

Proposal 1: Revise/Clarify Speech and Literature Policies

Current Version

Posters, Banners, Signs, and Decorations (currently page 13)

Article I, Section C.2 of the Statement of Rights and Responsibilities guarantees to members of the College community the “right to hold public meetings, to invite speakers to campus...to post notices, and to engage in peaceful, orderly demonstrations.” The following guidelines are designed to regulate reasonably these processes but shall not be used as a means of censorship:

1. Recognized student organizations, departments and offices of the College, and members of the College community may place posters on kiosks, bulletin boards and other specifically designated areas around the campus. (“Posters” means signs, advertisements, handbills, announcements, and other flat or one-dimensional information devices.)
2. Posters may be placed on campus bulletin boards provided that:
 - They may not exceed 14 inches by 22 inches in size.
 - They must carry the name of the sponsoring organization and the date (week) of posting.
 - Posters must be removed at the end of two weeks unless an extension is granted.
 - No advertisement offering paid-for research may be posted on campus.

The College reserves the right to remove information posted in violation of this regulation.

3. Banners and signs in excess of 14 inches by 22 inches in size must be approved for size and form by the Assistant Vice President for Student Affairs prior to hanging and may be hung only in certain designated areas with the following provisions:
 - They must carry the name of the sponsoring organization.
 - Banners may be posted for no longer than two weeks unless an extension has been granted by the Assistant Vice President for Student Affairs.
 - Signs and banners which are hung near entryways must not obscure vision or entry and should be securely fastened. Signs must be constructed of material that can withstand adverse weather conditions.
4. Banners, signs, or posters may not be posted or hung on trees, poles, walls, doors, windows, or fences without special permission. Unauthorized signs will be removed.
5. All signs, posters, and banners must conform to acceptable community standards and to any applicable laws such as permissible wording by the Alcohol Beverage Control Commission.
6. Handbills must conform to acceptable community standards and carry the sponsoring organization’s name. They may be distributed only outside campus facilities unless an exception has been granted by the appropriate person in charge of the event or facility.
7. Students may not post decorations on College buildings or grounds. Decorations in Residence Life facilities must conform with the requirements established in the Residence Life Contract.

Violation of this policy by individuals or groups will result in disciplinary action. Sanctions may range from restitution or compensation to disciplinary probation and may include the removal of recognition for the sponsoring organization.

Proposed version:

Posters, Banners, Signs, and Decorations (Currently, P. 13)

Violation of this policy by individuals or groups will result in disciplinary action. Sanctions may range from restitution or compensation to disciplinary probation and may include the removal of recognition for the sponsoring organization.

The Statement of Rights and Responsibilities **affirms** students' First Amendment rights, specifically the right "to post notices." The following rules are designed to preserve College property for its intended purpose, **to protect College functions and activities (as defined in the Student Code of Conduct, page XX), and to preserve the aesthetics of the campus**, but shall not be used as a means of censorship:

1. Recognized student organizations, departments and offices of the College, and members of the College community may place posters on kiosks, bulletin boards and other areas designated by the Office of Student Activities. ("Posters" means signs, advertisements, handbills, announcements, and other flat or one-dimensional information devices.)
2. Posters may be placed on campus bulletin boards provided that:
 - They may not exceed 14 inches by 22 inches in size.
 - They must indicate the date (week) of posting. Posters must be removed at the end of two weeks unless an extension is granted.
 - No advertisement offering paid-for research may be posted on campus.

Banners or posters not satisfying these requirements are subject to removal.

3. Banners and signs in excess of 14 inches by 22 inches in size must be approved for size and form by the Assistant Vice President for Student Affairs prior to hanging and may be hung only in certain designated areas with the following provisions:
 - Banners may be posted for no longer than two weeks unless an extension has been granted by the Assistant Vice President for Student Affairs.
 - Signs and banners hung near entryways must not obscure vision or entry and should be securely fastened. Signs must be constructed of material that can withstand adverse weather conditions.
4. Banners or posters may not be posted or hung on trees, poles, walls, doors, windows, or fences without special permission.
5. **Banners and Posters must not violate applicable law or regulations.**
6. Students may not post decorations on College buildings or grounds. Decorations in Residence Life facilities must conform with the requirements established in the Residence Life Contract.

