

RESOLUTION TO RATIFY THE STUDENT CODE OF CONDUCT

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

WHEREAS, the Virginia Tech Student Code of Conduct reflects best practices for the education of students about appropriate behavior and fostering a community in which academic success can occur; and

WHEREAS, the student conduct system is based on the assumption that students and groups have the capacity to assume responsibility for their own behavior and that the university has the authority to establish an internal structure for the enforcement of its policies and procedures, which students have agreed to accept by enrolling in the university; and

WHEREAS, periodically, the board reviews and approves those portions of the student *Hokie Handbook* including the Student Code of Conduct to ensure that they reflect the policies passed by the Board and that any changes that have been made are appropriate and accurate;

NOW, THEREFORE, BE IT RESOLVED that the Virginia Tech Board of Visitors hereby ratifies the August 27, 2018, version of the Student Code of Conduct, which is attached.

RECOMMENDATION:

That the Board of Visitors approves the resolution to ratify the attached version of the Virginia Tech Student Code of Conduct.

August 27, 2018

SECTION III: THE UNIVERSITY STUDENT CONDUCT SYSTEM

Overview

The University Student Conduct System affects and applies to all currently enrolled students and to all registered student organizations. Its major purpose is to help create a fair, just, and disciplined university community. The University Student Conduct System supports the educational mission of the university by educating students about appropriate behavior and by fostering a community in which academic success can occur. The system is based on the assumption that students and groups have the capacity to assume responsibility for their own behavior and that the university has the authority to establish an internal structure for the enforcement of its policies and procedures, which students have agreed to accept by enrolling in the university.

The mission of Student Conduct at Virginia Tech is to partner with Virginia Tech community members to address a student's conduct inconsistent with university expectations and resolve interpersonal, organizational, and community conflicts. Through a student-focused and learning-centered lens, we utilize a comprehensive approach of informal and formal options to uphold community standards, foster personal growth and development of life skills, and promote a civil learning environment.

Jurisdiction

The president of Virginia Tech is ultimately responsible for the discipline of all students at the university. Administrative authority and responsibility for Student Conduct policies and procedures is delegated to the Vice President for Student Affairs. Within the Student Affairs, direct supervisory jurisdiction of disciplinary matters involving violations of University Policies for Student Life and the Student Code of Conduct is assumed by Student Conduct. The director of Student Conduct serves as the chief student conduct officer for the university.

Students and student organizations will be considered for disciplinary action whether violations are committed on or off university property. For the purposes of disciplinary action only, a student is defined as any individual who has accepted an offer of admission as an undergraduate, graduate, or professional student and who has not yet graduated or officially transferred to another institution. If a student's enrollment lapses for more than one calendar year, the student will no longer be subject to disciplinary action under this policy. In this policy, a lapse refers to a voluntary decision by the student not to enroll. Students who are separated for disciplinary and/or academic reasons are still considered students for disciplinary purposes.

For violations that do not occur on university property, action will be considered if university officials decide that university interests are involved. Disciplinary action may be taken by the university against any act constituting a violation of the law when the act is contrary to the university's interests as an academic community. For example, the university may act on information received from other higher education institutions and other agencies from across the Commonwealth of Virginia. Additionally, Virginia Tech will share information about individuals visiting our campus who engage in misconduct with other institutions as appropriate. The university is especially concerned about high-risk behavior which threatens the lives, health, safety, and academic success of our students and has deemed off-campus violations to be actionable in the university Student Conduct system. Behaviors deemed high-risk include but are not limited to major alcohol violations, illegal drug violations, hazing violations, major theft, abusive conduct, and gender-based violence. When conduct violates both criminal law and the policies found in University Policies for Student Life and the Student Code of Conduct, disciplinary action may be taken by the university, irrespective of and separate from any criminal action. The university may proceed with disciplinary action before a trial or postpone action until after a trial, at the discretion of the university. Student Conduct uses the preponderance of the evidence standard when determining responsibility for a violation of the Student Code of Conduct.

The Commandant of Cadets administers those elements of the Student Conduct system that adjudicate alleged violations of cadet regulations, directives, policies, and the Cadet Honor Code. Student Conduct, in conjunction with the appropriate office (Fraternity and Sorority Life for Greek letter organizations and Student Engagement and Campus Life for all other student organizations), will administer those elements of the Student Conduct system that adjudicate allegations of misconduct related to student organizations.

Direct supervisory jurisdiction is assumed by Student Conduct. It is the responsibility of Student Conduct to coordinate the adjudication process among the various adjudicating agencies. The following criteria will be used to determine if an incident may be organizational activity, for which a student organization itself may be disciplined. This determination would not remove potential responsibility for the violation by the participating individuals. A student organization can be considered for disciplinary action, if any two of the following characteristics are present:

- The faculty advisor (if applicable) or any executive officer of the organization is aware of the incident sufficiently in advance of its

occurrence to prohibit its taking place, and takes no action to prohibit it.

- The faculty advisor (if applicable) or any executive officer of the organization knows the identity of the members involved in the incident and refuses to divulge that information to the appropriate university authorities or the police.
- The incident takes place in any public area within a chapter house or in any public place.
- The incident involves the expenditure of any organizational funds.
- The incident involves or is actively or passively endorsed by a majority of the members of the organization.
- The incident involves six or more members of the organization.

Student Conduct Procedures

Any student, faculty member, staff member, administrator or concerned party may bring a complaint to the attention of the Student Conduct Office for resolution. Persons who plan to bring a complaint against a Virginia Tech student should notify Student Conduct of their intention to do so as quickly and as prudently possible.

The university Student Conduct system is supported by a number of student affairs faculty members who are certified by the Director of Student Conduct as university Student Conduct Officers. These individuals have been specifically trained in student conduct and are knowledgeable about university policies and student conduct system precedent. Student Conduct Committees are comprised of students who are specifically trained and certified by the director of student conduct in the university student conduct process.

Alleged conduct violations by cadets of university policies and/or Corps of Cadets regulations are adjudicated either by the Cadet Executive Committee or a Deputy Commandant hearing. The Cadet Executive Committee consists of a panel of cadets in senior class standing trained by Student Conduct and the Commandant's staff. For cases involving the most serious alleged misconduct or misconduct by senior cadets, a Deputy Commandant hearing is convened. In these serious cases the Deputy Commandant, who is trained by Student Conduct and certified by the Commandant, makes findings and can assign sanctions. The responsible Deputy Commandant or the Executive Committee Advisor (a Deputy Commandant) coordinates with the appropriate representative in Student Conduct to determine the procedure for adjudication. The Commandant is the final appellate authority for findings and assigned sanctions for violations of corps regulations. Cadet regulations stipulate the detailed process of adjudicating alleged cadet misconduct. The appeals process outlined in the Formal Conduct Hearing Appeals section applies to any university sanctions.

When a complaint is received, it is reviewed to determine if there is a conflict to be resolved or if there is a potential violation of the Student Code of Conduct. The involved student(s)/organization is/are contacted for a meeting with a Student Conduct designee to discuss the incident in question. The purpose of the meeting is to review the contents of the complaint and discuss options for resolution.

Possible outcomes of this meeting include:

- The complaint will be considered resolved if the Student Conduct designee believes that the complaint is unsupported by the available information.
- All identified parties impacted by the conflict can agree to proceed via an adaptable conflict resolution (ACR) process.
- There may be a potential violation of the student code of conduct and the complaint may be resolved through an agreed resolution.
- The complaint is referred to a formal hearing and the student or organization is notified of Student Code of Conduct charges and the hearing date.

