

# WILLIAM & MARY

# STUDENT HANDBOOK



2010-2011





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# History of the College

Founded in 1693 by the royal charter of King William III and Queen Mary II of England, the College of William and Mary is the second oldest institution of higher learning in the United States. One of the College's principal halls, the Sir Christopher Wren Building, is the oldest academic building in continuous use in America. The College of William and Mary has played an important role in the history and development of the nation and the Commonwealth of Virginia.

The list of patriots who studied at William and Mary is long and distinguished and includes three American Presidents, Thomas Jefferson, James Monroe, and John Tyler, sixteen members of the Continental Congress, four signers of the Declaration of Independence, four justices of the Supreme Court of the United States, including John Marshall, and many members of Congress, cabinet members, and diplomats. Additionally, George Washington received his surveyor's license from the College and after his Presidency served as the College's Chancellor.

While Jefferson was Governor of Virginia, his influence was instrumental in a number of changes at William and Mary that resulted in important "firsts" for the College. The first law school in America was established at William and Mary; the College also adopted the nation's first honor system; and a chair of modern languages was created. In 1776, Phi Beta Kappa, the nation's first intercollegiate fraternity, was established at William and Mary. And, in 1781, by uniting the faculties of law, medicine, and the arts, the College became America's first true university.

William and Mary suspended operations during the Civil War and again in 1881 when its financial resources were depleted. President Benjamin Ewell, however, kept the College Charter alive by ringing the bell of the Wren Building to mark the opening of each term. In 1906, the Commonwealth of Virginia purchased the College, making it part of the state system of higher education, and in 1918, the College became co-educational. After a period of steady growth, the College gave birth to four new colleges, three of which have become four-year institutions in urban areas of Virginia: Richmond Professional Institute, now Virginia Commonwealth University; the Norfolk Division of the College of William and Mary, now Old Dominion University; Christopher Newport College, now Christopher Newport University; and Richard Bland College.

Today William and Mary, still a moderate-sized university, includes five different schools. Arts and Sciences, with both undergraduate and graduate sections, offers instruction in 25 areas of concentration, as well as in 12 masters and 6 doctoral programs. The School of Education offers an undergraduate concentration in elementary education, a minor in secondary education, and graduate programs that include 4 masters, 1 educational specialist, and 2 doctoral degree programs. The School of Business Administration features both the traditional BBA and MBA degrees and also offers part-time and weekend programs for specially admitted candidates. From the Law School, both JD and LL.M. degrees are available. And finally, the School of Marine Science, located a short drive from the central campus, provides both masters and doctoral programs for students interested in the biological and physical sciences.

The College is governed by the Board of Visitors, 17 members appointed by the Governor of Virginia to supervise the operation of William and Mary and of Richard Bland College. The Board of Visitors is empowered to select a Rector of the College, a Vice-Rector, a President, a Chancellor, and Faculty as necessary.

# Student Rights and Responsibilities

## I. OVERVIEW

In 1973, the College community-faculty, students, and administration-recommended to the Board of Visitors and the Board adopted the following Statement of Rights and Responsibilities. Amendments were made to the document in 1977 and 1991 and are included.

The unique nature of the College community suggests that its members be united in a common purpose. Because the work of each member of the institution contributes to the fulfillment of the educational mission of the College, the various constituent groups-students, faculty, and administrators-are dependent upon one another for the ultimate achievement of the College's goals. Accordingly, all should enjoy the same fundamental rights and privileges and be willing to accept the same responsibilities, except in those rare cases where either the rights and privileges or the responsibilities would be in conflict with existing law or with the goals and purposes of the College as an institution of higher education.

Students, faculty, and administrators (hereinafter the "members of the College community") shall enjoy all rights, privileges, and immunities guaranteed to every citizen of the United States and the Commonwealth of Virginia. In addition, the members of the College community shall enjoy all the fundamental rights recognized as essential to fulfillment of the special mission of an institution of higher education. The full enjoyment of these rights, however, cannot be achieved unless certain concurrent responsibilities are accepted. Members of the College community have an obligation, therefore, to fulfill the responsibilities incumbent on all citizens as well as the responsibilities inherent in their particular roles within the academic community.

The institution and those who administer its affairs have a special responsibility to ensure that, in pursuance of its functions, the rights of all members of the College community are preserved. The institution also has a right to expect, and a corresponding responsibility to ensure within the scope of its legitimate functions as an institution of higher education, that individual members of the College community fulfill their responsibilities to others as well as their responsibilities to the institution.

