

**RESOLUTION TO APPROVE THE 2020-2021 STUDENT CODE OF CONDUCT
AND TO RETIRE THE HOKIE HANDBOOK**

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

WHEREAS, the Board of Visitors carries out that responsibility through the university student conduct system and the *Student Code of Conduct*, which applies to all currently enrolled undergraduate, graduate and professional students, and student organizations; and

WHEREAS, the university conduct system reflects best practices for the education of students about appropriate behavior and responsibility to self, others, and the community; and

WHEREAS, some of the policies in the current *Student Code of Conduct* are redundant; and

WHEREAS, revisions incorporated in the proposed *Student Code of Conduct* bring clarity to prohibited conduct, formalize existing processes including interim measures and administrative actions that may be employed, and include a section on the definitions of key terms; and

WHEREAS, revisions to the *Student Code of Conduct* provide the incentive and opportunity for students to demonstrate learning and growth by instituting a process by which they can request to have some portions of their conduct records expunged;

NOW, THEREFORE, BE IT RESOLVED that the attached revised *Student Code of Conduct*, which applies to undergraduate, graduate, and professional students and student organizations, be approved as a stand-alone document reviewed and ratified annually by the Board of Visitors; and

BE IT FURTHER RESOLVED that the *Hokie Handbook* document be retired as a compendium of policy and guidance language administered by various university administrative units; and

BE IT FINALLY RESOLVED that the administrative unit with oversight for the policy and guidance language formerly included in the *Hokie Handbook* is responsible for the regular review, update, and communication of said language.

RECOMMENDATION:

The Board of Visitors approve the above resolution.

June 2, 2020

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I. INTRODUCTION

The Virginia Tech community is guided by the [university's motto](#), *Ut Prosim* (That I May Serve), and is based on the fundamental values expressed in the [Principles of Community](#): to nurture learning and growth for all community members, to encourage open expression, and to respect our differences and common humanity.

When a student accepts admission to Virginia Tech as an undergraduate, graduate, or professional student, they also accept membership in the university community and responsibility for upholding its shared values and expectations. The *Student Code of Conduct* outlines policies established by the university that set standards for students' behavior, along with procedures for adjudicating and sanctioning violations of these standards. The code applies to all students and student organizations at Virginia Tech, as defined in this document. The university reserves the right to make changes to the code at any time.

Authority to approve policies and procedures for student discipline, as outlined in the *Student Code of Conduct*, lies with Virginia Tech's governing body, the Board of Visitors, as authorized under the [Code of Virginia](#). The Vice President for Student Affairs has responsibility for the university conduct system, with direct supervisory oversight of disciplinary matters assumed by the Office of Student Conduct, under the direction of the Director of Student Conduct. The director serves as the Chief Student Conduct Officer for the university.

The *Student Code of Conduct* does not apply to matters of academic integrity. For information on policies and procedures related to student academic integrity, please refer to the following:

- [Undergraduate Academic Integrity](#)
- [Graduate Honor System](#)
- [Doctor of Veterinary Medicine Honor Code \(Virginia-Maryland School of Veterinary Medicine\)](#)
- [Doctor of Medicine Honor Code \(Virginia Tech Carilion School of Medicine\)](#)

The Office of Student Conduct and the University Conduct System

The *Student Code of Conduct* is overseen by the Office of Student Conduct. The university's conduct system supports the educational mission of the university by educating students about appropriate behavior and fostering a community in which students can flourish academically and personally.

The system assumes that students and student organizations 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. As part of its authority, Student Conduct may suspend or dismiss students from the university.

Conduct matters are addressed by student affairs professionals who have been appointed as hearing

officers by the Director of Student Conduct. These individuals each have significant education and training on student development, student discipline, and university policies and procedures.

Additional Community-Specific Regulations

As part of their education and life at Virginia Tech, students may also be involved in organizations, programs, or other entities for which additional and separate standards and policies, including potential sanctions for violations, have been established. Students should be aware of additional policies that may apply to their involvement in certain programs, organizations, or communities, including but not limited to students in the [Corps of Cadets](#), [student athletes](#), members of [certain Greek-letter organizations under the Office of Fraternity and Sorority Life](#), and students in certain colleges or programs, such as the [Virginia Tech Carillion School of Medicine](#) or the [Virginia-Maryland College of Veterinary Medicine](#).

These policies and processes do not supersede a student's responsibilities under the *Student Code of Conduct*. In situations involving potential violations of policies in the *Student Code of Conduct* and community-specific policies, the student is accountable first to the university's *Code*. Additional sanctions may be issued by programs/organizations that address a student's participation or membership in those communities, specifically. Student Conduct is responsible for coordinating adjudication processes with these various entities, when appropriate.

II. STUDENT RIGHTS AND RESPONSIBILITIES

As individuals, Virginia Tech students enjoy basic rights. As members of the university community, they also accept certain responsibilities.