Adaptable Conflict Resolution

Adaptable conflict resolution (ACR) processes allow individuals involved in a conflict to have significant influence over the resolution process and the outcome. If (1) all identified parties impacted by the conflict agree to attempt resolution through one of these processes, and (2) the Student Conduct designee believes that the process is an appropriate form of resolution, then arrangements will be made for resolution via ACR. The nature of some complaints, especially those involving abusive conduct and gender-based violence, may render ACR inappropriate.

Participation in an ACR process is voluntary and may or may not result in an agreement or resolution. When a mutually satisfactory resolution is reached by the parties, the matter is resolved. By resolving the matter through ACR, the student or organization agrees to fulfill any outcomes that are developed during the meeting. Resolutions reached through ACR may not be appealed. If a resolution is not achieved through an attempt at ACR or there is a failure to complete the agreed upon outcomes and the matter involved a potential Student Code of Conduct violation, the director of Student Conduct, or designee, will determine if the complaint will be resolved through an Agreed Resolution or a Formal Hearing.

Agreed Resolution

The student or organization will meet with a conduct officer to discuss the specific

incident in question. The conduct officer will provide a copy of the complaint and ask the student or organization to make a statement regarding their involvement in the reported incident. If the student or organization accepts responsibility for the violation(s) of the Student Code of Conduct, the student or organization has the option of resolving the case through an agreed resolution. By resolving the case through an agreed resolution, the student or organization accepts responsibility for the alleged violation(s) and agrees to fulfill any sanctions or educational assignments that are developed during the meeting. By entering into an agreed resolution, the student or organization waives the right to a formal hearing and the outcome is final. If the student or organization rejects the agreed resolution, the case will be referred to a formal hearing. A student or organization may indicate their preference of an administrator or student conduct committee hearing, absent special circumstances. Not receiving the preferred hearing body is not a basis for a formal appeal. The director of Student Conduct, or designee, reserves the right to refer cases to a formal hearing without the opportunity to handle the case through an agreed resolution.

Bias-Related Case Resolution

When a complaint alleging a bias-related incident is received, the involved parties will be contacted for a meeting with a Student Conduct designee to discuss the incident the options for conduct resolution, and to determine next steps for moving forward. The pathway to resolve the case will be determined by the nature of the complaint, whether a potential policy violation exists, and the requests of all parties involved, including the University. Some incidents may not be suitable for Adaptable Conflict Resolution or an Agreed Resolution.

Formal Hearings

The student or student organization will be notified in advance of the conduct charges he/she has allegedly violated, and the time, date, and location of the hearing. During the formal hearing, the conduct officer(s)/committee will determine responsibility for the alleged violations, including sanctions, if necessary. The outcome of that formal hearing will be final unless the hearing results in certain outcomes (see Student Conduct Formal Hearing Appeals).

Provisions for Procedural Guarantees

In formal conduct hearings, a student or organization is entitled to the following procedural guarantees:

1. The student or organization will be provided with a written statement of charges sufficiently in advance of the hearing and in reasonable detail to allow the student or organization to prepare a case for the formal hearing.
2. Although students or organizational representatives may remain silent

during a formal hearing, they may choose to refute or question any information or witnesses and will be given an opportunity to present a rebuttal to the charges and to produce witnesses or written statements on their own behalf.

3. To help them prepare their response, students or organizational representatives may choose an advisor, who may be present at the formal hearing but may not participate in the proceedings. The advisor's role is specifically limited to conferring with their advisee. When the formal hearing involves an assault or any complaint where a student is the referral agent, and/or an alleged victim, the complainant and accused student may have a support person or advisor present throughout the formal hearing, but the support person may not participate in the process.
4. At a formal hearing, the student or organizational representative may challenge the objectivity of any committee member or administrator, given reasonable cause to believe that the member may be biased or have a conflict of interest. (In the case of a committee formal hearing, the committee advisor will make a final ruling on any such challenge.)
5. After the formal hearing, the student or organization may appeal the decision of the hearing officer or committee, provided there are appropriate grounds as found in the Student Conduct Formal Hearing Appeals section.

Gender-Based Violence Hearings

These incidents will be reviewed and/or investigated by the university's Deputy Title IX coordinator (or designee) and the information gathered by the Deputy Title IX coordinator will be the basis of the complaint. The Deputy Title IX coordinator is Katie Polidoro. She can be reached at - 540-231-1824 or polidoro@vt.edu.

Both students will be advised of their procedural guarantees in an informational meeting with a representative from Student Conduct. A formal hearing will occur within 30 days of receipt of information from the Deputy Title IX coordinator. Hearings involving alleged gender-based violence will be adjudicated by a mixed-gender team of university student conduct officers. For incidents that occur at the end of the fall or spring semester or during breaks, the 30 day timeframe for a hearing may be adjusted at the discretion of the director of Student Conduct. The Student Conduct officers will request witnesses that they believe are necessary to the hearing. Both

students will have the option to bring any additional witnesses. For gender-based violence cases both the complainant and the charged student have the same procedural guarantees and can file an appeal (see Student Conduct Formal Hearing Appeals).

Formal Hearing Appeals

When the outcome of a formal hearing results in suspension, dismissal or denial of athletic privileges/housing/network access, the charged student or organization may appeal. A written request for an appeal, stating the specific grounds upon which the appeal is based, must be received in the Student Conduct office by the end of the seventh business day following notification of the decision regarding the case. The day the decision is given is considered the first day of the appeal period.

Appeals submitted after the seventh business day will not be accepted except in extenuating circumstances as determined by Student Conduct. For gender-based violence cases both the complainant and the respondent can file an appeal regardless of the outcome. Both students have the same grounds to appeal and the same timeframe in which to submit an appeal.

An appeal is defined as a written request for review of the original case. The burden is on the appealing student or organization to demonstrate why the finding or sanction should be altered. Sanctions do not typically take effect until the Appellate Officer decision is final.

Students or organizations may appeal their cases using forms available from Student Conduct. Appeals must be based only on the following grounds: (1) denial of procedural guarantees, (2) significant and relevant new evidence that was not available at the time of the hearing, and/or (3) sanctions/findings that are unduly harsh or arbitrary. Appeal requests will be denied in cases not having sufficient grounds in one or more of these areas.

Student Conduct Records

To comply with the provisions of the Family Educational Rights and Privacy Act of 1974 (as amended), Virginia Tech will not release educational records or personally identifiable information contained therein, other than directory information, without students' written consent. For more information, visit the [University Registrar's website](#). Student Conduct case records are private and will not be released without a student's written consent or by order of a court of law. A copy of Student Conduct case materials will stay on file in Student Conduct for a period of five years from the date of the incident, after which time it will no

longer be considered available for release.

Student conduct sanctions from previous cases will be considered by the hearing officer when appropriate.

Notification of student conduct outcomes or decisions is given on a need-to-know basis and includes but is not limited to the Dean of Students, the Commandant of Cadets in cases involving cadets, the Office of the Graduate School in cases involving graduate students, the director of Cranwell International Center in cases involving international students, the Athletic Department in cases involving varsity athletes, the director of Housing and Residence Life in cases involving residence hall students, and victims of crimes of violence (including abusive conduct and gender-based violence) involving student respondents.

Parents/guardians of students under age 21 will be notified if their student is found responsible for a violation of the alcoholic beverage or illegal drug policies. Other university agencies or organizations may be required to obtain written release before they can receive notification. Student conduct cases involving student organizations are not private. Accordingly, hearing notification and sanction letters are sent to organizational advisors and national headquarters (if applicable).

In the case of suspension or dismissal, notification is sent to the Office of the University Registrar, the chief of the Virginia Tech Police, and the student's academic dean. In the case of suspension, a temporary notation is placed on the student's official transcript: "suspended for a violation of the Student Code of Conduct." Upon the request of the student, this notation may be removed at the end of the suspension period and once all sanctions are complete. These requests should be made to the director of Student Conduct. In the case of dismissal, a permanent notation is made on the student's transcript: "dismissed for a violation of the Student Code of Conduct." Lesser sanctions, such as warning and probation, do not affect a student's academic standing and do not appear on the official transcript.

