Student Conduct Information Packet

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

Basic Overview

We have summarized the student conduct process in the flow chart below. We also provide this chart is provided to students to explain the process during the Information Session.

![Flowchart of Student Conduct Process]

1. Incident report is submitted to the Dean of Students office.
2. Case administrator meets with student to communicate process and rights.
3. Student can choose between an administrative resolution, administrative hearing or panel hearing.*

All students found responsible for a violation have the right to appeal although the grounds for appeal may be limited. Also, victims of crimes of violence have the right to appeal.

*Warning cases may be resolved only via Administrative Resolution or Administrative Hearing.
Taking a Closer Look...

The Incident Report

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

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

When CVRP receives an incident report, the Director or designee will determine if the alleged violation is unfounded or frivolous--CVRP will dismiss such allegations. If CVRP does not dismiss the report, the staff 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 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.

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). The administrator also can prepare written charges and notify the student or student organization representative that a hearing has been scheduled to resolve the matter.
Adjudication 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 adjudication options:

1. **Administrative Resolution:** If the student or student organization chooses not to dispute the facts and accepts responsibility for the incident, the case can be resolved administratively, and the case administrator shall assess a sanction and appropriately inform the student.

2. **Administrative Hearing:** The student or student organization may elect to resolve the case through a hearing conducted by the case administrator.

3. **Committee Hearing:** The student or student organization may elect to resolve the case via a committee hearing.1

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

After declaring an adjudication choice, the student or organization has at least two four business days to prepare for the meeting or hearing unless the student/organization chooses to waive this time to prepare.

**Administrative Resolution**

The student/organization can select an administrative resolution 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.

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1 Cases in which the case administrator determines the possible sanction does not exceed a warning are not eligible for a committee hearing.
**Administrative Hearing**

In an administrative hearing, the hearing officer will hear the case in its entirety before determining if a preponderance of the evidence indicates a violation has occurred. The case administrator may ask the person who reported the matter and any other relevant parties to testify (the student will receive advance notice of what witnesses are to be called), and the student may present witnesses as well. After hearing all evidence, 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 other pertinent sanction information the student introduces.

**Committee Hearing**

When a student/organization elects to have a committee hearing, a Student Panel hears less serious cases and a Hearing Board hears more serious cases. More serious cases are typically those that have the potential to result in a sanction of suspension or dismissal.

Three members of the Student Conduct Council comprise a Student Panel; one of those students serves as the board's chair. The committee in a Hearing Board case is comprised of three students from the Council plus one administrator and one faculty member with one of the student members serving as chair.

In a committee hearing, the case administrator presents information and witnesses and makes summary remarks. The student or organization representative then does the same. At the conclusion of the presentation of evidence, the panel members meet privately to determine if the student or organization is responsible for the violation(s) reported.

If the committee finds the student/organization responsible, the hearing enters a sanctioning phase in which both the case administrator and the student/organization representative may make statements. The panel then convenes to determine a sanction. Once it reaches a sanction decision, the panel informs CVRP. CVRP then informs the student/organization in writing, typically within two business days.
Appeals

Right of Appeal

Only the student/organization found responsible for a violation has the right of appeal, except in disciplinary 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/organization found responsible for a violation who wishes to appeal a decision must do so within five business 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 business days following written notification from CVRP.

3) All appeals must be in writing and must clearly cite the grounds for the appeal and the evidence supporting it.

4) The Dean of Students 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) Administrative Resolutions:

The ground for appeal of administrative resolutions is limited to excessive or inappropriate sanction.

2) Administrative or Committee Hearings:
Grounds for appeal by the respondent, except in appeals of administrative resolutions, are limited to the following:

- Procedural irregularity severe enough to have denied the student a fair hearing. 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 hearing.

- Discrimination in the hearing, on the basis of race, gender, age, sexual orientation, religion, handicap, or national origin, which causes an unfair hearing.

- Insufficient evidence to support the decision.

- New material evidence, which is not merely corroborative or repetitive, unknown by the student at the time of the hearing 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 evidence behind the charges, and an opportunity to contest this evidence.

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

Students have the right, even where potential consequences are minimal, to be present at the administrative resolution or the hearing, in order to hear any evidence presented at the hearing.

Students have a duty in our process to cooperate and be honest and complete in their answers. Students are provided the right not to answer questions that they believe may incriminate them. The hearing officer/panel hearing the matter may make a decision based upon the other information presented in the hearing.
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 hearing may potentially be subpoenaed; thus, it is wise to consult an attorney if the student is facing serious criminal charges.

**Preparing for a Hearing:**

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 a hearing. 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 four, but typically no more than ten, business days to prepare for your hearing after receiving written notice of the date, time, and location of the hearing. 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 his or her discretion.

You may conduct your own inquiry regarding the details of a pending charge. If your investigation discovers facts that are not presented or discovered in the hearing, you may submit a statement at the hearing detailing what you believe would have been learned had these facts been discovered. You may also 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 hearing 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 disciplinary 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 hearing, 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:

Email: chap@wm.edu

Student Legal Services:

Website: http://wmpeople.wm.edu/site/page/legalservices/home.
Email: legalservices@email.wm.edu

The Director and Assistant Director of CVRP also are willing to meet with any student requesting an appointment. Please call 221-2509 and specify that you want to meet with the Director or Assistant 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 the CVRP website. We also encourage you to consult our Frequently Asked Questions page for more information.