Rights

1. Students at Virginia Tech will be treated fairly and with dignity regardless of age, color, disability, sex (including pregnancy), gender, gender identity, gender expression, genetic information, national origin, political affiliation, race, religion, sexual orientation, or veteran status as described in [university policy 1025](#).
2. Students at Virginia Tech enjoy those rights guaranteed by the Constitutions of the United States and the Commonwealth of Virginia. This includes activities protected under the First Amendment, which Virginia Tech values and does not intend to restrict.
3. The *Student Code of Conduct* and the policies and procedures it outlines, under the administration of the Office of Student Conduct, provides an administrative process for resolving allegations of misconduct. This process includes certain procedural guarantees to ensure that students receive a fair and equitable resolution.

Responsibilities

1. Students are responsible for respecting conditions that preserve the freedom to learn. Activities protected under the First Amendment of the United States Constitution do not violate university policy unless they interfere with university functions, violate the rights of others, or otherwise break the law. Incidents of disruption of constitutionally protected speech may be reported via the [Speech on Campus webpage](#).

2. Students are also responsible for understanding and following university policies and procedures, including the *Student Code of Conduct*, and to abide by all applicable state, federal, and local laws.
3. University email is the primary means by which the university communicates with students; therefore, students are responsible for reading all official communications delivered to their university email address.
4. Students who are offered admission to Virginia Tech and choose to matriculate [have a continuing duty to report](#) to the Office of Student Conduct any arrests or convictions, other than minor traffic violations, as well as any protective orders issued against them. This duty applies regardless of where the arrest occurred and regardless of whether the university is in session at the time of the arrest or conviction. Students must notify Student Conduct in writing, [using the Arrest Disclosure and Conviction Form](#), within 10 business days of the incident that led to their arrest or within five business days of the incident that led to their conviction. Failure to comply with this continuing duty may result in disciplinary action under the *Student Code of Conduct*.

III. JURISDICTION

Enrollment Status

For the purposes of disciplinary action, 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, based on a student’s voluntary decision not to enroll, that student will no longer be subject to disciplinary action. However, students who are separated from the university for academic or disciplinary reasons are still considered students for disciplinary purposes, regardless of the duration of the separation.

Student Organizations

A student organization, as defined in this document (below), may be considered for disciplinary action if an incident(s) is determined to be an organizational activity, based on at least two of the following criteria. Student Conduct will consider the entirety of the information to determine whether to charge an organization.

- Any student serving as an executive officer of the organization who is aware of the incident sufficiently in advance of its occurrence to prohibit its taking place, and takes no action to prohibit it.
- Any student serving as an 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 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 occurs in property owned, rented, reserved, or used by the organization.

- Members and/or non-members of the organization learned about the event where the incident occurred through members or communication associated with the organization.
- The incident occurred as a result of individual members of the organization acting in the capacity as members of the organization.

Student leaders and members of organizations who are complicit in any violation of the *Student Code of Conduct* or who permit or condone behavior that violates the code may also be held accountable as individuals in addition to the organization.

Location of Incidents

Students and student organizations that violate the *Student Code of Conduct* may be considered for disciplinary action whether the conduct occurs on or off university property.

The *Student Code of Conduct* may also apply to behavior conducted online or through an electronic medium. Students should also be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. The university does not regularly search for this information but may take action if and when such information is brought to the attention of university officials.

Alleged Violations of Criminal Law

When conduct violates both criminal law and the *Student Code of Conduct*, disciplinary action may be taken by the university, irrespective and separate from criminal action. At the university’s discretion, the Office of Student Conduct may proceed with disciplinary action prior to a criminal trial or postpone action until after trial.

IV. DEFINITIONS

In the context of the *Student Code of Conduct*, the terms below are defined as follows:

| Term | Definition |
|---------------------|--|
| Advisor | An advisor is one person of a student’s choosing and cost who may accompany a student throughout the conduct process. They may consult with the student but not speak on the student’s behalf or participate actively in the process. |
| Aggravating Factors | An aggravating factor is information, used during sanctioning (i.e., <i>after</i> a violation has been determined to have occurred), that may increase the sanction. Some factors may include but are not limited to a student’s past conduct record and the nature and severity of the behavior and its impact. |
| Appeal | An appeal is a written request for review of a hearing and findings, based on specific grounds. |
| Appellate Officer | An appellate officer is an employee of Virginia Tech, external to the Office of Student Conduct staff, designated by the Vice President of Student Affairs to review and respond to appeals. |
| Charge(s) | A potential violation of the <i>Student Code of Conduct</i> . |
| Complainant | Any individual who has reported a potential violation of the <i>Student Code of Conduct</i> . In cases involving gender-based violence that are referred by Title IX, |

cases involving suspension, the student must have completed the term of the suspension and all educational sanctions prior to submitting their petition. Expungement of the notation is not the same as expungement of the entire case record.