Student Code of Conduct

The following acts are prohibited for all students and student organizations:

Abusive Conduct: Any use of words or acts that cause physical injury, or threaten any individual, or interfere with any individual's rightful actions, including but not limited to the following:

1. **Assault -- Verbal/Non-verbal:** Words or actions that would cause an individual to fear for their immediate safety. Words can constitute assault

when they are accompanied by the ability to inflict immediate harm.

2. **Battery:** The use of physical force against an individual or acts that cause physical injury.
3. **Harassment:** Conduct not of a sexual nature (including but not limited to physical, verbal, graphic, written or electronic) that is sufficiently severe, pervasive or persistent so as to threaten an individual or limit the ability of an individual to work, study or participate in the activities of the university.
4. **Hazing -- Individual/Group Behavior:** Hazing is a criminal offense in the Commonwealth of Virginia. Hazing is prohibited in all forms. This policy is based on the proposition that students are entitled to be treated with consideration and respect at all times. It applies to all student organizations and individuals. Specifically, hazing is defined as any mental or physical requirement, request or obligation placed upon any person which could cause discomfort, pain, fright, disgrace or injury, is personally degrading or violates any federal, state, local statute or university policy, the willingness of an individual to participate in such activity notwithstanding. Concurrently, the national Interfraternity Conference, the National Panhellenic conference, and the National Panhellenic council state unequivocally that hazing has no place in the collegiate fraternity and sorority system. In addition, the members of the Corps of Cadets are subject to the Virginia Tech Corps of Cadets Regulations Manual. In determining whether a specific behavior violates the hazing policy, consideration will be given to how the behavior relates to the university's mission and purpose. Please refer to the expanded Hazing section for additional information.
5. **Recording and/or Distribution of Audio/Visual Material Without Consent:** Making, attempting to make, sharing or distributing an audio or visual recording of any person(s); without the knowledge and consent of all participants subject to such recordings, in locations where there is a reasonable expectation of privacy, and when the action is likely to cause injury, distress, or damage to one's reputation.
6. **Stalking:** Repeatedly contacting another person when the contact is unwanted. Additionally the conduct may cause the other person reasonable apprehension of imminent physical harm or cause substantial impairment of the other person's ability to perform the activities of daily life. Contact includes but is not limited to communicating with (either in person, by phone or computer) or remaining in the physical presence of the other person.

Actions Leading to the Conviction of Criminal Offenses: Any student convicted of a criminal offense is subject to university disciplinary action.

Alcoholic Beverage: Each student is expected to comply with the alcohol regulations of the Commonwealth of Virginia and the University. Members of the university community are accountable for their decisions regarding the use of alcohol as well as behavior that occurs as a result of these decisions. All state and international laws apply to Virginia Tech students. Please refer to the

[expanded Alcoholic Beverages section](#) for additional information.

Climbing: Unauthorized climbing inside or outside campus buildings or structures.

Damage or Destruction: Damage and/or destruction of property.

Disorderly or Disruptive Conduct: Engaging in disorderly or disruptive conduct that:

1. Disturbs the peace.
2. Interferes with the performance of the duties of public/civil officials.
3. Interferes with the rights and/or activities of others.
Interferes with the orderly functioning of the university and/or the performance of the duties of university personnel, including but not limited to studying, teaching, research, university administration and blocking entrances and egress.

Failure to Comply: Failure to comply with a request and directives of university officials acting within the scope of their authority. This includes, but is not limited to: failure of a student to present their university identification card, failure to keep or attend a required meeting and failure to leave an area when requested by an authorized university official. Upon the request of the student questioned, university officials must identify themselves and state the source of their authority.

Failure to Observe Rules and Regulations: Failure to observe rules and regulations issued by the university, including all publications and notices pertaining to student life and student services. (Publications for which all students are accountable include University Policies for Student Life, Parking and Traffic Regulations, the housing and dining contract and any written policies distributed to affected students by the university administration. Residence hall students are accountable for the housing contract and the information in the Housing, Residence Hall, and Dining Policies and Procedures section of the Hokie Handbook; cadets are accountable for cadet regulations, directives, and policies; affected fraternities/sororities are responsible for the Fraternity and Sorority Life Manual.)

Fire Safety: The misuse of fire-fighting equipment, unauthorized burning, disregarding fire alarm signals, and tampering with equipment is prohibited. Specifically:

1. **Misuse of Fire-Fighting Equipment:** Misuse of fire-fighting equipment, including tampering, removing or discharging a fire extinguisher or any

other fire emergency equipment except when there is a real need for such equipment.

2. **Unauthorized Burning:** Unauthorized burning of any material in any university building or on university property, including arson.
3. **Disregard of Fire Alarm Signals:** The disregard of a fire alarm signal or refusal to evacuate a building or a section of a building when a fire alarm is sounding.
4. **Tampering with Equipment:** Tampering with detection or suppression equipment, including deliberately initiating false alarm or creating conditions that result in a false alarm, or any tampering that would cause a malfunction or non-function.

Forgery or Fraud: Forgery or fraud, including attempts to obtain any item of value under false pretenses, or falsification of official university documents.

Furnishing False Information:

1. Perjury in a Conduct Meeting: Knowingly giving false information in a university student conduct meeting.
2. Furnishing False Information: Knowingly giving false information to a university official who is performing their official duties.

Gambling: Participation in any form of illegal gambling.

Gender-Based Violence:

1. **Sexual Violence:** Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol, or is unable to give consent due to an intellectual or other disability, or is not of legal age to consent as defined by law. Sexual violence includes rape, sexual assault, sexual battery and sexual coercion.
 - a. **Sexual Assault:** Actual or attempted sexual contact with another person without that person's consent.
 - b. **Sexual Battery:** Intentional touching of another person's intimate parts without the person's consent; or other intentional sexual contact with another person without that person's consent.
 - c. **Sexual Coercion:** Using physical or verbal aggression or pressure to force or attempt to force a person to touch another person's intimate parts without that person's consent.
 - d. **Rape:** Penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or

(2) the mouth of a person by a sex organ of another person, without that person's consent.

2. **Gender-based Harassment:** Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.
3. **Sexual Exploitation:** An act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. The act or acts of sexual exploitation are prohibited even though the behavior does not constitute one of the other sexual misconduct offenses.
4. **Domestic Violence:** A pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner. Domestic violence can be physical, sexual, emotional, economic or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure or wound someone.
5. **Dating Violence:** Acts of physical or sexual abuse committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
 - a. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.
 - b. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse, but does not include acts covered under the definition of domestic violence.

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

Hazardous Materials: Unauthorized possession or use of fireworks, explosives or hazardous materials. Hazardous materials that could pose a health risk are also prohibited from the campus, including chemicals that when combined with other substances could be hazardous or present a danger to others. Specifically:

1. **Fireworks:** Unauthorized possession or use of fireworks is prohibited.

2. **Explosives:** Unauthorized possession or use of explosives is prohibited.
3. **Hazardous Materials:** Hazardous materials that could pose a health risk are also prohibited from the campus, including chemicals that when combined with other substances could be hazardous or present a danger to others.

Illegal Drugs: The illegal use or possession of any controlled substance is strictly prohibited by the university. The illegal use of controlled substances is incompatible with the goals of the academic community. Illegally possessing, using, manufacturing, possessing with intent to manufacture, selling, dispensing or distributing any substance controlled under state or federal law is prohibited. Possession of used or unused drug paraphernalia is also prohibited (unless there is a documented medical need). Additionally, misusing and abusing medications or prescribed medications (controlled under state or federal law) is prohibited. Students can be suspended or dismissed from the university for a first offense. Students who are also university employees are also subject to employee discipline. Please refer to the [expanded Controlled Substances section](#) for additional information.