The Statement of Rights and Responsibilities is based upon the aforesaid principles and, when adopted, shall become the standard by which all rules, regulations, policies, and procedures of the College, except as otherwise prescribed by local, State, or Federal law, shall be measured. No rule, regulation, policy, or procedure which is incompatible with or which contradicts this document may be enacted; and any such rules, regulations, policies, or procedures which are in effect at the time of the enactment of this document shall be reviewed as soon as reasonably practicable to conform with this document, provided, however, that this Statement of Rights and Responsibilities shall not affect the powers of the Board of Visitors as provided by law.

## II. RIGHTS, PRIVILEGES AND IMMUNITIES

The members of the College community, as individuals, shall enjoy all rights, privileges, and immunities guaranteed every citizen of the United States and the commonwealth of Virginia.



- A. Basic Rights:** Among the basic rights are freedom of expression and belief, freedom of association and peaceful assembly, and freedom from personal force and violence, threats of violence and personal abuse.
- B. Right to Freedom from Discrimination:** Each member of the College community has a right in his/her dealings with the institution, and with members of the College community in the performance of their official duties, to be free from discriminatory treatment with regard to race, creed, gender, religion, national origin, or political belief.
- C. Rights to Organize:** Each member of the College community has the right to organize his/her own personal life and behavior insofar as it does not violate local, State, or Federal law, College regulations, or agreements voluntarily entered into, and does not interfere with the rights of others. The following specific rights apply:
1. The right to associate with any legally established group or to create such groups, professional or other, as serve legitimate interests.
    - a. The membership, policies, and actions of an organization shall be determined by vote of those who hold membership in that organization
    - b. Affiliation with an extramural organization shall not disqualify an organization from institutional recognition.
    - c. An organization shall be officially recognized after its constitution and bylaws have been approved by the appropriate body as designated by the President, or his/her delegated representative, and when consistent with the Bylaws of the Board of Visitors. A current list of officers, but not a membership list, may be required as a condition of recognition.
    - d. Officially recognized organizations, including those affiliated with an extramural organization, shall be open to all on a non-discriminatory basis with regard to race, religion, creed, national origin, gender, or political belief, provided however that, to the extent permitted by law, membership in social organizations may be restricted to members of the same gender, and membership in organizations whose primary purpose is political or religious may be restricted to those members of the College community who have similar beliefs.
  2. The right to hold public meetings, to invite speakers of his/her own choosing to campus, to post notices, to engage in peaceful, orderly demonstrations within reasonably and impartially applied rules designed by the President or his/her delegated representative, to reflect the educational purposes of the College, and to protect the safety of members of the College and community and others. The College may establish rules, therefore, regulating time, place, and manner of such activities and allocating the use of facilities, but these regulations shall not be used as a means of censorship. In the event that there is a clear and present danger, as reasonably determined by the appropriate college authority designated by the President, to the health or safety of the members of the College community or to the educational process, such meeting or demonstration may be prohibited. Sponsorship of guest speakers does not necessarily imply approval or endorsement of the views expressed either by the sponsoring group or the institution.
- D.** The right, when charged or convicted of violation of general law, to be free of College discipline for the same conduct, unless such discipline by the College community is determined to be for the protection of other

members of the College community or the safeguarding of the educational process. Such determination shall be made by the appropriate College authority designated by the President.

**E. Right to Fair and Equitable Adjudication Procedures:** Each member of the College community has a right to fair and equitable procedures for the adjudication of charges of violations of nonacademic College regulations and the sanctions or penalties to be imposed, including, without limitation, the following specific rights:

1. **Right to Notice:** The right to have advance written notice of all institutional rules and regulations, including the ranges of penalties for violation of such rules and regulations.
2. **Right to Due Process:** The right, in the case of charges of infractions of regulations which may lead to serious penalties, to formal procedures with fundamental aspects of due process, including the right to be informed in writing of the charges and given a reasonable time to prepare a defense, to have written findings, and to appeal to higher authority. Minor infractions may be handled more informally by the appropriate individual or committee with the consent of the individual charged. In such instances, the right of appeal is still preserved.
3. **Right to be Present:** Right to be present on campus, participate in classes, and generally exercise all those rights and privileges associated with membership in the College community until found guilty of the charges, except in those instances when continued presence on the campus would constitute a threat to health or safety of the individual, other members of the community, or to the educational process. Such determination shall be made by the appropriate College authority as designated by the President.

