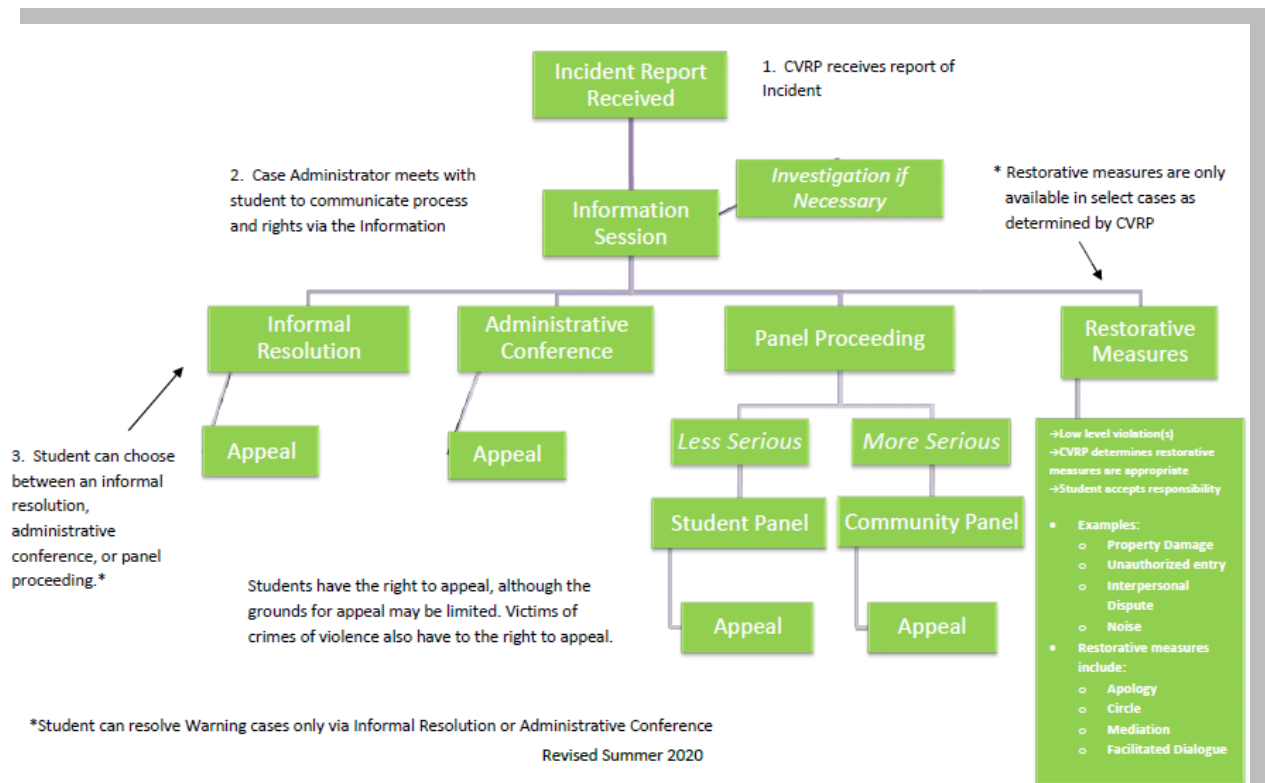


Student Conduct Information Packet

A Step-by-Step Guide to the Student Conduct Process

Basic Overview

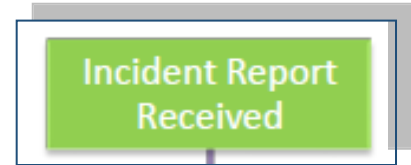
We summarize the [student conduct process](#) in the flow chart below. This chart is provided to students to explain the process during the *Information Session*.



Taking a Closer Look

The Incident Report

The first step in the process is when an **Incident Report** is received by Community Values & Restorative Practices (CVRP). **Incident Reports** are reports that allege possible violations of the Code of Conduct.