Improper Use of Identification Cards: The possession or manufacturing of any false or altered form of identification, the improper use of any identification card, including knowingly altering or mutilating a university student identification card, or using the identification card of another, or allowing one's own card to be used by another.

Interference with the Student Conduct Process: Attempting or actively influencing, impeding, intimidating, interfering or coercing any person involved in a potential, actual or past student complaint. This includes, but is not limited to, encouraging or influencing another person to commit an abuse of a university conduct system, discouraging an individual's proper participation in, or use of, the university conduct process, or distributing or interfering with the orderly process of a conduct proceeding.

Involvement in a University Violation: Presence during any violation of the Student Code of Conduct and/or the University Policies for Student Life in such a way as to condone, support or encourage that violation. (Note: Students who anticipate or observe a violation of university policy are expected to remove themselves from participation and are encouraged to report the violation.)

Public Urination/Nudity: Any act or attempted act of public nudity, including but not limited to streaking, mooning and urinating in public.

Tampering With University Equipment: Tampering with university equipment, including but not limited to any elevator, wiring, plumbing, doors, locking mechanisms or other university equipment without prior authority from the appropriate university official. Tampering with equipment so as to endanger oneself or others may result in serious disciplinary action for a first offense.

Theft: Theft, attempted theft or possession of stolen property. Theft of property having substantial value may result in serious disciplinary action for a first offense.

Throwing Objects: Throwing, dropping or projecting objects or substances out of or onto vehicles, buildings or other university structures. This includes, but is not limited to food, garbage, snowballs, water or water balloons.

Unauthorized Entry: Entering, attempting to enter or being present in buildings, residences, public or private property and/or facilities or other areas without proper authority.

Visitation\Guest Policies: Students or organizations will be held responsible for the conduct of their guests. Students or organizations who invite guests to campus and the residence halls are expected to inform them of all university rules and regulations. Refer to the housing contract and Housing, Residence Hall, and Dining policies and procedures for additional information regarding residence hall visitation rules and regulations.

Weapons: Unauthorized possession, storage, or control of firearms, weapons, on university property, including storing weapons in vehicles on campus as well as in the residence halls. Furthermore, ammunition cannot be stored in any residence hall on campus. (Note: Virginia Tech Corps of Cadets weapons are governed by the Virginia Administrative Codes. Please refer to 8VAC105-20.) Refer to the [expanded Weapons section](#) for additional information.

Expanded Policy Information

Alcoholic Beverage

Misuse and abuse of alcohol and controlled substances is in direct conflict with the goals and objectives of any educational institution. Virginia Tech does not condone the misuse or abuse of alcohol and controlled substances.

At Virginia Tech, members of the university community recognize that the possession and consumption of alcoholic beverages by those under the age of 21 and the illegal possession and use of controlled substances by any member of the

university community violate laws of the Commonwealth of Virginia and university policy. Further, members of the university community recognize that the misuse or illegal use and possession of alcoholic beverages or controlled substances may pose serious health and safety risks to those engaged in such behavior. Accordingly, students, staff, and faculty are asked to support the following statement of responsibility:

As a member of the Virginia Tech community, I agree to:

1. Abide by all state laws and university policies regulating alcoholic beverages and controlled substances.
2. Encourage the development of an environment in which individuals can make informed, healthy, and responsible decisions about alcohol and controlled substances.
3. Discourage the illegal or irresponsible behavior of others.
4. Assume responsibility for my decisions and behaviors and accept the consequences resulting from those decisions and behaviors.

Statement on Self-Reporting and Bystander Intervention

Virginia Tech recognizes that the health and safety of students is of utmost importance. Therefore, it is a collective desire that students will seek medical assistance for themselves or others who are significantly intoxicated as a result of alcohol or other substances. We do not want students to feel as though they are choosing between conduct consequences and seeking assistance. If someone requires assistance, we want them to seek assistance for their health and safety. If medical assistance is sought, Student Conduct will not pursue conduct charges against the individual or organization who sought assistance, or the individual in need of assistance.

Actively assisting requires that an individual:

- Call the rescue squad or the police or seek other individuals qualified to assess the student's condition, such as a professional or student staff member in Housing and Residence Life.
- Stay with the intoxicated student until help arrives.

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

Those behaviors not covered under this statement include violations of the Code of Conduct other than the alcohol/drugs policy, such as the following:

- Abusive conduct (i.e. assault, battery, harassment, stalking, recording/distributing images without consent)
- Sexual and gender-based violence
- Hazing
- Damage to property
- Fake ID
- Disorderly or disruptive conduct (i.e. behavior that interferes with the duties of a public/civil official, the rights and/or activities of others, or the orderly functioning of the university and/or the performance of the duties of university personnel)
- Endangering others through use, possession, or providing alcohol or the controlled substance
- Providing alcohol/drugs to minors under the age of 18
- Providing alcohol/drugs in bulk
- Bias related incidents
- Distribution or possession with the intent to distribute drugs
- Students who have prior alcohol/drug related conduct history or have engaged in high-risk alcohol/substance use before
- Action by police or other law enforcement personnel

Actions to be taken by Student Conduct:

- The assistance seeker and the individual in need of assistance will be required to meet with a member of Student Conduct if they met any of the current criteria for a violation of the alcohol beverage and/or illegal drug policies.
- Those persons will likely be issued substance-related educational requirements that may include, but are not limited to alcohol and/or drug education, counseling, and/or a substance abuse assessment.
- Document the actions taken by the student and the office.
- Failure to complete the educational assignments or treatment recommendations will typically result in further conduct action.

Accountability

Virginia Tech recognizes that the misuse and abuse of alcohol is a persistent social and health problem in our society and that it interferes with the goals and objectives of any educational institution. Accordingly, members of the university community who decide to serve or consume alcoholic beverages are reminded that they are personally responsible for their conduct under all circumstances.

Intoxication or ignorance of the law does not release an individual from that responsibility. Violations of university policy occurring under such circumstances will be treated in the same manner as any other violation. Violations of the Alcoholic Beverage Policy and any associated guidelines will result in disciplinary action. Students who violate this policy will likely be required to complete substance-related educational requirements as described above as part of their Student Conduct sanction.

Violations of state law also may be referred to the Virginia Tech Police. Students who are university employees are subject to disciplinary job action.

Virginia Tech does not encourage the use of alcoholic beverages and strongly discourages illegal or otherwise irresponsible use of alcohol, including the illegal sale of alcohol and distribution of alcohol to those not of legal drinking age; for students and student organizations, the illegal sale of alcohol will likely be considered a serious violation of the alcohol policy. Illegal sale is defined as any time money changes hands and there is unlimited access to alcohol, including but not limited to selling cups and cover charges for entertainment when alcohol is available. Members of the university community are accountable for their decisions regarding use of alcohol and the behavior that occurs as a result of those decisions. Virginia Tech fully complies with the alcohol regulations of the Commonwealth of Virginia. All state laws apply to Virginia Tech students and student organizations. These laws prohibit possession and consumption of all alcoholic beverages by persons under 21 years of age on all university grounds and buildings.

The university community is reminded of the following information:

State Statutes

The Commonwealth of Virginia and the Virginia State Alcoholic Beverage Control Board have enacted a variety of laws and regulations that govern alcoholic beverages. They are summarized as follows:

1. Persons under the age of 21 are prohibited from possessing or consuming beer, wine, liquor or other alcoholic beverages. Persons found in violation of this statute may be fined up to \$2,500 and imprisoned for a period of not more than 12 months. In addition, such person's Virginia driver's license may be suspended for a period of not more than one year. Those found guilty of a violation of this statute shall be ordered to pay a mandatory minimum fine of \$500 or ordered to perform 50 hours of community service as a condition of their probation.