**F. Right to Privacy:** Each member of the College community has a right to privacy in his/her dealings with the institution, including, without limitation:

1. **Search and Seizure:** The right to be free of searches and seizures except in accordance with law. Routine inspections, however, may be held periodically for the purpose of assuring fire protection, sanitation, safety and proper maintenance of the College's buildings.
2. **Privacy of Records:** The right to expect that all records of his/her association with the institution are treated as confidential.
  - a. **Release of Information:** Except as provided below, the institution may not release information about any aspect of an individual's association with the institution without the prior written consent of the individual concerned or under the compulsion of law. Within the institution, access to such records shall be restricted to authorized personnel for authorized reasons, as determined by the President or his/her delegated representative, and such others as are agreed to in writing by the individual concerned. To the extent permitted by law, the institution may disclose, to an alleged victim of any crime of violence (as that term is defined in section 16 of title 18, United States Code), the results of any disciplinary proceeding conducted by the College against the alleged perpetrator of such crime with respect to such crime. The College may also release information about students which is defined as directory information under the Family Rights and Privacy Act of 1974, as amended, and information about other members of the College community which is a matter of public

record (for more information on FERPA, please refer to the Registrar's web site at [www.wm.edu/registrar](http://www.wm.edu/registrar)).

- b. *Inspection of Records:* Each member of the College community shall have the right to inspect the contents of his/her own records kept by the institution, other than information or records to which the member has specifically waived the right of access and letters of recommendation written by other members of the College community for the purpose of internal evaluation of a member for the award of a College honor, provided that such letters are not kept permanently by the institution and do not become a part of the official record, and may challenge any information included in the record which is believed to be inaccurate, inappropriate, or misleading. If an individual challenges any information contained in his/her records, the institution shall undertake to verify such information to the satisfaction of the individual concerned. Such decisions shall be made by the President or his/her designated representative. If the institution's decision is not satisfactory to the individual, the member has the right to place in his/her record a statement challenging the information. Subsequent authorized disclosure of the contents of the record shall indicate such challenge.
- c. *Political and Religious Beliefs:* Records of the political and religious activities or beliefs of members of the College community may not be maintained except for purposes of official recognition of campus organizations as provided in Article I.C.1.c.
- d. *Separation of Academic Records:* To minimize the risk of improper disclosure from records, the academic record shall be maintained separately from other necessary student records. Transcripts of academic records shall contain only data essential for personal identification and information about academic performance and status. All withdrawals, whether voluntary or involuntary, may be recorded on the transcript.

Each member of the College community shall have the responsibility to respect the aforesaid rights of his/her associates and refrain from using the institution as a sanctuary from the general law.

### III. RIGHTS AND RESPONSIBILITIES OF CITIZENSHIP

Each member of the College community enjoys all rights of citizenship and has a responsibility to fulfill the obligations incumbent on all citizens. Additionally, there are special rights and responsibilities inherent in membership in an academic society.

**A. Responsibility to Respect the Rights of Others:** Each member of the College community has a responsibility, based upon the special mission of an institution of higher education, to respect the rights of others to function in an atmosphere where freedom to teach, to learn, and to conduct research and publish findings is preserved and respected, an atmosphere which includes, without limitation, the following specific rights:

1. The right of the instructor to academic freedom and impartial consideration for tenure in accord with the principles set forth in the Statement of Academic Freedom and Tenure, adopted jointly in 1940 by the Association of American Colleges and the American Association of University Professors, and with the standards and procedures

approved by the Board of Visitors and set forth in the Faculty Handbook.

2. The right of the instructor to determine the specific content of his/her course within established course definitions. Concurrently, the instructor has the responsibility not to depart significantly from his/her area of competence or to divert significant time to materials extraneous to the subject of the course.
3. The right of the student to be evaluated entirely on the basis of academic performance and to discuss freely, inquire, and express opinions inside the classroom. The student has a responsibility to maintain standards of academic performance as set by his/her professors, provided, however, that the student shall have means for redress against arbitrary, unreasonable, or prejudicial standards of evaluation.
4. The right to pursue normal academic and administrative activities, including the freedom of movement in the performance of such activities.
5. The right to privacy in offices, laboratories, and residence hall rooms and in the keeping of personal papers and effects.
6. The right to hear and study unpopular and controversial views on intellectual and public issues.
7. The right of the student to expect that information about his/her views, beliefs and political associations which an instructor acquires in the course of his/her work as a teacher, advisor or counselor of the student be held in confidence to the extent permitted by law.

