who are known to the host(s) of the function and have previously been identified as invited guests to the function.
  - b. Guest lists must be approved by the Office of Student Leadership Development. Guest lists should be submitted electronically to SLD by 12 noon on the day of the function or no later than 12 noon on Friday for functions occurring on the weekend.
  - c. The maximum number of guests on a guest list will be two and a half times the occupancy of the room, not to exceed 400 total, without an exception granted from the Student Event Approval Committee.
  - d. At no time may the number of guests at a function exceed the maximum occupancy restrictions for that facility.
  - e. The signed guest list must be turned into the Office of Student Leadership Development on the first business day following the event. Failure to turn in a guest list, prior to or following the event, may result in loss of privileges. The university reserves the right to confirm the accuracy of guest lists by reasonable means.
10. **Outdoor Events:**
- a. Outdoor events with alcohol will be approved on an individual basis based on the ability to be shielded from public view; control access; and the distance from residential or academic areas.
  - b. Alcohol service must end by 12:30AM and the event must end by 1AM.

- c. Amplified music at outdoor events must have the volume reduced to a reasonable level after 11PM and must conclude by 12AM.
11. **Public/Common Areas:** Alcohol may be served and/or consumed only in public areas approved through the event registration process. Public areas include all indoor and outdoor university property. In residential facilities, common spaces include lobbies, lounges, kitchens, bathrooms, and hallways.
12. **Registering an Event with Alcohol:**
- a. Functions at which alcohol will be served must be registered through the Office of Student Leadership Development, 273 Sadler Center. For all events at which alcohol will be served, completed forms must be submitted no later than one week prior to the event. Registration of an event must also include participation in Event Management Planning (see Section A.7. above).
  - b. Area Directors from Residence Life must sign completed forms for events to be held in residential spaces.
  - c. Forms for events that are approved must be picked up and displayed at the event or the event is considered “unauthorized.”
  - d. For smaller, more spontaneous weekend events of fewer than 20 students, the host may submit a request, via an online form, to the Student Event Approval Committee by 12PM on the Friday preceding the event. The event is not considered approved unless the requestor or Event Manager receives an email from a representative from this committee. Student Leadership Development will provide notice of approval to the William & Mary Police and the appropriate Residence Life staff.
13. **Security:** The university may require professional security personnel to be present for any event that involves the serving or sale of alcoholic beverages. The Student Event Approval Committee will make this determination in consultation with W&M Police. The number of attendees, amount of alcohol present, location of the event, and potential for crowd control issues will all be factors in determining security for an event. W&M Police or professional security personnel may be required at registered events scheduled for the Sunken Garden, the Alumni House, and the Martha Wren Briggs Amphitheatre shelter and/or amphitheater.
14. **Servers:**
- a. Must be at least 21 years of age.
  - b. Events where alcohol is served by students:
    - (i) Must be trained through participation at an Intervention Training seminar sponsored by the university.
    - (ii) May share responsibility with their organization and possibly face student conduct charges and/or legal penalties for violating the provisions of this policy and/or the laws of the Commonwealth.

- c. Events where alcohol is served by an establishment that does not hold an off-site catering license:
  - (i) Servers are not required to have participated in the university's Intervention training.
  - (ii) Servers may not be students or employees of the university.
- d. Events where alcohol is served by an establishment that does hold an off-site catering license:
  - (i) Servers are not required to have participated in the university's Intervention training.

15. **Student Event Approval Committee:** References to the Student Event Approval Committee in this policy refer to designated staff from the Division of Student Affairs (referred by the Office of Student Leadership Development).

16. **Serving of Alcoholic Beverages:**

- a. Alcohol service is limited to one standard drink per person at the time of serving.
- b. Self-service disbursement of alcohol including bars, taps, and beer trucks or trailers with open taps are prohibited.
- c. No alcohol may be served or consumed in glass containers at functions in or on university-owned or controlled facilities or grounds. This includes outdoor functions. Glass bottles are permitted, but all alcohol must be served to guests in plastic cups.
- d. Alcoholic beverages may not be served or consumed in academic buildings without the prior written approval of the Department Chair and the Student Event Approval Committee. Alcoholic beverages may not be served or consumed in the arena area (including the stands) of William & Mary Hall, in Zable Stadium, in any area of the Student Recreation Center, or on any athletic or intramural field without prior written approval by the Student Event Approval Committee in concurrence with the appropriate facility director or supervisor.
- e. The serving or consumption of alcohol at any activity or event related to membership recruitment, initiation or induction is prohibited.