Evaluation of Expungement Petitions

The Director of Student Conduct or their designee will review petitions for early record expungements as well as transcript notation expungements and will submit a recommendation to the Associate Vice President for Student Affairs for final approval. The decision will be based upon the following criteria, as outlined in the petition application available on the Student Conduct website:

1. The nature of the violation(s) and the resulting impacts
2. The student’s behavior after the violation(s) and their present demeanor
3. The student’s demonstrated level of reflection and growth

After a petition is evaluated, the student will receive written notification of the decision. That decision will be final.

It is important to note that a student with an expunged record or transcript notation may still need to disclose information about their disciplinary history to third parties, including potential employers, other universities’ admissions offices, a professional board, etc.

XII. APPENDICES

Appendix 1: Additional Policies and Procedures Governing the Use of Alcoholic Beverages

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. The university fully complies with the alcohol regulations of the Commonwealth of Virginia, and all state laws apply to Virginia Tech students and student organizations. Students or student organizations who violate the Alcoholic Beverage Policy in the *Student Code of Conduct* and any associated policies or guidelines will face disciplinary action. Sanctions will likely include substance-related education.

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

| Location | Description |
|------------------------------------|--|
| Residence hall room | 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. |
| Other locations in residence halls | Aside from the privacy of a student’s room, possession or consumption of alcoholic beverages in any area of residence halls, including suite living rooms, is forbidden. |

| | |
|-------------------------------|---|
| Oak Lane | 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 the “Oak Lane Community” (also known as Special Purpose Housing) during events. |
| Corps of Cadets | 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. |
| All residential locations | Kegs of any description in student rooms or residence halls, including Oak Lane, are prohibited. |
| All other university property | 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 are further governed by Virginia Polytechnic Institute and State University Policy and Procedures [No. 1015](#).

For more information related to federal and state laws and regulations regarding alcohol or illegal drugs or prevention and substance-use programs available at Virginia Tech, please consult the university’s [Drug and Alcohol Prevention Program document](#).

Appendix 2: Additional Information Regarding 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.

Complaints of gender-based violence should be reported to the Office of Equity and Accessibility:

Katie Polidoro, Title IX Coordinator
 North End Center, 300 Turner Street
 Blacksburg, VA 24016
 540-231-2010 and equityandaccess@vt.edu

Virginia Tech encourages 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.

Discrimination and harassment are further governed by University [Policy No. 1025](#).

Appendix 3: Additional Information Regarding the Hazing Policy

Hazing is a criminal offense in the Commonwealth of Virginia, as defined in [§ 18.2-56 in the Code of Virginia](#), and is prohibited at Virginia Tech 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.

The *Student Code of Conduct* defines hazing as follows:

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.

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. Hazing also includes soliciting, directing, aiding, or otherwise participating actively or passively in these acts:

- Physical Acts
 - Encouraging or requiring persons to consume alcohol or other substances regardless of the age of the participant.
 - 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).
 - 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.
 - 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.
 - Hitting, pretending, or misleading a prospective member into believing that they will be hit, hurt, or physically altered.
 - Encouraging or requiring acts that are or seem to be dangerous.

- Psychological Acts
 - Encouraging or requiring a person to pretend to or actually violate a law.
 - Encouraging or requiring an individual to obtain or possess items or complete tasks in an unlawful manner (i.e. for a scavenger hunt).
 - 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.

- Encouraging or requiring a person to perform acts of servitude, perform personal errands for others, or engage in activities that are demeaning.
- 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.
- Misleading prospective members into believing that they will be hurt during induction or initiation.
- Encouraging or requiring a person to publicly carry objects or wear apparel that is abnormal, not normally in good taste, conspicuous and/or indecent.
- Encouraging or requiring a person to appear nude or reveal body parts.
- 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).
- Parading individuals in public areas, transporting individuals in a motor vehicle while blindfolded, or privately conducting blindfolding activities that serve no constructive purpose.
- 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.

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.
- 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.

Note: 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.

University Reporting, Investigation, and Adjudication: The university encourages individuals who report any potential hazing activities. 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 through [an online reporting system](#) or to the following offices:

- [Student Conduct](#)
- [Student Engagement and Campus Life](#)
- [Fraternity and Sorority Life](#) (for Greek organizations)
- [Recreational Sports](#) (for club sports)
- [Virginia Tech Police Department](#)

Credible and sufficiently detailed reports of hazing will be referred to Student Conduct for further investigation and potential adjudication. Both individuals and organizations may be held responsible for

their actions and participation in incidents of hazing. If an investigation concludes that an individual or individuals directed, engaged in, aided or otherwise participated in, actively or passively, an incident of hazing, disciplinary action may be imposed against the individual(s). If the investigation concludes that an organization knowingly permitted, authorized, or condoned hazing, disciplinary action may be imposed against the entire organization.

Reporting to the Commonwealth’s Attorney: Per [§ 18.2-56 in the Code of Virginia](#), the university must report incidents of hazing that cause bodily injury to the Commonwealth’s Attorney, who may take separate action.