**CODE OF STUDENT CONDUCT REVIEW AND PROPOSED EDITS**

**EXECUTIVE SUMMARY**

Background

During the previous academic year, the Vice President of Student Engagement & Enrollment Services (SEES) had requested a review of student conduct related practices and policies. The Board of Visitors Policy 1530: Code of Student Conduct was among the policies reviewed. This review included obtaining consultation from an external consultant from the College of William & Mary, the Office of Student Conduct & Academic Integrity Director (OSCAI), and an internal review team led by the Special Assistant to the Vice President for SEES. Based on this review, the Special Assistant obtained follow-up consultation from University Counsel. More recently, the Vice President recommended further vetting of the proposed changes, with student and faculty leaders, prior to presenting these changes to the Board of Visitors for their approval in June 2021.

Proposed Revisions to the Code of Student Conduct

Overall, the reviewers’ and Counsel opined the Code of Student Conduct is well-written, reflects common best practices and provides involved parties with the requisite Due Process. Most of the proposed changes reflect recommendations to enhance user-friendliness by summarizing and reorganizing the Code’s lengthy and comprehensive content. This would improve readability and the ability for the student to focus on the most important information. The following substantive changes were proposed to accurately reflect current conduct-related practices, as well as to ensure compliance with the law.

* Include a description of hazing in the Code.
* Include an “Interim Measures and Interim Suspension” provision in the Code.
* Modify language to comply with current Title IX regulations and to compliment university policy. This also includes adding the “transcription notation” excerpt (in compliance with Virginia law) to address cases involving sexual violence. To this end, OSCAI is also collaborating with the University’s Title IX Coordinator to ensure the Title IX related process appropriately incorporates code-related procedures.
* Modify terms that appear outdated and could prove difficult to enforce if challenges due to vagueness or over breadth. Examples cited include terms such as “bullying”, “breaches of peace and/or causing social disorder, “disruption” and “harassment.”
* The Foundation for Individual Rights in Education (FIRE) also proposed edits to the “on-line misconduct” excerpt of the Code for similar reasons and recommended that the definitions of harassment “better track the Supreme Court’s standard for hostile environment/harassment.
* Based on these recommendations the description of on-line misconduct, intimidation, harassment, and retaliation are being modified to ensure compliance with this guidance.
* Include language to Facilitated Conflict Resolution excerpt, to include a statement on “resolution in writing” and “hearing waiver.” **This process compares to the recommendations provided by the external consultant in this area.**
* Make identified terminology changes that will further distinguish the process as primarily educational in its focus. **Some examples include: Changing complainant to reporting party and changing reprimand to warning.**
* Modify the definition of student organization and adding the definition of “student group”—to address both “registered student organizations” and students that are associated with the university and each other, but who have not registered.
* Edit the excerpt “withdrawal due to pending felony” to reflect current practice and enhance conciseness.
* Edit the excerpt “amnesty for Victims/Complainants to reflect current practices and enhance conciseness.
* Include “reassignment of Housing Agreement and Conduct Dismissal” to sanctioning provisions. Conduct dismissal is the separation of a student from the University for generally “no less than 2 years and not more than 5 years.”