17. **Student Event Approval Committee:** References to the Student Event Approval Committee in this policy refer to designated staff from the Division of Student Affairs (referred by the Office of Student Leadership Development).

18. **Third Party Vendors:** Caterers with the appropriate ABC issued off-site catering license may be used in place of Event Management Staff (an Event Manager is still required). A third-party vendor must be a company, business, or establishment that is insured and has been issued a Mixed Beverage Caterer's License by the Virginia Alcohol Beverage Control Board.

19. **Timing of Events:**

- a. The university may limit the number, frequency, and duration of events. The university will not approve functions with alcohol during the first week of each semester and after the last day of classes each semester, with the exception of officially scheduled events associated with Commencement. No events with alcohol may be scheduled during reading and exam periods without prior written permission from the Student Event Approval Committee.
  - b. Alcoholic beverages may not be sold or served prior to 3PM Monday through Friday and 12 noon on Saturday and Sunday unless written permission is granted by the Student Event Approval Committee.
  - c. The maximum duration of an event with alcohol is five hours.
  - d. Functions scheduled Sunday through Thursday must conclude by midnight and events scheduled Friday and Saturday must conclude by 2AM unless prior written permission has been granted by the Student Event Approval Committee. Exception: outdoor events must end by 1AM (please refer to “outdoor events” item 11 above).
  - e. Events in residential areas must conform to the rules and times established by the pertinent hall council but may not exceed the above time limits under any circumstances.
20. **Training:** Eligibility to be either an Event Manager or a server requires completion of the following:
- **Intervention Training:** Participation in university-provided intervention trainings. All approved individuals must complete the specified training in any academic year the individual wishes to be eligible to be an Event Manager or Server during their William & Mary tenure.
21. **Types of Alcohol:** Beer, wine, malt beverages or wine coolers are the only alcoholic beverages that may be served and/or consumed at an event. Hard liquor is not permitted except under special circumstances approved in advance by the Student Event Approval Committee. Grain alcohol served in any form is strictly prohibited.

**B. Types of Events (defined)**

- 1. Campus-wide events are those limited to William & Mary students, faculty, staff, and their invited guests. In campus-wide events these restrictions apply:
  - a. A Virginia ABC license is required or a licensed third-party vendor must be used if the host is charging an admission fee or charging for drinks.
  - b. Alcoholic beverages must be sold individually and not given away.
  - c. Beer, wine, malt beverages or wine coolers are the only alcoholic beverages that may be served.
  - d. Admission is restricted to persons who are at least 21 years of age, unless alcoholic beverages are confined to a separate restricted area that has been approved for that purpose or unless approved by the Student Event Approval Committee.

2. Private events are those to which attendance is limited to an invited group. In private events these restrictions apply:
  - a. Announcement of the event may be by personal invitation only; advertising of the event is not permitted. Advertising includes, but is not limited to ads, posters, flyers, or electronic postings/messages.
  - b. The percentage of the group's membership, residents, and/or guest list that is of legal drinking age will be a factor in determining what quantity of alcohol may be served. A separate area may be required for the consumption of alcohol.
3. B.Y.O. (Bring Your Own) Events: Even though the attendees provide the alcohol, BYO events must conform to the same guidelines as all other events where alcohol is to be present. The student or organization sponsoring the event will control the collection, serving and disbursing of alcoholic beverages, a designated serving area will be established, and only one drink at a time may be obtained. Tickets or a punch card system must be in place for attendees to obtain beverages from the serving area, and hosts must adhere to food and alternate beverage requirements set forth in this policy. Deviations from these regulations must be approved in advance by the Student Event Approval Committee.

**Nothing in the Alcoholic Beverages policies shall operate or be interpreted as assumption of liability by the university for any injury, damage, or loss caused by any student's, sponsor's or organization's failure to comply with the foregoing policy. Each student, organization and sponsor is responsible for becoming informed and observing the law. Permission by the university to conduct any activity covered by these rules does not release the student, organization or sponsor from responsibility under applicable laws governing the activity. Student organizations or sponsors are not agents of the university and have no authority to make any representations or undertake any actions or contracts on behalf of the university.**



## Appendix IV: Good Griffin Policy

Student health and safety are of primary concern at the university. As such, in cases of significant intoxication as a result of alcohol or other substances, the university encourages individuals to seek medical assistance for themselves or others.