Rationale. Changes made to improve readability and clarity; to remove vague and outdated requirement that banners and posters "conform to acceptable community standards"; and to remove the requirement that posters/signs carry the name of the sponsoring organization. The policy also more clearly defines the purpose of the policy (protect College functions and activities and preserve aesthetics); therefore, any regulation of posters, etc. must be based on one of these rationales.

Proposal 2: Revise Computing Resources Policies (currently page 22)

Current Version:

The following activities are prohibited:

- Transmitting unsolicited messages which contain obscene, indecent, lewd or lascivious material or other material which explicitly or implicitly depicts, encourages or solicits illegal or indecent sexual conduct;

- Violating any laws or participating in the commission or furtherance of any crime or other unlawful or improper purpose;

Proposed Version

The following activities are prohibited:

- Transmitting unsolicited messages that constitute obscenity, harassment or threats (as defined in the Student Code of Conduct, page XX) or otherwise violate the provisions of the Student Handbook;
- Violating any laws or participating in the commission or furtherance of any crime or other unlawful purpose;

NOTE: ALL OTHER SECTIONS OF COMPUTING RESOURCES POLICIES REMAIN UNCHANGED.

Rationale: Replaces language regarding “pandering” and “implicitly encouraging” profanity or indecent sexual conduct, etc., with clearer, more limited prohibition on obscenity and harassment. Remove vague prohibition on use to “participate in an improper purpose.”

Proposal 3: Revise Disruptive Conduct Policy (currently page 23)

Current Version:

Disruptive Conduct

No student shall commit any act which amounts to disruptive conduct as defined in this regulation or knowingly participate with others in conduct which amounts to disruptive conduct.

Definitions

The College of William and Mary is a community of scholars existing to promote the advancement of learning, the encouragement of scholarship, and the transmission of knowledge. As a publicly supported institution of learning, it endeavors to make its programs and resources available not only to the community of scholars but also, to the extent feasible, to the public.

To attain its mission as an educational institution and to accomplish maximum utilization of its resources, it is essential that each student respect and recognize the authority of the College to engage in normal programs and activities. In this context, the following definitions are applicable:

1. **Normal Functions and Activities:** A normal function is any lawful activity carried on by the College or conducted under the auspices of, sponsored by, or with the permission of the College on property under the control of the College. Illustrative examples, which are not comprehensive, include the conduct of educational activities, cultural events, recreational, extracurricular, and athletic programs; the care, maintenance, and security of physical property; the maintenance of vehicular and pedestrian traffic; and the performance of assigned duties.
2. **Disruptive Conduct:** Disruptive conduct includes both the violation of the rights and privileges afforded citizens generally and the violation of particular rights and privileges afforded the College in maintaining an educational institution. These specifically include the following:

- Any violation of the law of the Commonwealth of Virginia or of the United States which obstructs or disrupts a normal function is disruptive conduct. This includes both violations of general law and of law particularly applicable to students.
- Conduct which obstructs or disrupts normal functions and activities, including the obstruction of passage of others through corridors or at entrances and exits; other group assemblies which obstruct or disrupt; trespass; unauthorized presence in a building after normal closing hours or after notice that the building is being closed; physical detainment of a student or of a member of the administration, staff, or faculty against his or her will; the entry into or onto any College-controlled property with the intent to, or the awareness that such activity will, disrupt any normal function or activity of the College; or any conduct that the student knows, or would know, will disrupt or interfere with normal College functions or activities.
- Any failure to comply with a request to move on, to vacate an area, or to desist a particular course of conduct where such request is made by an authorized person in the reasonable and good faith belief that compliance with the request is necessary to the safety and welfare of the person or persons so requested, or others, or to the maintenance or restoration of the normal functions and activities of the College is disruptive conduct. For this purpose, an authorized person is any staff member or faculty of the College who has been given responsibility for administering College regulations as well as any law enforcement officer, conservator of the peace, fire fighting personnel, and any person specifically authorized by the President orally or in writing who, in making such a request, identifies him/herself and gives notice of the authority given by the President.
- Any failure to comply with the terms of any curfew imposed by the President for the purpose of restoring or maintaining the security of persons or property is disruptive conduct.
- Any behavior which disrupts the normal living or work environment of those who live and work around him/her.