**B. Rights and Responsibilities of Student Publications:** Because student publications are a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and intellectual exploration on the campus, it is essential that they enjoy the following rights and responsibilities:

1. The right to be free from prior censorship or advance approval of copy.
2. The right to develop editorial policies and news coverage.
3. The right to be protected from arbitrary punishment or suspension, or removal from his/her position because of student, faculty, administrative, or public disapproval of editorial policy or content. Only for proper and stated causes, as defined by the Publications Council of the College, shall editors and managers be subject to such punishment, suspension, or removal. The academic status of a student editor or manager shall not be affected, provided, however, that he/she shall remain subject to the provisions of Article I, Sections C.3 and D.3.
4. The responsibility to make clear in writings or broadcasts that editorial opinions are not necessarily those of the institution or its members.

**C. The Responsibility to Maintain High Standards:** Members of the College community have a responsibility to maintain the highest standards in the performance of their duties and to respect the aforesaid rights of their associates.

#### **IV. RESPONSIBILITY OF COLLEGE TO PRESERVE RIGHTS**

The College, through those who administer its affairs, has a special responsibility to ensure that, in pursuance of its functions, the rights of

all members of the College community are preserved, including, without limitation, the rights of such persons heretofore specifically enumerated.

The College has a right to expect, and a responsibility to ensure, within the scope of its legitimate functions as an institution of higher education, that all members of the College community fulfill their responsibilities to others as well as their responsibilities to the College.

**A. Academic Performance and Personal Conduct:** The College has the right and responsibility to set and enforce reasonable standards of academic performance and personal conduct, in order to facilitate and safeguard the educational process, and to provide for the safety of the person and property of members of the College community, the College's physical property, and the person and property of others, to the extent that they are affected by College-sponsored activities or are engaged in legitimate activities on College property.

**B. Validity of Charges:** The College has the right and responsibility to provide procedures for determining the validity of charges that a member of the College community is negligent or irresponsible in the performance of his/her duties.

**C. Opportunity to be Heard:** The College has the responsibility to ensure that the members of the College community have an opportunity to be heard at appropriate levels of the decision-making process about basic policy matters of direct concern. Clearly defined means should be available to ensure this opportunity.

**D. Leadership and Administrative Procedures:** The College has the responsibility to provide and maintain leadership and administrative procedures responsive to the needs and desires of the College community, consistent with high standards of academic excellence, and to the changing goals and responsibilities of institutions of higher education, including the responsibility:

1. To make, from time to time, a clear statement of its purpose and goals.
2. To disseminate information relating to the activities of the College, financial or otherwise, subject to the provisions of the Virginia Freedom of Information Act.
3. To state the reasons for institutional decisions affecting the College community or individual members thereof, except as required by the provisions of Article I, Section E.2a., or by the advice of legal counsel in instances involving possible litigation.

**E. Protection of Integrity and Prevention of Exploitation:** The College has the right and responsibility to protect its integrity and to prevent its political or financial exploitation by an individual or group by means including, but not limited to, the following:

1. The College has a right to prohibit individuals and groups who are not members of the College community from using its name, its finances, or its physical facilities.
2. The College has a right to prohibit members of the College community from using its name, its finances, or its physical facilities for activities not principally for the benefit of the College.
3. The College has the responsibility to provide for members of the College community the use of meeting rooms, including use for political purposes, provided that such use is not undertaken on a regular basis and used as free headquarters for political campaigns, and the right to prohibit use of its name, its finances, or its office equipment for any political or other purpose.

## V. ADOPTION, AMENDMENT, AND INTERPRETATION OF THIS DOCUMENT

This document shall be adopted and may be amended when:

- A. Accepted by a majority vote of those students who vote in a referendum.
- B. Accepted by a majority vote of the combined faculties of the College who vote in a referendum.
- C. Accepted by a majority vote of the administration of the College who vote in a referendum.
- D. Approved by the President of the College and the Board of Visitors. Nothing in this document shall affect the powers of the Board of Visitors as provided by law.

### **Interpretation Procedure**

On September 24, 1974, President Graves issued a clarifying statement concerning the interpreting mechanism for the Statement of Rights and Responsibilities, and his memorandum of that date is an addendum to that Statement:

“The President of the College, by virtue of his responsibility to implement and administer the policies established by the Board of Visitors, is responsible for implementing the Statement of Rights and Responsibilities.

The normal tasks of implementation are the responsibility of various offices of the College ‘who administer its affairs.’ These offices, whose policies and practices have been brought into conformance with the Statement, ‘have a special responsibility to ensure that . . . the rights of all members of the College community are preserved.’

