



# Student Code of Conduct

**Policy Type:** Board of Visitors

**Responsible Office:** Office of Student Conduct and Academic Integrity, Office of the Provost

**Initial Policy Approved:** 05/10/2013

**Current Revision Approved:** 05/11/2018

## Policy Statement and Purpose

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VCU Creed: Philosophy for a University Community

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

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

Students are encouraged to engage in responsible social conduct that reflects credit upon the University community and to model good citizenship in any community. Students should not remain passively in the presence of violations. Students are encouraged to notify the proper authorities if they observe or have knowledge of other students violating the Student Code of Conduct.

Noncompliance with this policy by staff may result in disciplinary action up to and including termination. Noncompliance with this policy by students may result in sanctions as provided in this policy. VCU supports an environment free from retaliation. Retaliation against any staff who brings forth a good faith concern, asks a clarifying question, or participates in an investigation is prohibited.

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## Who Should Know This Policy

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

## Definitions

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### **Adviser**

The term “adviser” is a person who has been asked by the respondent or student complainant to attend any part of the student conduct process to provide support and assistance directly to the student but not to participate in the process on the student’s behalf.

### **Complainant**

The term “Complainant” means any person or entity that submits a charge alleging that a student violated the Student Code of Conduct.

### **Conduct Appeal Board (CAB)**

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

### **Instructional Faculty**

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

### **May**

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

### **Member of the University Community**

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

**Off-campus**

The term “Off-campus” applies to any location not on university property.

**Policy**

For the purpose of this policy, the term “Policy” means any written standards of student conduct as found in, but not limited to, the Student Code of Conduct, Sexual Misconduct/Violence and Sex/Gender Discrimination, the Residential Life and Housing Contract, VCU Alcohol and Other Drugs, the Faculty Guide to Student Conduct in Instructional Settings, Student Conduct in Instructional Settings, Procedures for Registering Student Organizations, the University Computer and Network Resources Use Policy, the Undergraduate/Graduate Bulletins as found on the University web page, or other University publications or resources.

**Preponderance of Evidence**

The term “Preponderance of Evidence” is the standard of proof that applies to student conduct proceedings or determinations. It means that the evidence supports a conclusion that it is more likely than not that a policy violation occurred.

**Respondent**

The term “respondent” means any student or student organization charged with violating this Student Code of Conduct.

**Sanction Review Board (SRB)**

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

**Staff**

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

**Student**

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

**Student Conduct Administrator**

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

**Student Conduct Board (SCB)**

The term “Student Conduct Board” means any person or persons authorized by the Director of Student Conduct and Academic Integrity or designee to determine whether a student has violated the Student

Code of Conduct and to recommend sanctions that may be imposed when a violation has been committed.

### **Student Organization**

The term “Student Organization” means any student group registered with the University.

### **University Property**

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

## **Contacts**

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The Office of Student Conduct and Academic Integrity officially interprets this policy. The Office of Student Conduct and Academic Integrity is responsible for obtaining approval for any revisions as required by the policy *Creating and Maintaining Policies and Procedures* through the appropriate governance structures. Please direct policy questions to The Office of Student Conduct and Academic Integrity. Comments can be directed to the director of the Office of Student Conduct and Academic Integrity at [stuconduct@vcu.edu](mailto:stuconduct@vcu.edu).

## **Policy Specifics and Procedures**

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**All complaints of alleged sexual misconduct committed by University students, as defined in the University’s Sexual Misconduct/Violence and Sex/Gender Discrimination policy, are governed exclusively by the rules and procedures in the Sexual Misconduct/Violence and Sex/Gender Discrimination policy. All those seeking information regarding the adjudication of sexual misconduct complaints against University students shall refer to the [Sexual Misconduct/Violence and Sex/Gender Discrimination](#) policy.**

### **Prohibited Conduct**

The University Student Code of Conduct shall apply to all conduct by students on University property, at VCU-sponsored activities, and off-campus. The Director of Student Conduct and Academic Integrity or designee shall decide at their sole discretion on a case-by-case basis whether the Student Code of Conduct shall be applied to conduct occurring off campus. The Student Code of Conduct governs students at all campuses; however, students are advised to consult local campus (i.e. VCUarts Qatar) publications for additional information or rules pertaining specifically to those campuses that may establish hearing boards or processes, consistent with the Student Code of Conduct.

Each student shall be responsible for their conduct from the time of application for admission through the actual awarding of the degree. The Student Code of Conduct shall apply to a student’s conduct even if the student withdraws from school while a disciplinary matter is pending or if conduct is discovered after a degree is awarded.