Distribution of Literature

Literature may be distributed on campus by officially recognized College organizations. Any organization not officially recognized by the College or any individual wishing to distribute literature on campus must receive prior approval from the Office of Student Activities. Distributors without College affiliation may be required to be sponsored by an officially recognized College organization.

Door-to-door distribution of literature in college buildings is prohibited with the exception of official College communications. (See also Statement of Rights and Responsibilities, III. E.)

The right to peaceful assembly, to post notices, and to distribute information is provided for and ensured by the Statement of Rights and Responsibilities (Article I, Section C.2). In accordance with established scheduling procedures, requests for demonstrations, rallies,

vigils, and distribution of materials, must be made in writing to the Office of Student Activities at least 48 hours in advance of the event with specific location, beginning and ending times, and names of sponsoring organizations being provided. The College reserves the right to impose reasonable time, place, and manner restrictions upon such expressions.

Demonstrations/Handbills/Rallies/Vigils

Demonstrations, rallies, vigils, and distribution of materials may not block entrances to campus facilities nor the passage to individuals. In considering locations for requested events, the potential interference with academic programs and other activities will be weighed. Should a request for the use of amplification systems be approved, the amplification must meet acceptable volume levels depending on location and time of day.

Individuals and groups that violate this regulation may lose the opportunity to schedule events in the future and may face College sanctions.

Proposed Version:

No student shall engage in disruptive conduct, as defined below. This prohibition is designed to preserve College property for its intended purpose, to protect College functions and activities (as defined below), and to preserve the aesthetics of the campus, but shall not be used as a means of censorship.

Definitions

- **College Functions and Activities:** A College function is any lawful activity, business, or operation of the College or conducted under the auspices of, sponsored by, or with the permission of the College on property under the control of the College. Illustrative examples, which are not comprehensive, include educational activities; cultural events; recreational, extracurricular, and athletic programs; the care and maintenance of physical property; the protection of the health and safety of members of the campus community; the control of vehicular and pedestrian traffic; and the performance of assigned duties.
- **Disruptive Conduct:** Disruptive conduct includes both the violation of the rights and privileges afforded citizens generally and the violation of particular rights and privileges afforded the College in maintaining an educational institution. These specifically include the following:
 - i. Any violation of the law of the Commonwealth of Virginia or of the United States that obstructs or disrupts a College function or activity.
 - ii. Conduct, including group assemblies, that obstructs or disrupts College functions and activities, including the obstruction of passage of others through corridors or at entrances and exits; trespass; unauthorized presence in a building after normal closing hours or after notice that the building is being closed; physical detainment of a student or other member of the College community against his or her will; entry into or onto any College-controlled property with the intent to, or the awareness that such activity will, disrupt any College function or activity; or any conduct that the student should reasonably anticipate will disrupt or interfere with College functions or activities.
 - iii. Any failure to comply with a request to move on, to vacate an area, or to desist a particular course of conduct where such request is made by an authorized person in the reasonable and good faith belief that compliance with the request is necessary (a) to the safety and security of persons or

- property, or (b) to the maintenance or restoration of College functions and activities. For this purpose, an authorized person is any staff member or faculty of the College as well as any law enforcement officer, conservator of the peace, or fire fighting personnel.
- iv. Any failure to comply with the terms of any curfew imposed by the President for the purpose of restoring or maintaining the security of persons or property.
 - v. Any behavior that disrupts the normal living or work environment of members of the College community.

Rationale: These proposals clarify that the College's guidelines regarding speech are made without regard to content and are not designed to censor speech. The term "handbills" is deleted, as this term is no longer commonly used by students. The policies also were simplified so that they may be more easily understood and a simple definition of "authorized person" is provided.

Proposal 4: Remove examples under Conduct Infringing on Others

Current Version

Conduct Infringing on Others

Conduct which infringes upon the rights of other individuals is prohibited. Such conduct includes, but is not limited to, disorderly conduct, public drunkenness, public urination, obscenity, nudity, and sexual activity in public places. All pranks and careless or irresponsible behaviors which cause or have the potential for causing damage to College or personal property, personal injuries, or which infringe upon the rights of others are unacceptable. Such behaviors include, but are not limited to, water fights, shaving cream battles, and playing outdoor sports indoors.