2. Persons may be fined up to \$100 for drinking in public.
3. Persons found in possession of a false driver's license (also includes possession of another individual's identification to make them appear to be 21 in order to purchase or consume alcohol) may be fined up to \$1,000 and imprisoned for a period not to exceed six months. Driving privileges may be revoked for 30 to 365 days. Manufacture of a fake identification is a Class 1 misdemeanor violation, which may result in up to 12 months imprisonment and/or up to a \$2,500 fine.
4. It is illegal for intoxicated persons, regardless of age, to purchase or to possess alcoholic beverages. Persons in violation of this statute may be fined up to \$1,000 and imprisoned for a period not to exceed 12 months.
5. It is illegal to serve or sell alcoholic beverages to persons who are intoxicated or suspected of being under the legal drinking age. It is also illegal to purchase alcoholic beverages for such persons. Individuals believed to be intoxicated are prohibited from remaining in an area where alcoholic beverages are served. Persons found in violation of these statutes may be fined up to \$1,000 and imprisoned for a period not to exceed 12 months.
6. It is illegal to drive while under the influence of alcohol. Individuals are considered impaired if their blood alcohol content (BAC) exceeds 0.08 percent. Persons under the age of 21 who drive with a BAC of at least 0.02 percent but less than 0.08 percent may be fined up to \$500 and have their driver's license suspended for up to six months. Persons with a BAC of 0.08 percent or higher or persons refusing a breath test will have their driver's license automatically revoked. Those who refuse a breath test may have their license suspended for up to 12 months. If a person is found to have a BAC of 0.15 percent or over, a minimum jail time of five days may be imposed. If they wish to have a restricted driver's license during their suspension, they will be required to attend VASAP classes and have an ignition interlock. For a juvenile who is in violation, they can receive a minimum fine of \$500 or 50 hours of community service. A person may be charged with a DUI for driving under the influence of narcotics.
7. It is illegal to purchase alcoholic beverages from any person not licensed to sell them, to sell alcoholic beverages without the appropriate license, and to consume alcoholic beverages in any unlicensed public area.

Regulations

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

1. In the privacy of a student room, alcoholic beverages are permitted for those persons 21 years of age or older in accordance with state law, provided that at least one of the 21-year old residents of the room is present. Possession or consumption of alcoholic beverages in any other area of the residence halls, including suite living rooms, is forbidden except at events authorized by residence life. Legal consumption of alcoholic beverages in living areas other than private student rooms (e.g., hallways and lounges) will be allowed only when specifically authorized by Housing and Residence life.
2. Kegs of any description in student rooms or residence halls, including Oak Lane, are prohibited.
3. The director of Fraternity and Sorority Life, in conjunction with the director of Housing and Residence Life, determines regulations concerning the use of alcoholic beverages in “Oak Lane Community” (also known as Special Purpose Housing) during parties. This information is published in the Oak Lane community guide, which is available online at https://fsl.vt.edu/housing_information/oak_lane_community_guide.html
4. The Commandant of Cadets establishes and publishes regulations to be observed by cadets regarding the possession and consumption of alcoholic beverages. This information is published in the Cadet Regulations Manual, which is available online at https://vtcc.vt.edu/content/dam/vtcc_vt_edu/resources/manuals/Regulations_Fall_2017-Nov17.pdf
5. The possession and use of alcoholic beverages is prohibited on all other university property except in certain facilities that are fully registered with the Virginia Alcoholic Beverage Control Board (ABC). Alcoholic beverages may be served in other facilities as specified in this policy with an appropriate banquet license issued by the ABC Board. Private residences are subject to ABC regulation, and those who hold university events in private residences are subject to state laws concerning the sale, possession and consumption of alcoholic beverages.
 - a. Alcoholic beverages may be served in accordance with ABC Board rules and regulations at approved functions located in the Inn at Virginia Tech and Owens Banquet Hall.
 - b. Facilities that may be approved with an appropriate banquet license from the ABC Board include the Bowman Room in the Jamerson Athletic Center, the Commonwealth Ballroom, other banquet or meeting rooms in Squires Student Center, the

Multipurpose Room and Graduate Student Lounge in the Graduate Life Center and other self-contained rooms or areas in facilities that may, from time to time, by the specific designated university official. .

- c. Alcoholic beverages may be served only at functions where the majority of attendees are of legal age for the consumption of alcoholic beverages.
- d. Alcoholic beverages may be served only at functions confined to areas that are not open to the public or that have public access. Typical areas where alcoholic beverages may not be served are outdoor plazas and patios, unfenced lawns, lobbies and reception areas.
- e. Alcoholic beverages may be served only as a complement to food service. Food service includes hors d'oeuvres or any food served within the context of receptions, dinners or other meals.
- f. Sponsors of events to be held on campus at which alcohol is to be served must complete a registration request for space and submit the Beverage Request and Security Form. An ABC Banquet License may also be required. These forms must be received at least 30 days prior to the event to allow time for processing. All event approval forms shall indicate whether alcoholic beverages will be served. Approval confirmation must be obtained before alcoholic beverages can be served.
- g. The event sponsor is responsible for the cost of a banquet license obtained through either a private or university registered caterer.
- h. The Virginia Tech Police shall be notified by copy of the approval form of all events on campus at which alcoholic beverages will be served.
- i. Sponsors of university events held at off-campus locations are responsible for ensuring that the rules and regulations of this policy are followed. Events held off- campus are exempted from the requirement to request event approval.
- j. If an event sponsor fails to secure event approval or a banquet license, future event approval requests from that sponsor will not be approved. If an event sponsor fails to obtain the appropriate ABC license, alcoholic beverages may be seized while the event is in progress, and service of alcoholic beverages will cease immediately. Additionally, the event is subject to cancellation at the discretion of the Virginia Tech Police, and the event sponsor could be charged with criminal violations of the ABC Code.

Alcoholic beverages are further governed by Virginia Polytechnic Institute and State University Policy and Procedures No. 1015. This policy is available at <http://www.policies.vt.edu/1015.pdf>.

Controlled Substances

Misuse and abuse of controlled substances is in direct conflict with the goals and objectives of any educational institution. Virginia Tech does not condone the misuse or abuse of controlled substances.

The term “controlled substance” is used instead of the term “drugs” for two reasons. First, the term “drugs” refers to any chemical substance that, when taken into the body, changes the chemistry and functioning of the body. These changes may be positive or negative. Drugs that have a positive therapeutic effect are generally called “medicine.” Those with negative effects are often called “drugs.” For many people in society, the term “drug” carries a negative connotation. Second, “controlled substances” is a term that refers to chemical substances whose distribution and use is controlled or prohibited by some law or statute or whose distribution and use is permitted by a prescription issued by a licensed practitioner. This term is useful in that it also distinguishes so-called over-the-counter drugs from prescription and illegal drugs, which in essence make up the “controlled substances.”

In compliance with the Drug-Free Workplace Act of 1988, the Drug-Free Communities and Schools Act Amendments of 1989, and the Commonwealth of Virginia’s Policy on Alcohol and Other Drugs of 1991, the following summary is provided for your information.

Controlled substances are classified under the Controlled Substances Act into “schedules” that indicate their relative medicinal use and probability of abuse and dependence (addiction).

Virginia Tech's policy addresses these controlled substances.

Controlled Substances Schedules

Schedule I: The drug or other substance has a high potential for abuse. The drug or other substance has no currently accepted medical use in treatment in the United States. There is a lack of accepted safety for use of the drug or other substance under medical supervision. Some Schedule I substances are heroin, LSD, marijuana, GHB, MDMA (Ecstasy) and methaqualone.