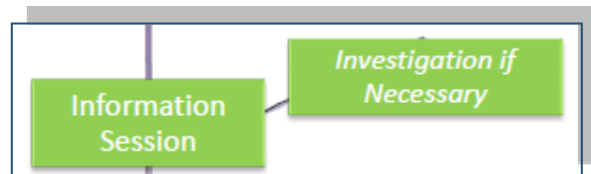
Incidents may be reported by a fellow student, a member of the faculty, an administrator, support staff (Resident Assistants and William and Mary Police), a visitor/guest to the campus community, or by a member of the local community.

When CVRP receives an incident report:

- The Director will determine if the allegations are unfounded or frivolous. Such allegations will be dismissed.
- If the report is not dismissed, CVRP will contact the student via email to set up an initial meeting (the “Information Session”).

The Information Session

The **Information Session** is an opportunity for the student to receive information about the report received and the student conduct process. At that session, the case administrator presents the student with options for resolving the matter, and the student will have the opportunity to discuss the report with the case administrator and respond on their own behalf, or on behalf of the student organization they represent.



Note: this initial meeting is strictly informational, and the student is not required to discuss the alleged incident, answer questions, or make any statement regarding the report.

Information sessions are required meetings and are scheduled around student courses.

- Failure to appear at the session after being properly notified could result in the case administrator placing a hold on the student’s records (which prevents a student from registering or engaging in other transactions with the university), or preparing written allegations and notifying the student or representative of the student organization that a proceeding has been scheduled to resolve the matter.

Resolution Options

If the case administrator does not dismiss the matter after the information session, the student may choose to resolve the case through one of three resolution options:

1. **Informal Resolution:** If the student or student organization can agree on a Summary of Facts with the case administrator, the case may be resolved informally, and, if appropriate, the case administrator assesses one or more sanctions/educational measures.
2. **Administrative Conference:** The student or student organization may elect to resolve the case through a proceeding held by the case administrator.
3. **Panel Proceeding:** The student or student organization may elect to resolve the case through a panel.

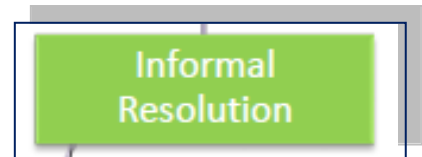
Note: cases in which the case administrator determines the possible sanction does not exceed a warning are not eligible for a panel.

After the information session, the student or organization has up to two working days to decide on a resolution option unless the case administrator grants an extension for good cause.

After declaring the resolution method of choice, the student or organization has at least five working days to prepare for the meeting or proceeding unless the student/organization chooses to waive this time to prepare.

Informal Resolution

An informal resolution may be selected if, after discussing the incident, the student/organization and the case administrator are able to develop a summary of facts that accurately reflects the incident.



The case will be resolved **informally** with the case administrator, who will assess a sanction if the summary of facts supports a finding of a violation.

- Often, the student chooses to resolve less serious cases informally during the information session.

Administrative Conference

In an Administrative Conference, the case administrator will hear the case in its entirety before determining if a preponderance of the evidence indicates a violation has occurred.

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Administrative
Conference

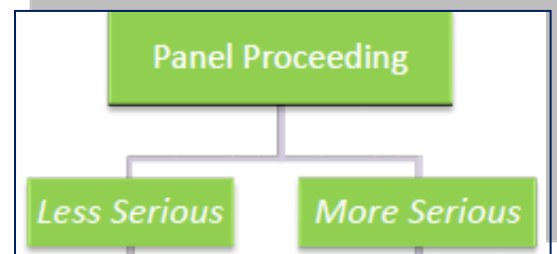
The case administrator will ask the person who reported the matter and any other relevant parties to provide information (the student will receive advance notice of what witnesses will be called), and the student may present witnesses as well.

After hearing all information, the case administrator then makes a decision regarding responsibility.

If the case administrator finds the student responsible for one or more violations, the administrator will issue one or more sanctions after considering pertinent information offered by the student and any character references the student introduces.

