



MEMORANDUM

TO: Ginger Ambler, Vice President for Student Affairs

FROM: Dave Gilbert, Associate Dean of Students and Director of Student Conduct

DATE: April 20, 2017

SUBJECT: Proposed Revisions to the 2017-2018 Student Handbook--REVISED

Following receipt of Deb Love's concerns regarding the proposal related to maintenance and disclosure of records, I agreed to remove that proposal from consideration so that we can devote more time to study it over the summer. Accordingly, please accept the remaining recommendations below.

In accordance with the "Review and Amendments to the Student Handbook" section of the *Student Handbook*, the Office of Student Conduct is submitting the following proposals for consideration as modifications for next year's *Handbook*. Please review the proposals at your convenience and forward them to the President for his approval, should you agree. Feel free to contact me with any questions or discuss the proposals further. Thank you for your consideration.

Proposal 1: Consolidate Sanctions of Disciplinary Suspension and Indefinite Disciplinary Suspension as follows:

Disciplinary Suspension of a definite or indefinite duration is an involuntary separation from the College during which the student must leave the campus and is not eligible to participate in classes or any College-sponsored or College-related activities. During the period of separation, the student is not permitted on campus without prior written permission granted by the Director or Student Conduct or designee.

- A definite suspension is a suspension that ends on a date determined by the committee or administrative officer issuing the sanction on or after which the student may apply for re-enrollment. Suspensions are noted on the student's transcript but are removed once the period of suspension has been completed.
- An indefinite suspension is a suspension that requires the student to petition for reinstatement to good standing. In such instances, the student must first satisfy the committee or administrative officer by his/her conduct and record that he/she is in

fact entitled to reinstatement. The sanction of indefinite suspension is noted on the student's transcript but is removed if the student is reinstated to good standing at the College.

- The sanction of Suspension or Indefinite Suspension usually is imposed immediately following the completion of the appeal process/period; however, the Director of Student Conduct/designee may withhold immediate imposition of suspension in some circumstances. If the sanction is not imposed immediately, the student will be considered not in good standing and will be subject to the same restrictions as students with Deferred Suspension status (see below) while enrolled prior to the imposition of the suspension.

Rationale: This proposal consolidates the two current forms of suspension without substantial changes. Currently suspension is imposed immediately following the completion of a student's case regardless of the timing of the action and without respect to potential extraordinary circumstances. The third bullet above provides flexibility for the Director of Student Conduct to withhold immediate imposition of the separation in cases in which the suspension is imposed in the last weeks of a term or in other situations that are determined to be extraordinary or in which extraordinary hardship would result for the student should suspension be imposed immediately.

Proposal 2: Remove Disciplinary Probation with Loss of Privileges and replace with Deferred Disciplinary Suspension as follows:

Deferred Suspension: Deferred suspension is issued for violations serious enough to warrant suspension, but where the specific circumstances of the case mitigate the offense or for repeated offenses of a less serious nature. Deferred suspension is a designated period of time during which a student is given the opportunity to demonstrate the ability to abide by the community's expectations of behavior articulated in the Code of Student Conduct. A student on deferred suspension status is considered not in good standing and cannot represent the University as an official delegate or representative, hold an office (elected or appointed) in University groups of any kind, or participate in University-sponsored travel or study abroad.

If the student is found responsible for violating any additional University code or regulation during the period of Deferred Suspension, the student Director of Student Conduct (or designee) can issue an immediate suspension from the University, and the student can be subject to additional sanctions for the subsequent violation(s).

Deferred suspensions are noted on the student's transcript but are removed once the sanction period of has been completed.