Schedule II: The drug or other substance has a high potential for abuse. The drug or other substance has a currently accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions. Abuse of the drug or other substance may lead to severe psychological or physical dependence. Schedule II substances include morphine, PCP, cocaine, methadone, Ritalin and methamphetamine.

Schedule III: The drug or other substance has a potential for abuse less than the drugs or other substances in Schedules I and II. The drug or other substance has a currently accepted medical use in treatment in the United States. Abuse of the drug or other substance may lead to moderate or low physical dependence or high psychological dependence. Anabolic steroids, codeine and hydrocodone with aspirin or Tylenol, Ketamine and some barbiturates are Schedule III substances.

Schedule IV: The drug or other substance has a low potential for abuse relative to the drugs or other substances in Schedule III. The drug or other substance has a currently accepted medical use in treatment in the United States. Abuse of the drug or other substance may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule III. Included in Schedule IV are Darvon, Talwin, Equanil, Valium, Rohypnol and Xanax.

Schedule V: The drug or other substance has a low potential for abuse relative to the drugs or other substances in Schedule IV. The drug or other substance has a currently accepted medical use in treatment in the United States. Abuse of the drug or other substances may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule IV. Over-the-counter cough medicines with codeine are classified in Schedule V.

Penalties

The law prescribes ranges of permissible penalties upon conviction. As required by the Federal Safe and Drug-Free Communities and Schools Act of 1994, the pertinent state laws, including sanctions for their violation, are summarized below:

1. Possession of a controlled substance classified in Schedule I or II of the Drug Control Act, upon conviction, exposes the violator to a felony conviction for which the punishment is a term of imprisonment ranging from one to 10 years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for up to 12 months and a fine up to \$2,500, either or both.

2. Possession of a controlled substance classified in Schedule III of the Drug Control Act, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to 12 months and a fine up to \$2,500, either or both.
3. Possession of a controlled substance classified in Schedule IV of the Drug Control Act, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to six months and fine up to \$1,000, either or both.
4. Possession of a controlled substance classified in Schedule V of the Drug Control Act, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is a fine up to \$500.
5. Possession of a controlled substance classified in Schedule I or II of the Drug Control Act with the intent to sell or otherwise distribute, upon conviction, exposes the violator to a felony conviction for which the punishment is imprisonment from five to 40 years and a fine up to \$500,000. Upon conviction, the violator must be imprisoned for not less than five years, but may suffer life imprisonment and a fine up to \$500,000.
6. Possession of a controlled substance classified in Schedules III, IV or V of the Drug Control Act or an imitation controlled substance which imitates a controlled substance classified in Schedule III, IV or V, except for an anabolic steroid classified in Schedule III constituting a violation of Virginia Code §18.2-248.5, with the intent to sell or otherwise distribute, upon conviction exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to one year and a fine up to \$2,500, either or both.
7. Possession of marijuana, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to 30 days and a fine up to \$500, either or both. Upon a second conviction, punishment is confinement in jail for up to one year and fine up to \$2,500, either or both.
8. Possession of less than one-half ounce of marijuana with the intent to sell or otherwise distribute, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to one year and a fine up to \$2,500, either or both. If the amount of marijuana involved is more than one-half ounce to five pounds, the crime is a felony with a sanction of imprisonment from one to 10 years, or in the discretion of the jury or court trying the case without jury, confinement in jail for up to one year and a fine up to \$2,500, either or both. If the amount of marijuana involved is more than five pounds, the crime is a felony with a sanction of imprisonment from five to 30 years.

9. Notwithstanding the aforesaid provisions, Rohypnol shall be deemed to be listed on Schedule I for the purposes of penalties for violations of the Drug Control Act. Any person knowingly manufacturing, selling, giving, distributing or possessing Rohypnol shall be punished under the penalties prescribed for other Schedule I controlled substances.

Policy

The illegal use or possession of any controlled substance is strictly prohibited by the university. The illegal use of controlled substances is incompatible with the goals of the academic community.

Illegally possessing, using, manufacturing, possessing with intent to manufacture, selling, dispensing or distributing any substance controlled under state or federal law is prohibited. Possession of used or unused drug paraphernalia is also prohibited (unless there is a documented medical need). Additionally, misusing and abusing medications or prescribed medications (controlled under state or federal law) is prohibited. Students can be suspended or dismissed from the university for a first offense. Students who are also university employees are also subject to employee discipline.

Education

Throughout the year, the university provides a wide variety of educational programs designed to increase student, staff and faculty awareness and knowledge about alcohol and other controlled substances. Most of these programs are offered free of charge and are open to members of the university community and surrounding locale. The university's programming efforts have received recognition as some of the most comprehensive in the Commonwealth of Virginia. Other information on federal drug trafficking laws and the effects of various drugs on the body is available from the Office of Student Conduct.

Intervention and Prevention

The university provides a variety of resources for those with questions and concerns about the use or misuse of alcoholic beverages and controlled substances. Support groups are available to members of the university community. These resources are:

- Hokie Wellness, 540-231-2233, 195 McComas Hall
- Cook Counseling Center, 540-231-6557, 240 McComas Hall

Confidential inquiries about community support groups and treatment programs can be made by contacting Hokie Wellness. As an on-campus resource, The Recovery Community at Virginia Tech is a student organization for those who are seeking a

positive, sober, and social environment that supports life without substance use. Student identities are kept anonymous. For more information, you may contact Hokie Wellness, or visit their website: www.hokiewellness.vt.edu/recovery. Several community groups also meet regularly, including Alcoholics Anonymous, Adult Children of Alcoholics, Al Anon, and Narcotics Anonymous..

Hazing

1. Code of Virginia on Hazing
§18.2-56. Hazing unlawful; civil and criminal liability; duty of school, etc., officials; penalty.

It shall be unlawful to haze so as to cause bodily injury, to any student at any school, college, or university.

Any person found guilty thereof shall be guilty of a Class 1 misdemeanor.

Any person receiving bodily injury by hazing shall have a right to sue, civilly, the person or persons guilty thereof, whether adults or infants.

The president, or other presiding official of any school, college or university receiving appropriations from the state treasury shall, upon satisfactory proof of the guilt of any student of hazing another student, sanction and discipline such student in accordance with the institution's policies and procedures. The institution's policies and procedures shall provide for expulsions or other appropriate discipline based on the facts and circumstances of each case. The president or other presiding official of any school, college or university receiving appropriations from the state treasury shall report hazing which causes bodily injury to the attorney for the Commonwealth of the county or city in which such school, college or university is, who shall take such action as he deems appropriate.

For the purposes of this section, "hazing " means to recklessly or intentionally endanger the health or safety of a student or students or to inflict bodily injury on a student or students in connection with, or for the purpose of initiation, admission into or affiliation with or as a condition for continued membership in a club, organization, association, fraternity, sorority or student body regardless of whether the student or students so endangered or injured participated voluntarily in the relevant activity.

2. Preamble

The purpose of this policy is to ensure that students at Virginia Tech are not subjected to any type of hazing. It is the responsibility of all individuals associated with Virginia Tech to encourage an atmosphere of learning, social responsibility and respect for human dignity.

Hazing is a criminal offense in the Commonwealth of Virginia. Hazing is considered a serious violation of university policy and is prohibited in all forms. This policy is based on the proposition that students are entitled to be treated with consideration and respect at all times and it applies to all student organizations and individuals. Concurrently, the Inter/National governing bodies for fraternities and sororities state unequivocally that hazing has no place in the collegiate experience. In addition, the members of the Corps of Cadets are subject to the Virginia Tech Corps of Cadets Regulations manual. In determining whether a specific behavior violates the hazing policy, consideration will be given to how the behavior relates to the university's mission and purpose.