There are, however, instances in which the Statement must undergo occasional interpretation in the process of its continuing implementation as a document.

In the Statement of Rights and Responsibilities, it is the responsibility of the President or an ‘appropriate College authority designated by him’ to determine when an exception to a specific section of the Statement should be made.

The Statement also provides that members of the College community ‘should enjoy the same fundamental rights and privileges...except in those rare cases where . . . the rights or privileges...would be in conflict...with the goals and purposes of the College as an institution of higher education.’

Although the Statement does not indicate who, other than the President, the arbitrating authority should be for exceptions, or who should interpret the Statement when there is a difference of opinion among members of the College community or between individuals and the institution, the clear implication in both cases is that it should be the President or ‘an appropriate College authority designated by him.’

Therefore, I believe that it is desirable for us to proceed ahead along the lines suggested above. If and when relevant questions or issues are raised in connection with the Statement of Rights and Responsibilities, such questions or issues should be brought to the attention of the President’s Office as they occur. I shall take responsibility, depending on the nature and substance of a case, for determining whether I or another administrative officer, whom I would designate, should handle the case. Whoever is given that authority shall take responsibility for consulting with those whom he believes appropriate, depending on the circumstances, before reaching a decision.”

*On May 2, 1990, Dr. Paul R. Verkuil, President of the College, issued the following interpretation of the Statement of Rights and Responsibilities:*

The Statement of Rights and Responsibilities guarantees to members of the university community the “right in his or her dealing with the institution and

with members of the College community in the performance of their official duties to nondiscriminatory treatment.” It further states that “each member of the College community has the right to organize his or her own personal life and behavior insofar as it does not violate local, state, or federal law, College regulations or agreement voluntarily entered into and does not interfere with the rights of others.” It is my determination that these words express a right to privacy which extends not only to nondiscriminatory treatment in areas specified by federal law but to nondiscrimination based on sexual orientation as well. The student code of conduct already ensures nondiscriminatory treatment without regard to sexual orientation.

In accordance with the resolution of the Faculty Assembly, I am directing that official publications of the university include specific reference to this topic in any enumeration of William and Mary’s nondiscrimination policies. It is also my interpretation that faculty, staff and administration should be extended the same assurances against discrimination based upon sexual orientation as the student body itself. This interpretation will be made a part of the Statement of Rights and Responsibilities.

*On May 1, 1996, Dr. Timothy Sullivan, President of the College, issued the following clarification of the Statement of Rights and Responsibilities:*

Under the Sections I.A. and I.B., each member of the College community has the right to be free from all forms of discriminatory treatment as guaranteed by law. Accordingly, the enumeration of specifically protected treatment should be understood to include disability, Vietnam veteran status, and all other categories ensured by the Commonwealth and by federal law. For faculty, failure to comply with federal and state non-discrimination laws and policies shall be handled in accordance with provisions in the Faculty Handbook, including the procedural guarantees therein outlined. Students alleging failure to comply with federal and state non-discrimination laws and policies shall contact the Dean of Students or the Vice-President for Student Affairs.

# Student Life Policies

## Authorities and Agencies

The following policies and regulations apply to students and their relationship to the College; the use or management of resources; and rights and expectations of students. Some of the policies listed below require action by the student, and failure to comply with the responsibilities outlined in these policies may result in disciplinary action under the Student Code, specifically “Failure to Comply with Directions” (page 21).

## General Policies

### Official Communications

Students are responsible for maintaining and updating current local, campus, and permanent addresses with the Registrar and, in the case of undergraduates, for regularly checking their college station unit box for mail. Students must maintain a current local address and phone number with the College. Mail sent to a student’s address in the Registrar’s records or to a campus box shall constitute proper notification for the purposes of the Handbook. Students are expected to maintain and regularly check their IT accounts, including e-mail, Blackboard and myWM. Periodically, the College will require students to verify the address and phone number on file. Failure to provide or verify an updated address and phone number may result in restriction of the student’s access to myWM and its services and/or restriction of registration and transcript release.