Rationale: The current sanctions framework contains a large gap between the impact of Probation and Suspension. For incidents that are serious enough potentially to merit suspension but for which extraordinary circumstances exist, panels often have imposed Probation with Loss of Privileges as sanction to reflect the seriousness of a violation without separating the student. Unfortunately

Probation with Loss of Privileges is a blunt instrument, as it prohibits all extracurricular activity, often for a substantial portion of a semester. While removing privileges reflects the gravity of an offense and the impact of the student's actions on the community, removing all privileges actually can create an environment that is counter-productive for the student to make the necessary changes to minimize the potential for future violations. For example, for a student who has violated the alcohol policy, removing all potential for extracurricular engagement actually may serve to further isolate the student rather than allowing the student to make intentional choices about alternative productive involvement within the community. Deferred suspension would have the effect of reflecting the gravity/impact of the offense while still providing the panel the option of targeted removal of privileges when the student's particular circumstances warrant it. Because the sanction also includes a transcript notation for the duration of the sanction and a status of "not in good standing", the sanction will have significant weight and may serve to allow the panels more flexibility to respond in a significant manner without removing the student from the community.

Proposal 3: Add Deferred Loss of Housing to the list of available primary sanctions as follows:

"Deferred Loss of Housing. The sanction of Loss of Housing may be placed in deferred status. If a student is found in violation of any University rule during the time of the deferred sanction, the Director of Student Conduct (or designee) can remove the student from housing immediately without further review. Additional student conduct sanctions appropriate to the new violation also may also be issued. In addition, a student with Deferred Loss of Housing will not be eligible to hold an elected or appointed office in any affiliated housing organization."

Rationale: Adding this sanction to the array of options will provide more flexibility and a more targeted approach to respond to violations that are serious enough to warrant a strong response without actually having to remove the student from housing. The sanction would provide the student the opportunity to display a change of behavior in line with our community's values without removal from housing, a sanction that, for first-year students, can lead to the student being required to leave the university entirely since first-year students cannot reside off campus without approval from the Dean of Students.

Proposal 4: Add Housing Probation to list of potential primary sanctions as follows:

Housing Probation is an official notice that the student's conduct is in violation of residence hall rules and/or University rules and that more stringent student conduct sanctions, including removal from housing, may result if future violations occur. In addition, a student serving Housing Probation is ineligible to hold an elected or appointed office in any affiliated housing organization.

Proposal 5: Add Unauthorized Entrance or Presence to the list of violations and remove “including unauthorized access to College facilities” from Breaching Campus Safety and Security.

Unauthorized Entrance or Presence would include unauthorized entrance into, or presence in, University facilities, offices of a faculty member, administrative personnel, or other person on University property, or the private rooms of a student. Students also cannot remain in a facility when the facility is officially closed (examples include the library and student centers).

Students cannot enter into or upon any restricted area; nor can any student assist or make possible the unauthorized entry of any person into any restricted area. Restricted areas include but are not limited to tunnels, roofs, monuments, posted or enclosed construction sites, and secured utility areas.

Rationale: Currently the Code contains no violation type reflecting student presence in restricted areas, and our current practice is to charge the student with “Breaching Campus Safety and Security.” Separating unauthorized access/entrance/presence from other more serious violations, such as breaking into a facility, would allow more accurate reflection of the student’s actions on the record. We maintain that “Breaching Campus Safety and Security” inadvertently may suggest the act is a more serious violation than it may be.

Proposal 6: Move “Driving a vehicle under the influence of alcohol or with a blood alcohol level (as shown by a lawfully administered blood or breath test) in excess of that permitted for drivers by Virginia law” from appearing under the Alcohol Beverage Policy and place this section under “Conduct Affecting Persons”

and

Add “*marijuana or controlled substances as defined by Virginia law*” as follows:

“Driving a vehicle under the influence of alcohol or with a blood alcohol level (as shown by a lawfully administered blood or breath test) in excess of that permitted for drivers by Virginia law or driving under the influence of *marijuana or another controlled substance as defined by Virginia law.*”

Rationale: Currently the policy of DUI appears under the Alcohol Beverage Policy. The current policy does not contemplate that a student could be impaired in driving by ingestion of other substances such as marijuana or controlled substances. Moving the policy to “Conduct Affecting Persons” and adding the proposed language above will allow the university to address driving impaired by substances other than alcohol.

C: Marjorie Thomas, Dean of Students
Mark Weston, Assistant Dean of Students
Student Conduct Council Co-Chairs
Honor Council Chair and Vice Chair