If medical assistance is sought for consumption of alcohol or other substances, SARP will not pursue conduct allegations under the Student Code of Conduct; however, Student Affairs staff will meet with the student and apply educational measures. Exemption from student conduct allegations will be provided to the student for whom medical attention was sought and any witnesses who were present.

Assisting requires that an individual:

- Call William and Mary Police (221-4596 or 911) or seek a Resident Advisor (RA) or other Residence Life professional, and
- Monitor the intoxicated student's condition.

The following are not covered by the Good Griffin Policy:

- Students waiting until the police or other authority arrive before seeking assistance, as this is not affirmatively seeking assistance
- Action by police or other law enforcement personnel
- Violations of the Code of Conduct other than the alcohol/drugs policy
- Possession with the intent to distribute drugs.

### **Actions by SARP:**

- The intoxicated student (and possibly those who were attending to/assisting the student) will be required to meet with a member of Student Affairs staff who may issue educational requirements that may include, but are not limited to, alcohol and/or drug education, counseling, and/or a substance abuse assessment.
- Serious or repeated incidents will prompt a higher degree of concern/response.
- Failure to complete the educational assignments or treatment recommendations normally will result in disciplinary action.
- The student will be responsible for any costs associated with drug or alcohol education interventions.

### **Application to Student Organizations:**

In circumstances where an organization is found to be hosting an event where medical assistance is sought for an intoxicated guest, the organization (depending upon the circumstances) may be held responsible for violations of the Alcohol Policy or Drug Policy. However, the organization's willingness to seek medical assistance for a member or guest will be considered as a mitigating factor in determining a sanction for any violations of the Alcohol Policy or Drug Policy.

### **Disclosure of Good Griffin Incidents:**

The university may disclose Good Griffin incidents when the student provides consent. The university also may disclose an incident without the student's consent if the student is applying for a position within Residence Life, the Conduct system, or Orientation or for study abroad if an incident occurred within one year of application or if the university has received subsequent alcohol or drug related incidents involving the student.

### **Illustrative Examples:**

The following examples are provided as illustrations. These examples do not constitute an exhaustive list.

1) John and Sarah are at a party when Sarah begins to show signs of intoxication (slurred speech, unsteady on her feet). John decides to walk Sarah home. While walking, a WMPD officer sees Sarah walking unsteadily and stops her. The WMPD officer cites Sarah for underage possession/consumption of alcohol and public intoxication. John also is cited for underage possession/consumption.

The Good Griffin policy does not apply because John was not affirmatively seeking medical attention for Sarah, and he did not seek out a qualified individual (such as an RA) to assess Sarah's condition.

2) Ramon comes home to find his roommate, Zach, passed out on his bed. Ramon finds the RA who determines that Zach needs medical attention. The RA calls WMPD who sends EMS, and EMS transports Zach to the hospital. The RA documents the incident and notes that Ramon also appeared to be intoxicated.

The policy does apply to both Ramon and Zach because Ramon sought assistance from an RA for Zach. Both students will be exempted from student conduct allegations as a result of this incident. Both will receive some form of alcohol education as a result of this incident.

3) A Williamsburg Police officer observes a large group of people exiting the delis late one night. The officer observes Jean being held up by two of her friends; Jean is unable to speak coherently and is passing in and out of consciousness. The Williamsburg Police officer arrests Jean and transports her to jail.

Jean will not be exempt because her friends were not seeking medical attention for her. Had the friends affirmatively called 911, Jean would be exempt and likely would have been transported to the hospital in lieu of being arrested (although our policy does not specifically apply to the Williamsburg Police).

4) Alex is at a party of the Pi Gamma Gamma fraternity. Sometime during the party, Alex passes out. A member of the fraternity calls for medical assistance, and Alex is taken to the hospital. Alex's friends later confirm that he had been consuming liquor at the party, and Alex is 19 years old.

Alex will be exempt from conduct allegations. Pi Gamma Gamma will not be exempt because the policy does not apply to organizations. However, the organization will receive a lesser sanction

because its members called for assistance; conversely, had the organization not called for assistance, it would receive a harsher than normal sanction.