Proposed Version

Conduct Infringing on Others (currently page 23)

Conduct which infringes upon the rights of other individuals is prohibited. Such conduct includes, but is not limited to public drunkenness, public urination, obscenity, nudity, and sexual activity in public places. All pranks and careless or irresponsible behaviors that cause or have the potential for causing damage to College or personal property, personal injuries, or that infringe upon the rights of others are unacceptable.

Rationale: The behaviors listed in the last sentence of the current policy are archaic and are reasonably contemplated already in the language of the current policy within the phrase of "pranks and careless or irresponsible behaviors."

Proposal 5: Add "misuse of property" to Damage to Property section

Current Version

Damage to Personal and/or College Property

No student shall destroy, damage or litter, attempt to destroy, damage or litter, or assist another student in destroying damaging or littering any property of the College or of another.

Proposed Version

Damage to or Misuse of Personal and/or College Property (currently page 23)

No student shall attempt to or actually misuse, destroy, or damage any property of the College or of another. Littering on College property also is prohibited.

Rationale: The current policy does not specifically address behavior where College property is not damaged but is misused. For example, a student who is found carrying a “no parking” sign is, at least, misusing College property, even if the sign is not damaged.

Proposal 6: Delineate Loss of Housing as a possible consequence of drug use on campus.

Current Version

Drugs

Drugs are incongruent with the academic mission of the College and, in conformity with federal and state statutes, the manufacturing, distribution, possession, and use of drugs and/or drug paraphernalia are prohibited. For the purpose of these regulations, drugs include any controlled substance, including marijuana, cocaine, amphetamines, ecstasy, LSD compounds, mescaline, psilocybin (psychedelic mushrooms), DMT, narcotics, opiates, and other hallucinogens, except when taken under and pursuant to a physician’s prescription in accordance with law. The sanctions for manufacturing or providing drugs shall range from suspension to dismissal from the College. The sanctions for possession or use of drugs shall ordinarily range from probation to dismissal.

Proposed Version

Drugs (currently page 25)

Drugs are incongruent with the academic mission of the College and, in conformity with federal and state statutes, the manufacturing, distribution, possession, and use of drugs and/or drug paraphernalia are prohibited. For the purpose of these regulations, drugs include any controlled substance, including marijuana, cocaine, amphetamines, ecstasy, LSD compounds, mescaline, psilocybin (psychedelic mushrooms), DMT, narcotics, opiates, and other hallucinogens, except when taken under and pursuant to a physician’s prescription in accordance with law. The sanctions for manufacturing or providing drugs shall range from suspension to dismissal from the College. The sanctions for possession or use of drugs shall ordinarily range from probation to dismissal. Loss of housing is a typical sanction for drug use occurring in college residences. (See also page XX)

Rationale: Loss of housing has been a typical sanction imposed for drug use in residence halls. Adding this language would clarify this practice for students and would reinforce the seriousness with which the College views such behavior.

Proposal 7: Add example of harassing behavior to Harassment policy

Current Version

Harassment

Personally harassing or threatening another person, including racial or sexual harassment (see Page XX for the College definition of sexual harassment), or threats is prohibited. Conduct that is sufficiently severe, persistent or pervasive enough so as to threaten an individual or limit the ability of an individual to work, study, or participate in the activities of the College is prohibited. Prohibited conduct also includes, but is not limited to, stalking (repeated conduct directed toward another person including following that person or acts that harass that person), contacting witnesses or any other party to an incident to intimidate them or to get them to change their testimony, and unwanted obscene, abusive or repetitive telephone calls, telephone messages, electronic mail, instant messages using electronic mail programs, or similar communications with intent to harass.

Proposed Version

Harassment (currently on page 26)

Personally harassing or threatening another person, including racial or sexual harassment (see Page XX for the College definition of sexual harassment) or threats, is prohibited. Conduct that is sufficiently severe, persistent or pervasive enough so as to threaten an individual or limit the ability of an individual to work, study, or participate in the activities of the College is prohibited. Prohibited conduct also includes, but is not limited to,

- stalking (repeated conduct directed toward another person including following that person or acts that harass that person);
- contacting witnesses or any other party to an incident to intimidate them or to get them to change their testimony, such as a charged party filing a lawsuit with the purpose of harassing the charging party and
- making unwanted obscene, abusive or repetitive telephone calls, telephone messages, electronic mail, instant messages using electronic mail programs, or similar communications with intent to harass.

Rationale: This example of harassment would help educate students charged in conduct or honor cases of the obligation to bring legal action only for appropriate reasons, and not as a tool to harass.