Hazing is an unproductive and hazardous activity that is incongruous with this responsibility and has no place at this institution, either on or off campus. It is the opinion of this academic community that this kind of behavior is injurious to the individuals involved and the institution itself.

Virginia Tech shall designate a formal and consistent process for receiving hazing complaints, require investigations into such reports and ensure compliance with this policy.

3. Definitions

“Administrator” means a president, vice president, dean, head of a school, director of a program or campus office, or designee of one of the aforementioned individuals.

“Organization” means association, athletic team, band, club, cooperative, corps, fraternity, order, society, sorority or other similar group whose members primarily are students of the institution.

“Staff” means any person employed directly by or retained through a contract with the institution, including a coach or supervisor of an organization, professor or intern.

“Student” means any person who is enrolled in or matriculating

from the institution, registered or in attendance in a program operated by the institution, or who has been accepted for admission into any program operated by the institution.

A “person” is defined as a university student, any associate member, member, affiliate, alumnus, guest of any campus organization or other individual.

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

4. Institutional Guidelines

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

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

Hazing shall include, but not be limited to forcing, compelling, requiring, encouraging or expecting, whether direct or implied, any individual to participate in any of the following actions or activities:

Physical

- a. Encouraging or requiring persons to consume alcohol or other substances regardless of the age of the participant.
- b. Encouraging or requiring that a person do or submit to any act that will alter his or her physical appearance in any significant degree for any substantial period of time (e.g. burning, branding, tattooing, using makeup, paint or markers on a person, or shaving the head or body).
- c. Encouraging or requiring activities that disrupt a person’s normal schedule. A normal schedule includes three reasonably spaced

meals per day, the opportunity for sufficient rest at night (at least six full hours) and reasonable time for personal hygiene.

- d. Encouraging or requiring a person to engage in physical activity of unusual kind or duration, such as: calisthenics, overly difficult work assignments, activities that may be excessive for a person, activities that require a person to remain in a fixed position for an extended period of time, binding or restricting an individual in any way that would prohibit them from moving on their own, confining a person or exposing participants to uncomfortable elements like in environments that are too hot, cold, noisy, small or threatening/intimidating.
- e. Hitting, pretending or misleading a prospective member into believing that they will be hit, hurt or physically altered.
- f. Encouraging or requiring acts that are or seem to be dangerous.

Psychological

- g. Encouraging or requiring a person to pretend to or actually violate a law.
- h. Encouraging or requiring an individual to obtain or possess items or complete tasks in an unlawful manner (i.e. for a scavenger hunt).
- i. Verbally abusing prospective members. Examples include but are not limited to yelling or screaming, calling individuals demeaning names, booing, hissing or demeaning individuals when they make mistakes.
- j. Encouraging or requiring a person to perform acts of servitude, perform personal errands for others or engage in activities that are demeaning.
- k. Misleading prospective members in an effort to convince them that they will not become members unless they complete tasks, follow instructions or act in a certain way.
- l. Misleading prospective members into believing that they will be hurt during induction or initiation.
- m. Encouraging or requiring a person to publicly carry objects or wear apparel, or appear in public that is abnormal, not normally in good taste, conspicuous and/or indecent.
- n. Encouraging or requiring a person to appear nude or reveal body parts.
- o. Encouraging or requiring an individual or group to remain in a certain place or transporting them to a location without their knowledge (e.g. taking a person on a road trip or excursion to an unknown destination or kidnapping).
- p. Parading individuals in public areas, transporting individuals

in a motor vehicle while blindfolded or privately conducting blindfolding activities that serve no constructive purpose.

- q. Requiring an individual to “pledge” or “associate” for a period of unusual length (more than 10-12 weeks) for reasons other than achieving academic requirements or extraordinary circumstances.
- r. Hazing also includes soliciting, directing, aiding or otherwise participating actively or passively in the above acts.

5. Location

This policy encompasses all acts of hazing that occur whether on or off campus. As such, an act of hazing by an individual or organization will be viewed by the institution as a violation of the institution’s hazing policy, regardless of where the act of hazing took place.

6. Consent

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

7. Reporting

Any suspected violation of this policy should be reported in accordance with the institution’s reporting system. The initial report of a suspected violation may be reported in person, by phone or by electronic communication, and may be done anonymously.

Alleged violations of this policy can be reported to the Virginia Tech Police Department,

Student Engagement and Campus Life, Fraternity and Sorority Life or Student Conduct.

8. Distinction between Hazing by Organizations and by Individuals

Hazing may be an individual act, organizational act, or both. The following statement will help distinguish hazing violations by individuals from hazing violations by student organizations.

- a. It is presumed that hazing incidents involve only those persons directly participating in the incident and those who are present at the time it occurs and who do nothing to stop its occurrence.
- b. A hazing incident may also be an organizational activity, for which the organization itself may be disciplined, if any of the following characteristics are present:
 - i. The faculty advisor, any executive officer of the

organization or the person charged with the administration of an orientation or pledge program is aware of the incident sufficiently in advance of its occurrence to prohibit its taking place, and takes no action to prohibit it.

- ii. The faculty advisor, any executive officer of the organization or the person charged with the administration of an orientation or pledge program knows the identity of the members involved in the incident and refuses to divulge that information to the appropriate university authorities or the police.
- iii. The incident takes place in any public area within a chapter house or in any public place.
- iv. The incident involves the expenditure of any organizational funds.
- v. The incident involves or is actively or passively endorsed by a majority of the members of the organization.
- vi. The incident involves six or more members of the organization.

Hazing Education

The officers, principally the president or chairperson, of each organization are responsible for informing members and prospective members of this hazing policy. Student Engagement and Campus Life and Fraternity and Sorority Life will do hazing education, as well as keep the university community informed on the issue of hazing.

Gender-Based Violence

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

Consent: Knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. The existence of consent is based on the totality of circumstances, including the context in which the alleged consent occurred. Silence does not necessarily constitute consent and coercion, force or threat of either party invalidates consent.

- Consent cannot be given where a person is incapacitated due to drugs or alcohol; or where a person has a disability; or is not of legal age to consent as defined by law.
- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Consent can be withdrawn at any time.
- Previous relationships or prior consent cannot imply consent to future sexual acts.

Incapacitation: Includes but is not limited to being asleep, drugged, intoxicated or unconscious.

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

Responsible Employee: a person employed by Virginia Tech who has the authority to take action to redress sexual violence, who has been given the duty of reporting acts of sexual violence or any other misconduct by employees or students to the Title IX coordinator or other appropriate institution designee, or whom an employee or student could reasonably believe has this authority or duty.

Information regarding where an individual can go to file a discrimination or harassment complaint including Title IX:

The Executive Director for Equity and Access
Title IX Coordinator Virginia Tech North End
Center
300 Turner St.
Blacksburg, VA 24061
Phone: 540-231-2010
equityandaccess@vt.edu

Discrimination and harassment are further governed by Virginia Polytechnic Institute and State University Policy and Procedures No. 1025, which is available at <http://www.policies.vt.edu/1025.pdf>.

Weapons

Unauthorized possession, storage, or control of firearms or weapons on university property, including storing weapons in vehicles on campus as well as in the residence halls. Furthermore, ammunition cannot be stored in any residence halls on campus. (Note: Virginia Tech Corps of Cadets weapons are governed by the Virginia Administrative Codes. Please refer to 8VAC105- 20.)

Firearms: defined as any gun, rifle, pistol or handgun designed to fire any projectile including but not limited to bullets, pellets or shots, regardless of the propellant used.

Ammunition: defined as any material intended for use in a firearm, capable of being projected by a weapon and/or makes the weapon operational.