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

## 1. Abusive Conduct

- a. Assault – Words or actions that would cause an individual(s) to reasonably fear for their immediate safety. Words do not constitute assault unless they are accompanied by the apparent ability to inflict immediate bodily harm.
- b. Battery – The unjustified use of physical force against an individual or group.
- c. Disorderly conduct - Disrupting or preventing the peaceful or orderly conduct of classes, lectures, meetings, or other University functions, or interfering with the lawful freedom of other persons, including invited speakers, to express their views, or interfering with the performance of the duties of University personnel.
- d. Endangering health or safety - Taking or threatening actions that endanger the physical safety, mental health, or life of any person(s) or creates reasonable fear of such action.
- e. Harassment – Repeated, persistent, or pervasive actions directed towards specific individual(s) with the intent or effect to harm, or alarm, including attempted or threatened physical contact or repeated or pervasive acts that create the reasonable apprehension of unwanted physical or verbal contact as well as contact through any electronic or digital medium.
- f. Hazing – Recklessly or intentionally subjecting a person(s) to any mental or physical requirement, request, or obligation that could cause discomfort, pain, fright, disgrace, injury, that is personally degrading, or that violates any federal, state, or local statute or University policy in connection with initiation, admission into or affiliation with or as a condition for continued membership in a club, organization, fraternity, sorority, or other group; the willingness of the individual to participate in such activity notwithstanding.
- g. Recording and/or disseminating images or audio without consent - Using electronic or other means to make or disseminate a video, audio, or photographic record of any person(s) where there is a reasonable expectation of privacy without the person's consent.
- h. Stalking – A course of conduct (i.e., more than one act) directed at a person that would cause a reasonable person to feel or experience fear, intimidation, or emotional distress, or to fear for the safety of a third person. A series of acts that together constitute stalking may be direct actions or may be communicated by a third party, and can include, but are not limited to: threats of harm to self or

others; pursuing or following; non-consensual (unwanted) communication by any means; trespassing; and surveillance or other types of observation

## **2. Academic Misconduct**

Refer to the [Honor System](#) for academic expectations, rights, responsibilities, violations, hearing processes, sanctions, and records related to charges of academic misconduct, including plagiarism, cheating, lying, stealing, and facilitation of academic misconduct.

## **3. Acts of Dishonesty**

- a. Furnishing false information to any staff, faculty member, or office.
- b. Forgery, alteration, or misuse of any University document (e.g., student transcript), record or instrument of identification.

## **4. Alcoholic Beverages/Drugs**

- a. Alcoholic beverages – The unlawful possession, distribution, sale or use of alcoholic beverages or public intoxication are prohibited. Alcoholic beverages may not, in any circumstance, be used, possessed by or distributed to any person under 21 years of age. The possession and/or use of alcohol in University facilities and at University events by those individuals 21 years of age or older, may be subject to additional University regulations and restrictions. Any violation of the [Alcohol and Other Drugs](#) policy may result in action under the Student Code of Conduct.
- b. Drugs – Illegal possession, use, manufacture, sale, dispensation, or distribution of any controlled substance (including prescription drugs/medication) are prohibited except as expressly permitted by law. Any violation of the [Alcohol and Other Drugs](#) policy may result in action under the Student Code of Conduct.
- c. Paraphernalia – Possession of paraphernalia used to consume illegal drugs is not permitted on university property. Paraphernalia includes but is not limited to roach clips, bongs, pipes, blow tubes, bowls, and any type of water pipe or object filled with water through which smoke is drawn.

## **5. Failure to Comply**

- a. Failure to comply with a reasonable request or directive of University Officials. This includes, but is not limited to, failure to present a University identification card, failure to keep or attend a required meeting, or failure to leave any University premise when requested by a University Official.

- b. Failure to observe rules and regulations issued by the University.
- c. Failure to complete or comply with a University imposed sanction.

## **6. False Reports**

- a. Making an intentionally false report of any Student Code of Conduct or other policy violation is prohibited and may also violate state criminal statutes and civil defamation laws.

## **7. Weapons**

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

## **8. Fireworks/Explosives/Dangerous Chemicals**

- a. Unauthorized possession or use of fireworks, explosives or dangerous chemicals is prohibited.

## **9. Gambling**

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

## **10. Theft or Unauthorized Use of Property**

- a. Theft - Theft, attempted theft, or possession of stolen property or services or possession of burglarious tools.
- b. Unauthorized use of university property or services.
- c. Climbing - Unauthorized climbing inside or outside campus buildings or structures.
- d. Defacing/vandalizing - Defacing or vandalizing University land, buildings, equipment or property.