Panel Proceeding

When a student or organization elects to have a panel, a Student Panel hears less serious cases, and a Community Panel hears more serious cases. More serious cases are typically those that have the potential to result in a sanction of deferred suspension, suspension, or dismissal.



Three members of the Student Conduct Council comprise a Student Panel; one of those students serves as chair of the panel.

Three students from the Council plus one administrator and one faculty member comprise a Community Panel. One of the student members serves as chair of the panel.

In a panel proceeding:

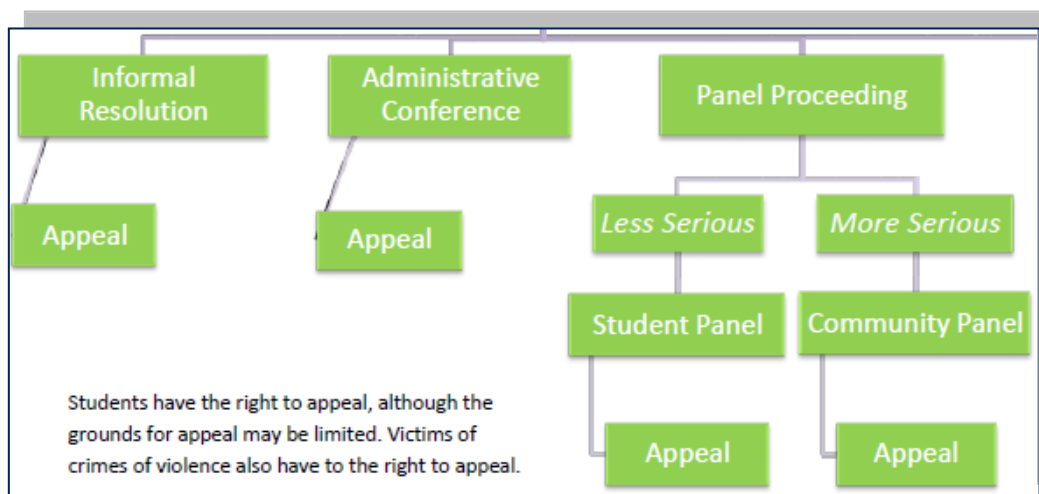
- The student or representative of the organization and the case administrator provide the desired information to be considered by the panel in advance to the Chair.
- The Chair determines which information and witnesses are relevant to the panel making a fully informed decision.
- The student/representative and the case administrator both attend the proceeding to ask and answer relevant questions and provide brief remarks.
- At the conclusion of the presentation of all information, the panel members meet privately to determine if the student or organization is responsible or not responsible for the violations for which they have been reported.

If the panel finds the student or organization responsible, the proceeding moves to the **sanctioning phase** in which both the case administrator and the student or representative of the organization may make statements.

The case administrator also provides the student/organization's prior student conduct history, if any, the precedent for sanctioning similar incidents, and their recommendations regarding sanctions.

The panel then convenes to determine a sanction. CVRP notifies the student/organization of the sanctions and appeal options, typically within two working days.

Appeals



Right of Appeal

Only the student found responsible for a violation has the right of appeal, except in cases involving “crimes of violence” as currently defined in Section 16 of Title 18 of the U.S. Code.

Timeline and Form of Appeal

- 1) A student found responsible for a violation who wishes to appeal a decision must do so within **five working days** following written notification from CVRP.
- 2) A reporting party who wishes to appeal a decision on a crime of violence must do so within **five working days** following written notification from CVRP.
- 3) All appeals must be in writing and must **clearly cite the grounds for the appeal** and the relevant information supporting it.

- 4) The Dean of Students or Director of CVRP reviews appeals of less serious cases; appeals of more serious cases follow a two-step process that begins with the Appeals Committee.

Grounds for Appeal

1) Informal Resolutions:

Grounds for appeal of informal resolutions are limited to excessive or inappropriate sanction.