Proposal 8: Add one junior and one senior to the composition of Student Conduct Council Administration of Student Life Policies and Code of Conduct

II.D. Student Conduct Council (currently pages 30-31)

- 1) **Composition.** The Student Conduct Council is a committee of student, faculty, and administrative members constituted as follows:
 - (a) Undergraduate Students - 15 students (6 seniors, 5 juniors, and 4 sophomores) selected on an annual basis. Each year the Dean of Students office will coordinate an application/selection or who has previously been suspended or dismissed from the College for non-academic reasons is ineligible for membership on the Student Conduct Council. Undergraduate students may not serve concurrently on Honor Council and Student Council.
 - (b) Graduate Students - 15 students (3 from each of the 5 graduate schools) selected on an annual basis by a process determined by each of the graduate student governing bodies.
 - (c) Faculty - Eight full-time members of the faculty appointed on an annual basis by the Provost of the College. At least one faculty member will be appointed from each of the five graduate schools.
 - (d) Administrative Staff - Four members of the administrative staff appointed on an annual basis by the Vice President for Student Affairs.

Rationale: The addition of one senior and one junior to the Council would provide that new perspectives will enter the Council each year. Currently, if all four sophomore members re-apply and were determined to be the most qualified applicants, they may succeed to become junior representatives and none of the juniors would be “new” members. Adding one additional senior and one junior would allow for more perspectives to be represented while still maintaining a group size that allows for effective training.

Proposal 9: Provide two additional days for students to prepare for hearings
Student Conduct Procedures (currently page 34)

III.D.(c) Procedures for Conduct Board Hearing

3. Notification. The case administrator will schedule a hearing with the Conduct Board and inform the charged party in writing at least **four working days** in advance of the date, time, and place of the hearing and of the exact charges against the charged party. The case administrator will also provide the charged party with the principal information in support of the charges of which he or she is aware at the time.

Rationale: Currently, the Handbook provides students with only two working days' notice of the scheduling of a hearing. This proposal would provide students with more time to prepare for a hearing. Currently, our practice is to provide at least four days' notice, but codifying the practice would establish a requirement for such notice.

Proposal 10: Bar use of lie detector test results in conduct hearings

Current Version

Section IV. E) Rules of evidence and “second hand” information. Technical rules of evidence do not apply in College conduct proceedings. For example, information which is not from a first-hand source may be considered in the course of a hearing if the chair of the hearing body or administrator handling the case determines that the information is appropriate, although a finding of responsibility will in no case be premised solely on such information.

Proposed Version

Section IV. E) Rules of evidence and “second hand” information. (currently page 39)

The College does not employ strict courtroom proceedings, and technical rules of evidence do not apply. For example, information which is not from a first-hand source may be considered in the course of a hearing if the chair of the hearing body or administrator handling the case determines that the information is appropriate, although a finding of responsibility will in no case be premised solely on such information. Lie detector/polygraph evidence is not permissible.

Rationale: The addition of the first line clarifies that the conduct process is not akin to a courtroom proceeding (courts have advised Colleges not to employ strict courtroom process). In addition, Virginia Code § 8.01-418.2 bars the use of polygraph exams in court, as courts have found that polygraph exams have been deemed to have insufficient reliability. This proposed addition would clarify that polygraph exam results may not be introduced, either for the purpose of proving a student's culpability (e.g., an alleged victim proving, via polygraph, that he or she was assaulted) or the student's alleged innocence of the charges. Because there is no means to test the administration of the exam (who conducted the test, what questions were asked, what the qualifications of the administrator are, etc.), polygraph exam results would prove to have limited to no validity in a College hearing.

Proposal 11: Clarify conduct records policies

IV. L) Access to hearing records. (currently page 40)

The student's conduct record is the property of the College. A student found responsible for a violation of College regulations or a reporting party who elects to pursue an appeal may have

access by appointment during normal working hours to the materials in his or her case file. The student also may have access to listen to copies of the recordings, if any, in the presence of an administrator, a Student Conduct Council member or Honor Council member. The student may have legal counsel or one other clearly-identified silent supporter present. Copying of materials, **including reading the materials into a recording device or capturing images of the materials**, is not permitted.