- e. Damage or destruction of property - Actual or threatened damage or destruction of University property or property of others, whether done intentionally or with reckless disregard.
- f. Unauthorized presence or entry - Entering or being present in University buildings, rooms, or other areas without proper authorization.
- g. Tampering -Tampering with University equipment, including but not limited to, any elevator, wiring, plumbing, doors, locking mechanisms, University keys, access cards, or other University equipment without authorization from a University Official.
- h. Misuse of fire-fighting equipment/disregard of fire alarm signals/arson - Misuse or tampering with fire-fighting equipment, disregard of a fire alarm signal or refusal to evacuate a building, tampering with detection or suppression equipment, initiating a false fire alarm or unauthorized burning of any material in any University building or on University property.
- i. Obstruction - Blocking of the free flow of pedestrians or vehicular traffic on University premises or at University sponsored or supervised functions.

#### **11. Abuse of Computer Facilities and Resources**

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

#### **12. Retaliation**

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

#### **13. Involvement in a University Violation**

- a. Presences during any violation of the Student Code of Conduct in such a manner to condone, support, or encourage that violation.

14. **Violation of other disseminated University regulations, policies, or rules.** Examples of such regulations include, but are not limited to, University computing policies, Residential Life and Housing policies, and recreational sports facility policies.
15. **Violation of any federal, state or local law.** Any violation of local, state or federal law, which affects a substantial university interest, such as a violation committed in the municipality where the University is located; when the violation is detrimental to the educational interests of the University; or when the violation presents a danger to the student or others.

## **VIOLATION OF LAW AND UNIVERSITY DISCIPLINE**

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

## **STUDENT CODE OF CONDUCT AUTHORITY**

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

## **RIGHTS AND RESPONSIBILITIES**

All student complainants and respondents are provided the following rights and responsibilities throughout the University student conduct process:

1. The right to receive written notification of any alleged violation via official forms of University communication (i.e., VCU email).
2. The right to know the source of any allegation.
3. The right to know the specific alleged violation of the Student Code of Conduct.
4. The right to know any sanctions that may be imposed by the University if found responsible for specific violations of the Student Code of Conduct.
5. The right to present their own information.
6. The right to be accompanied by an adviser of their choice and at their own expense during the University student conduct process for advisory purposes only. Advisers are not permitted to speak or to participate directly in the University student conduct process unless authorized by the Student Conduct Administrator. When selecting an adviser,

students should be cognizant of any scheduled meetings or hearings. Delays in the University student conduct process will not be allowed due to the scheduling conflicts of an adviser.

7. The right to have the opportunity to respond to any allegation and provide witnesses and/or pertinent additional information.
8. The right to refrain from making any statement concerning alleged violations of the Student Code of Conduct.
9. The right to know that any statements made by the Complainant and/or respondent can be used during the University student conduct process.

## **CHARGES AND STUDENT CONDUCT BOARD (SCB) HEARINGS**

Any member or entity of the University community, including the OSCAI based on information provided to the university, or others outside of the University may file charges against a student respondent or student organization for violations of the Student Code of Conduct. Any charge should be submitted as soon as possible after discovery of the alleged violation. Absent extraordinary circumstances, the written charge must be filed within six months of discovery of the offense. A charge shall be prepared in writing and directed to the OSCAI or other designated office. Once the charge has been submitted, the Director of OSCAI or designee will review the charge and appoint a Student Conduct Administrator to complete an investigation.

OSCAI will send a Notification Letter to the VCU email address of the respondent citing the specific charges and instructions to contact the Student Conduct Administrator to schedule a meeting to discuss the charges. The respondent will have five business days from the date of the Notification Letter to contact the Student Conduct Administrator. If the student fails to respond to the Notification Letter or does not attend the scheduled meeting, the University may proceed with adjudication of the charges without the student's input.

The Student Conduct Administrator will complete an investigation of the charges in the Notification Letter. The Student Conduct Administrator will offer to meet with the respondent to discuss the charges. The Student Conduct Administrator may meet with the complainant as well as with any witnesses and examine additional information. Based upon all of the examined information and witness statements, the Student Conduct Administrator will make a determination of responsibility using the preponderance of the evidence standard. The student will have the following options based upon the Student Conduct Administrator's determination:

### *1 - No Violation Established by the Administrator:*

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

### *2- Violation Established - Administrative Adjudication:*

*Respondent accepts responsibility and sanctions*

The respondent may accept responsibility for violating specified provisions of the Student Code of Conduct and agrees to complete the sanctions assigned by the Student Conduct Administrator. Students choosing this option may not appeal.