Other weapons: defined as any instrument of combat or any object not designed as an instrument of combat but carried for the purpose of inflicting or threatening bodily injury. Examples include but are not limited to knives with blades longer than four inches, razors, metal knuckles, blackjacks, hatchets, bows and arrows, nun chukkas, foils, stun weapons or any explosive or incendiary device.

Possession of realistic replicas of weapons on campus is prohibited.

Stun weapons: defined as any device that emits a momentary or pulsed output, which is electrical, audible, optical or electromagnetic in nature and which is designed to temporarily incapacitate a person. Students who store weapons in residence hall rooms, who brandish weapons or who use a weapon in a reckless manner may face disciplinary action, which may include suspension or dismissal from the university. Students who store ammunition in the residence halls will face disciplinary action. Exceptions to possessing weapons may be made in the case of university functions or activities and for educational exhibitions or displays. Exceptions must be approved by the vice president for administrative services in consultation with appropriate university offices. This policy does not prohibit the possession of firearms by persons, such as law enforcement officers, who are authorized by law to do so in the performance of their duties. A weapons storage program is available. The storage program applies to the weapon and ammunition. Ammunition that will not be stored includes Air Soft projectiles, Nerf gun projectiles, and CO2 Cartridges. Interested persons should contact the Virginia Tech Police (Southgate Center, 540-231-6411.)

Weapons are further governed by Virginia Polytechnic Institute and State University Policy and Procedures No. 5616. This policy is available at <http://www.policies.vt.edu/5616.pdf>.

University Student Conduct Sanctions

The following student conduct sanctions may be imposed upon a student or student organization for violation of university policy. Student conduct sanctions are generally cumulative in nature. This information will only be relevant after a student accepts or is found responsible for the violation.

When multiple incidents occur over a short period of time, student conduct hearings are usually scheduled in chronological order according to the date of the incident(s), and all student conduct records are considered in determining an appropriate sanction. Scholarship and student aid committee policy states that university scholarships are withdrawn for students on suspension or deferred suspension, where acceptable university citizenship is a condition of the aid. This

policy affects private and some state awards but does not affect federal aid such as BEOG, SEOG, NDSL, SSIG work study and guaranteed student loans. Student conduct sanctions may affect a student's employment with the university such as, undergraduate or graduate teaching assistants, graduate assistantship or other forms of employment.

Status Sanctions

Formal Warning

Student or organization is officially notified that their actions have constituted a violation of university policies and are, therefore, inappropriate. Further violations may result in more serious disciplinary action.

Probation

Student or organization is notified that their status with the university for a specified period of time is such that further violations of university policies will result in being considered for suspension from the university. If at the end of the specified time period no further violations have occurred, the student is removed from probationary status. Student organizations are notified that their status with the university for a specified period of time is such that further violations of university policy will result in being considered for loss of recognition from the university.

Deferred Sanction

In some cases, a sanction of suspension, dismissal or a denial of privilege may be held in abeyance for a specified period. This means that, if the student or organization is found responsible for any violation during that period, they will be subject to the deferred sanction without further review in addition to the disciplinary action appropriate to the new violation. During this time, the certain student organizations may be prohibited from participating in any social functions. For students involved in serious misconduct, the conferring of an academic degree will be deferred for the duration of the sanction.

Suspension from the University

Student is notified that they are separated from the university for a specified period of time. Students who are suspended must leave campus within the time prescribed by the hearing/appeal officer. Permission to return to Virginia Tech may be required by the director of Student Conduct.

Permission must be granted before a student will be permitted to re-enroll. If the decision to suspend a student is made, imposition of the suspension may be delayed until the following semester at the discretion of the university, for example if the

decision occurs very late in the semester. Suspensions effective for the subsequent semester will be effective immediately following the conclusion of the current semester. However, if the hearing officer feels that the health and safety of the student or the university community is at risk, the suspension may be effective immediately. A notation is placed on the student's academic transcript: "suspended for a violation of the Student Code of Conduct." For student organizations, recognition with the university is withdrawn for a specified period of time. Permissions to regain status may be required by the director of Student Conduct and other appropriate university officials. For students involved in serious misconduct that could result in suspension and have completed their academic course work, the conferring of an academic degree will be withheld for a specified period of time.

Dismissal

Student is notified that they are permanently separated from the university. A notation is placed on the academic transcript: "dismissed for a violation of the Student Code of Conduct." For student organizations, the organization is notified that the university is permanently removing recognition of the organization. If the decision to dismiss a student is made, imposition of the dismissal may be delayed until the following semester at the discretion of the university, for example if the decision occurs very late in the semester. Dismissals effective for the subsequent semester will be effective immediately following the conclusion of the current semester. However, if the hearing officer feels that the health and safety of the student or the university community is at risk, the dismissal may be effective immediately.

Educational Sanctions

Educational and Community Activity

Student or organization is required to demonstrate their responsibility as a member of the university community by performing certain reasonable and relevant educational activities. Failure to complete the educational activity by the time prescribed by the student conduct officer/committee will result in one semester of suspension from the university (excluding summer). Failure of student organizations to complete the educational activity by the time prescribed by the student conduct officer/committee will result in withdrawal of university recognition for one semester (excluding summer).

Restitution

Student or organization is required to make restitution for damage to university property. Restitution may be in the form of monetary payment or community service.

Privilege Sanctions

Denial of Privileges or Associations

Student or organization is notified that, for a specified period of time, certain privileges or associations within the university are withdrawn. This sanction includes, but is not limited to termination of residence hall contract, removal from athletic events, removal from the Corps of Cadets, denial of the privilege of participating in recreational sports activities, revocation of the privilege of accessing certain university facilities and revocation of social function privileges for student organizations.

Interim Suspension Policy

The university retains the authority to impose an interim (immediate) suspension if such action is necessary to preserve the safety of persons or property. In this instance, the students will be afforded an interim suspension hearing and the opportunity to show why their continued presence on campus does not constitute a threat to themselves, others or property. The interim suspension hearing is separate from a formal student conduct hearing. A formal student conduct hearing will be provided as soon as possible. Students may receive an interim suspension from the university or selected campus facilities with proper notice. The following steps explain the procedure for imposing an interim suspension:

When a situation, as defined above, occurs, the responding university official contacts the Threat Assessment Team or the Associate Vice President for Student Affairs or designee to assess the situation. If the situation is sufficiently serious, the Threat Assessment Team or the Associate Vice President for Student Affairs or their designee will determine if an interim suspension is appropriate.

The student will be sent an interim suspension letter immediately, which states that the student is suspended from the university and/or banned from all or selected campus residential facilities until a formal student conduct hearing can be convened. The Virginia Tech Chief of Police will be contacted to determine if a ban from campus is needed. Upon receipt of the interim suspension, if the student is on campus or in university facilities, the student will be escorted out of the facility and/or off campus by a Virginia Tech police officer.

The student can immediately request an interim suspension review to be conducted by the Associate Vice President for Student Affairs or their designee. The interim suspension letter will contain instructions on how to request a review. Those present at the meeting may include the responding university official and other witnesses as deemed appropriate by the Associate Vice President for Student

Affairs. During the review, the student will be given an opportunity to demonstrate why his or her continued presence on campus does not constitute a threat to themselves, others or property. As part of the review, the student may be required to submit to an immediate medical/psychological evaluation. The student will be evaluated by the director of the Cook Counseling Center or their designee.

The decision of the interim suspension review will be final. There will be no appeal. If the student does not request a review, the interim suspension and/or ban from campus residential facilities will remain in effect until the formal student conduct hearing is resolved.

Interim suspension information will be shared with Student Conduct. That office will schedule a formal student conduct hearing as soon as possible to determine the final consequences of the initiating behavior.