Rationale: The conduct record is one of several education records maintained by the College. The Family Education Rights and Privacy Act (FERPA) provides students with the right to inspect their records, request corrections, or offer rebuttals to any information in the file. This policy addition would clarify that the record is the College's record and copying of materials by any means is not permitted.

Proposal 12: Add combined honor/conduct panel option to hear cases in which conduct and honor violations are alleged

IV. M) Alleged violations of honor and student conduct codes. (currently page 40)

Should an incident result in an allegation that a student has violated both the Honor Code and the College's general rules of conduct, the Vice President for Student Affairs will decide whether the allegation will be heard by the Student Conduct System, by the Honor Council, **or a combined board of the Student Conduct Council and Honor Council**. The system selected by the Vice President will be empowered to review all the charges and reach a final disposition. There will be no simultaneous or subsequent exploration of the same charges by either body individually.

Rationale: This proposal would provide more flexibility for the Vice President to address situations in which a student is alleged to have violated the College's Honor and Conduct Codes. A combined board would provide the perspectives of both councils to be represented. Presumably, this would lead to better, more informed, decisions.

Proposal 13: Clarify role of student/administrative counsel, presence of legal counsel, and silent supporter

Current Version

Section IV. N) Advice and assistance of counsel. In "less serious" cases as defined in Section III.C.3., the charged party may elect to be represented by a student of his or her choosing. In case deemed to be "more serious" as defined in Section III.C.3., the charged party may petition the Vice President for Student Affairs (or designee) to appoint an advisor from the administrative staff. The advisor shall serve as the student's counsel in the hearing in place of a student counsel. An advisor/counsel may not give testimony during the hearing.

The charged party may also elect to have one silent supporter present. The supporter may advise the charged party but may not participate in the proceedings. The supporter may be legal counsel. Legal counsel may not participate in the proceedings unless the chair of the conduct body or administrator hearing the matter determines, when requested by the charged party, that the "interest of justice" requires participation by legal counsel. Legal counsel shall participate only to the extent authorized and necessary. The proceedings shall not in any case be governed by rules of courtroom procedure. In the event a charged party decides to have legal counsel serve as his or her supporter during the conduct process, the College reserves the right to have its own legal counsel or advisor present.

The charged student must inform the hearing administrator at least forty-eight hours prior to the hearing regarding the presence of a silent supporter.

No student shall be required to have student or legal counsel or a silent supporter. A supporter may not serve as a witness.

Proposed Version

IV. N) Support for charged party - student or administrative counsel. (currently page 40)

In “less serious” cases as defined in Section III.C.3., the charged party may elect to be represented by a student of his or her choosing. In cases deemed to be “more serious” as defined in Section III.C.3., the charged party may petition the Vice President for Student Affairs (or designee) to appoint an administrative staff member to serve this role in place of a student counsel. A counsel may not give testimony during the hearing.

Insert New Section

IV. O) Silent Supporter. The charged party also may elect to have one silent supporter present. The supporter may not participate in the proceedings. The silent supporter may be legal counsel.

i) Presence of legal counsel. The student must provide the case administrator at least two working days’ notice of the anticipated presence of legal counsel. Legal counsel may not participate in the proceedings unless the chair/administrator hearing the matter determines, when requested by the charged party, that the hearing exposes him/her to potential criminal action outside of the College’s conduct process.. Such a request must be made at least two working days prior to the hearing. The chair’s determination regarding whether legal counsel is permitted to participate in the hearing is final and legal counsel shall participate only to the extent authorized and necessary. Under no circumstances shall the attorney be permitted to question witnesses or other parties to the proceeding, or to serve as a witness. In the event a charged party decides to have legal counsel serve as his or her supporter during the conduct process, the College reserves the right to have its own legal counsel or advisor present.

No student shall be required to have student or legal counsel or a silent supporter. A supporter may not serve as a witness.

Rationale: The two sections above have presented confusion for some parties. The revisions separate “counsel” from “silent supporter” to clarify the difference between these two distinct roles. Legal counsel is permitted to attend a student’s hearing; however, the counsel is not permitted to participate in the hearing unless, in the “interest of justice” the chair deems participation necessary (this right remains unchanged). The changes above represent an attempt to clarify the role of counsel in the College’s discipline process, including who makes the determination and when.