*3 – Violation Established - Sanction Review Board (SRB):*

*Respondent accepts responsibility, but disagrees with sanctions*

If the respondent accepts responsibility for violating specified provisions of the Student Code of Conduct but disagrees with the sanctions assigned by the Student Conduct Administrator, the respondent may seek review by the SRB. The request to the SRB must be submitted in writing and completed within five business days from the date of notification of the Student Conduct Administrator's determination. The SRB is comprised of three University Community members with at least one student and one staff or instructional faculty member.

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

Based upon the SRB's review, OSCAI will notify the respondent, and if necessary the individual complainant, in writing of sanctions via their VCU email address. A decision by the SRB that results in a student being suspended or expelled from the university must be approved by the Senior Vice Provost for Student Affairs (SVPSA) or designee.

*4- Violation Established – Student Conduct Board (SCB):*

*Respondent disagrees with finding of responsibility*

If the student denies responsibility for violating the specified provisions of the Student Code of Conduct, OSCAI will schedule a SCB hearing to consider the information and evidence and make a determination concerning the allegations and, if necessary, any sanctions. The SCB is comprised of four University Community members with at least one student, one staff or instructional faculty member, and a non-voting chair. OSCAI will notify the respondent of the date, time and location of the hearing at least five business days prior to the scheduled SCB hearing. If the respondent (and/or the complainant, if appropriate) fails to attend the scheduled SCB hearing, the hearing will proceed in the student's absence and the student's ability to appeal the SCB hearing decision may be limited.

A SCB hearing typically consists of the following components:

- Introduction and procedural rules presented by the SCB chair.
- Introductory statement and presentation of information by Student Conduct Administrator and/or complainant.

- Witnesses presented by the Student Conduct Administrator and/or complainant if any.
- Introductory statement and presentation of information by the respondent.
- Witnesses presented by the respondent if any.
- Closing statement by Student Conduct Administrator and/or complainant.
- Closing statement by respondent.
- Closed session deliberation by SCB.

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

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

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

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

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

Any appeal of the SCB's decision must be made by the respondent in writing to the OSCAI ([see section 5: "Formal Appeals Process"](#)) within five business days following the date of the notification. The OSCAI will then forward the appeal as well as a written statement responding to the appeal from the Student Conduct Administrator to a Campus Appeal Board (CAB). The CAB is comprised of three University Community members with at least one student and one staff or instructional faculty member. The CAB will review the respondent's written appeal as well as the written statement of the Student Conduct Administrator. The CAB will then make one of two recommendations to the SVPSA or designee concerning the appeal: (1) uphold the SCB determination, or (2) remand the matter to the SCB. The SVPSA or designee will review the recommendation of the CAB, make a final determination concerning the respondent's appeal and notify the respondent of that outcome. The SVPSA or designee, in their sole discretion, may accept the CAB recommendation or reject the recommendation and remand or render an alternative finding.

### *5 - Formal Appeals Process*

All appeals to the SRB and CAB must be in writing using the appropriate Appeal Form (provided by OSCAI). All appeals must be submitted to OSCAI within five business days following the date of the SRB's or SCB's decision. Appeals to the CAB may be based only on one or both of the following two criteria:

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

The written appeal must contain any and all information relevant to the appeal, including any new evidence or information when new and pertinent evidence is the selected appeal ground. After receipt of the appeal, the Student Conduct Administrator and/or Complainant may submit a statement responding to the claims or issues presented by the written appeal. The OSCAI will submit the written appeal and all other written statements to the SRB or CAB, as applicable.

## **ADMINISTRATIVE ACTIONS**

### **Interim Suspension**

Temporary measure to remove a student reasonably believed to pose a threat to the University Community. For more detail refer to the Dean of Students resource page regarding [Interim Suspension](#).

### **Revocation of Admission**

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

### **Revocation of Degree**

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

## **SANCTIONS**

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

The following sanctions **are not** recorded on a student's transcript. These sanctions are not reported to external agencies as a University disciplinary action, unless required by law.

### **Censure**

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

### **Disciplinary Probation**

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

### **Educational Experiences**

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

### **Loss of Privileges**

Loss of privileges is a denial of services, privileges, and benefits which may impact participation in extracurricular activities, residence in University housing, University employment, Honors College, leadership within student organizations, academic activities, and study abroad, for a designated period of time.

### **Fines**

Previously established and published fines may be imposed.