2) Panel Proceedings:

Grounds for appeal by the respondent are limited to the following:

- Procedural irregularity severe enough to have denied the student a fair proceeding. Procedural deviations will not be sufficient to sustain an appeal unless they are found to be severe enough to have denied the student a fair proceeding.
- Discrimination in the proceeding, on the basis of race, gender identity, age, sexual orientation, religion, disability status, or national origin, which causes an unfair proceeding.
- Insufficient information to support the decision.
- New material information, which is not merely corroborative or repetitive, unknown by the student at the time of the proceeding and pertinent to the case.
- An excessive or inappropriate sanction.

For more information regarding appeals, see "[Appeals of Student Conduct Actions](#) located in the *Student Handbook*.

Relevant Student Rights Information

(Adapted from the FIRE Guide to Due Process and Fair Procedure on Campus)

Basic rights:

According to the United States Constitution and Supreme Court decisions (most notably *Goss v. Lopez*), students in campus disciplinary cases are entitled at an absolute minimum to have notice of the charges against them, a disclosure or explanation of the information supporting the charges, and an opportunity to contest this information.

The university must follow its established procedures as outlined in the *Student Handbook* unless the student chooses to waive any rights.

Students have the right, even where potential sanctions are minimal, to be present at the informal resolution or the proceeding, in order to hear any information presented at the proceeding.

Students have a duty to cooperate and be honest and complete in their answers. Students are afforded the right not to answer questions that they believe may incriminate them. If a student asserts this right, the case administrator/panel may make a decision based upon the other information presented in the proceeding.

If the student is facing or may face criminal charges for the same conduct, anything that the student says to case administrator or in the proceeding may potentially be subpoenaed; thus, it is wise to consult an attorney if the student is facing serious criminal charges.

Preparing for a Proceeding:

You have the right to request a student advisor to assist you in further understanding the conduct process or, should you elect, in preparing for the proceeding.

- Trained student advisors are available by contacting the Conduct and Honor Advisor Program “CHAP” (chap@wm.edu).
- You are not obligated to use one of the members of the program as your advisor; you may ask any other currently enrolled student at William and Mary to do so.

You have the right to at least five, but typically no more than ten, working days to prepare for your proceeding after receiving written notice of the date, time, and location of the proceeding.

- If you need additional time, you must request extra time in writing to the Director of CVRP or designee.
- The Director will review the request and grant the extension in their discretion.

You may conduct your own inquiry regarding the details of a pending allegation. If your investigation discovers facts that are not presented or discovered in the proceeding, you may submit a statement at the proceeding detailing what you believe would have been learned had these facts been discovered. You also may submit this information in any eventual appeal.

You have the right to an unbiased panel.

- If you believe a panel member or an administrator is biased, you may request that the Director remove the person from the panel.
- Such requests must be in writing in advance of the proceeding and must state the basis for the challenge of the panel member.
- The Director will determine if a member should be removed and will reply to you in writing.

The Family Educational Rights and Privacy Act (FERPA):

FERPA provides you with the right to inspect your educational records, including student conduct records; the university will allow you to inspect all of your educational records - other than medical/psychological records or handwritten notes - within 45 days of your request. As part of your preparation for a proceeding, you may schedule an appointment to review your file and the information contained within it.

If you are unsure about any of your rights, or would like consultation before entering any required meeting with a case administrator, you may contact Student Legal Services or the CHAP program.

- **CHAP:**
 - **Website:** [Conduct and Honor Advisor Program \(CHAP\)](#)
 - **Email:** chap@wm.edu
- **Student Legal Services:**
 - **Website:** [Student Legal Services](#)
 - **Email:** wm.student.legal.services@gmail.com

The Director of CVRP also is willing to meet with any student requesting an appointment. Please call (757) 221-2509 and specify that you want to meet with the Director prior to meeting with the case administrator.

Further Information

For more information related to the student conduct process, student rights, and frequently asked questions, please take advantage of both the [Student Handbook](#), and [Student Conduct website](#) for Student Conduct. We also encourage you to consult the [Frequently Asked Questions](#) page for more information.