Proposal 14: Clarify interim suspension policy

Section VI. Sanctions

Interim Suspension (currently page 45)

The President has empowered the Vice President for Student Affairs to suspend a student pending a full hearing before the appropriate student conduct body or administrator. Such action is authorized when it is necessary to preserve the educational process or the health or safety of the student or of other members of the College community. In such instances, the student will be afforded an opportunity to meet with the Vice President for

Student Affairs to show why his/her continued presence does not pose a threat sufficient to impose the suspension. A hearing **regarding the interim suspension decision** will be scheduled for the student within ten working days or as soon as the student's condition permits. **A hearing on the alleged conduct violations will occur as soon as practical following the interim suspension decision.** When the sanction of interim suspension is imposed, the student must leave the campus immediately and may not participate in academic, extracurricular, or other activities of the College except as may be authorized by the Vice President for Student Affairs or designee. During the period of interim suspension, a student is not permitted on the campus without prior written consent from the Vice President for Student Affairs. See also "Medical and Emotional Emergencies," page XX.

Rationale: The current interim suspension policy is ambiguous. The student should be provided with the opportunity to challenge the Vice President's decision to impose interim suspension within a short amount of time (no more than 10 days in most cases). A hearing on the alleged violations should then be provided as soon as practical (as soon as all evidence is available).

Proposal 15: Add flexibility to sanctions for organizations

Section VI. C. Organizational Sanctions (currently page 46-47). The sanctions listed below are categorized as primary and secondary. At least one primary sanction and any combination of primary and secondary sanctions may be imposed for any single violation. A due date will be given with any task and/or restitution penalty. All other sanctions are effective immediately upon completion of the appeal or appeal period, unless the Vice President for Student Affairs authorizes an exception.

1) Primary Sanctions

- **Warning** - Notification confirming that a violation of College regulations has occurred. Warning is a caution that repetition of the behavior or other misconduct may result in a more severe penalty. An organization may not receive more than two warnings **for the same conduct** in an academic year without more serious action being taken.

Rationale: the current sanction system for organizations has proven highly inflexible. For example, if a group has a minor alcohol incident in the fall and another in the spring, it may be eligible to receive two warnings under the current Code. However, if that same organization then has another minor Code violation (e.g., a minor fire code violation), the current system requires that the organization be given a more serious sanction. This proposed change would provide more discretion for the hearing officer or panel hearing a case to decide on the appropriate sanction. Note that a third violation of the same conduct policy still would result in more serious action (at least probation), however.

Proposal 16: Add drug emergencies to the Amnesty Policy

Amnesty from Student Code of Conduct Sanctions Where Medical Attention is Sought:

Student health and safety are of primary concern at the College of William and Mary. As such, in cases of extreme intoxication as a result of alcohol or other substances, the College encourages individuals to seek medical assistance for themselves or others. If an individual seeks medical attention due to a concern for health or safety as a result of consumption, the Dean of Students Office will not pursue student conduct sanctions against the student for violations of the Alcohol Beverage Policy or Drug Policy of the Code of Conduct. Additionally, those students who assist in obtaining medical attention for individuals who are intoxicated will not receive sanctions for

violations of the Alcohol Beverage Policy or possession of drugs under the Drug Policy of the Code of Conduct. This policy does not grant amnesty to possession with intent to distribute drugs.

In lieu of sanctions under the *Student Code of Conduct*, the intoxicated student, as well as the referring student(s), will be required to meet with a member of the Dean of Students staff who may issue educational requirements that may include, but are not limited to, alcohol and/or drug education, counseling, and/or a substance abuse assessment. Serious or repeated incidents will prompt a higher degree of concern/response. Failure to complete educational assignments or treatment recommendations issued under this policy normally will result in disciplinary action. The student will be responsible for any costs associated with drug or alcohol education interventions.

The Medical Amnesty Policy does not preclude sanctions due to any other violations of the Code of Conduct (not related to the Alcohol Beverage Policy or Drug Policy). Likewise, the Medical Amnesty Policy does not prevent action by police or other law enforcement personnel.

Application to Student Organizations:

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

Rationale: The Alcohol and Substance Abuse Task Force has recommended that the Amnesty policy be expanded to include situations in which a student may experience a medical emergency related to the use of drugs. Although there have been no such emergencies reported to the Dean of Students in the last several years, the Task Force believes that students should be encouraged to seek medical attention if they were to find themselves confronting such a situation.