### **Bans, Deactivations and Holds**

Bans, deactivations and holds are restriction of access to University services, activities, facilities or registration.

### **Restitution**

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

### **No Contact**

The respondent is instructed to avoid direct and indirect contact with an identified individual or group. This includes but is not limited to contact in person, through electronic means, or through a third party.

## University Policy Sanctions

University Policy Sanctions are any sanctions not specified in the Student Code of Conduct, but which are applied to a respondent as a result of prohibited behavior of another University policy.

### Deferred Suspension

Deferred suspension is a designated period of time during which a student is given the opportunity to demonstrate the ability to abide by the Student Code of Conduct. Subsequent violations of the Student Code of Conduct during the term of a deferred suspension will result in a full suspension.

The following sanctions are recorded on a student's transcript. These sanctions are reported to external agencies as a University disciplinary action and as required by law.

### Suspension

Suspension is removal of a respondent for a defined period of time, for a maximum of six consecutive semesters, during which a student loses all University privileges, which generally includes access to facilities, programs, classes, and premises. Consistent with the University's continuous enrollment policy, all students who do not attend VCU for three or more successive semesters, excluding summer sessions, must submit an application for readmission.

### Expulsion

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

## NOTIFICATION OF SANCTIONS

### *Notice to the Public*

Sanctions and other records related to student conduct processes are part of the educational record of the respondent and are protected from release under the Family Educational Rights and Privacy Act (FERPA), a federal law. However, the University observes the legal exceptions to FERPA, which permit the university to release publicly the student's name, violation committed, and any sanction imposed if the violation is a "crime of violence" (arson, burglary, robbery, criminal homicide, assault, destruction/damage/vandalism of property, and kidnapping/abduction).

### *Notice to a Complainant*

The University shall release to the complainant the respondent student's name and the nature of the policy violation that is final results described above related to a crime of violence as described above regardless of the outcome.

### *Notice to Parents*

When students under the age of 21 are found responsible for violating alcoholic beverage and/or controlled substance laws or policies, VCU will notify their parent or guardian of such violations if the student is under the age of 21 at the time of the notification, in accordance with FERPA.

## INTERPRETATION AND REVISION

Any question of interpretation or application of the Student Code of Conduct shall be referred to the director of Student Conduct and Academic Integrity or designee for final determination. The Student Code of Conduct shall be reviewed every three years under the direction of the director of Student Conduct and Academic Integrity.

### Forms

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There are no forms associated with this policy.

### Related Documents

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1. VCU Policy: [Sexual Misconduct/Violence and Sex/Gender Discrimination](#)
2. VCU Policy: [Honor System](#)
3. VCU Policy: [Alcohol and Other Drugs](#)
4. VCU Policy: [University Computer and Network Resources Use Policy](#)
5. VCU Policy: [Procedures for Degree Revocation](#)
6. [Graduate Bulletin](#)
7. [Undergraduate Bulletin](#)
8. VCU Policy: [Computer and Network Resources Use](#)
9. VCU Information on [Rights of Students Under FERPA](#)
10. [Residential Life and Housing Contract](#)
11. VCU Policy: [Procedures for Registered Student Organizations](#)
12. VCU Student-Athlete Code of Conduct
13. [Interim Suspension](#)

### Revision History

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This policy supersedes the following archived policies:

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

## FAQ

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### **Q: What is the policy regarding alcohol and other drugs?**

A: Students under the age of 21 may not procure, possess, or consume alcoholic beverages. Additionally, students may not manufacture, distribute, dispense, possess or use illegal or illicit drugs. Please see the university's [Alcohol and Other Drugs](#) policy.

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

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

### **Q: What does a hold on my registration mean?**

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

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

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

A: The University Student Code of Conduct may apply to any conduct by a student whether on University property, at VCU-sponsored activities, **or at off-campus locations.**

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

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

### **Q: What is FERPA?**

A: The Family Education Rights and Privacy Act (FERPA, 1974) affords students the right to consent to disclose their educational records. A student can authorize in writing to have a designated person access confidential academic information. Additional resources can be found here:

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

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

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

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

**A:** A student may need to provide a disciplinary history to a third party for a study abroad program, graduate school, employment, etc. With a signed release by the student, the University may release to the external agency disciplinary records as requested by the student and generally related to suspension or expulsion.

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

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

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

**A:** Suspensions and expulsions are noted on a student's transcript.

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

**A:** Yes. The University will consider the interest of an individual victim of arson, assault, battery, or endangering health or safety and may notify them of the outcome of the respondent's student conduct process.