### Discrimination and Harassment

College policy prohibits discrimination, including discriminatory harassment, on certain bases as described on the Office for Equal Opportunities website: [www.wm.edu/eo/discrimination/index.php](http://www.wm.edu/eo/discrimination/index.php). This policy applies to students, faculty and staff. Information about a student’s rights and obligations under College policy may be obtained from the Director of Equal Opportunity, Hornsby House, 221-2615. The following individuals also are available to receive complaints or to provide information regarding compliance with the discrimination policy:

#### *Complaints Against Students*

Patricia M. Volp, Dean of Students, Campus Center 109, 221-2510 or  
Ginger Ambler, Vice President for Student Affairs, Campus Center 219,  
221-1236

#### *Complaints Against Faculty*

Carl Strikwerda, Dean, Faculty of Arts & Sciences, Ewell Hall 134, 221-2470  
Lawrence Pulley, Dean, Business Administration, Tyler 214, 221-2891  
John Wells, Dean, Marine Science, Watermen’s Hall 230, (804) 684-7103  
Virginia McLaughlin, Dean, School of Education, Hugh Jones 212, 221-2314  
Davison M. Douglas, Dean, School of Law, Marshall-Wythe 108, 221-3790

#### *Complaints Against Staff*

Earleen O’Roark, Director, Human Resources, Thiemes House, 221-3153

### Inspection and Search of Buildings, Student Living Quarters, Offices, Lockers or Other Facilities

The College may conduct routine inspections for the purpose of assuring fire protection, sanitation, safety, or proper maintenance of the College’s buildings and other facilities. Except in the case of emergencies, the College will announce inspections at least 48 hours in advance, and a College staff member must accompany the inspector. The student’s absence shall not prevent the inspections.



When any occupant of a room has requested repairs, authorized maintenance personnel may enter in the student's absence for the purpose of making the requested repairs.

With the exceptions noted above, no student's room, office, lockers, or private possessions on campus shall be searched by College administrators unless there is reasonable cause to believe that a student is violating or using his/her facilities in violation of College regulations and a certificate authorizing the search has been issued by the Vice President for Student Affairs (or designee). The certificate shall state the source of the information, the suspected violation, the location of the search, the materials to be seized or information sought, and the name of the person(s) authorized to conduct the search. Nothing in this regulation prohibits the Campus Police from securing a search warrant and executing it in or around College facilities.

### **Missing Person Inquiry and Confidential Contact Information**

The College has established a procedure to investigate when a student is reported missing. Each student has the option to designate a confidential contact by submitting a form to the Dean of Students. The College will contact the designated person within 24 hours of the time that a student is considered missing. Law enforcement officials (including campus police) will be notified of a student's absence no later than 24 hours after the student has been deemed missing and will follow their own investigation procedures. For students who are minors (under 18 and not emancipated), the College is obligated to notify parent(s) or guardian(s) within 24 hours of receiving a report that the student is missing.

## **Health Policies**

### **Health History and Immunization Record**

Virginia State law requires all full-time students enrolling for the first time in a four-year public institution to provide a health history and an official immunization record. The College further requires all full-time students (including previously matriculated students) and any other student eligible for services, as determined by their department, to provide documentation of meeting the immunization requirements and a physician-documented medical history performed within the twelve months preceding his/her initial enrollment. The Health Center will not accept the form if the physician completing and signing the form is a family member. Previously enrolled students entering a new program as full-time students after an absence from campus of greater than three years must submit a new history and physician documented medical history. If the absence is greater than 10 years, then the immunization requirements will need to be revalidated. This information must be submitted on the College's Health Evaluation Form. Students who do not fully comply with these requirements may be referred to the Dean of Students for disciplinary action, have a hold placed preventing them from registering for classes or receiving a transcript, denied non-urgent medical care at the Student Health Center, and evicted from residence halls and/or removed from campus (depending on the nature of the medical issue).

### **Insurance Requirement**

The College requires all full-time undergraduate and graduate students admitted Fall 2006 or after, and all F-1 & J-1 international students to have adequate health insurance coverage throughout the school year as a condition of enrollment. These students will be enrolled in the college-endorsed Student Health Insurance Plan, and the cost will be billed to their student accounts in two installments (fall and spring semester) UNLESS the student furnishes

proof of other adequate health insurance coverage. Students who already have health insurance for the entire academic year must submit a waiver request by the posted deadline each academic year, and the waiver must be approved to avoid being enrolled in the Student Health Insurance Plan. All other full-time undergraduate and graduate students admitted prior to fall 2006 are not required by the College to have health insurance coverage, but they are eligible to enroll in the college-endorsed Student Health Insurance Plan on a voluntary basis.

It is the student's responsibility to verify whether the charge has been billed to his or her student account. If there is a billing error, the student should contact the Student Insurance Coordinator immediately. To access the waiver or enrollment request forms and for more information about the insurance requirement or the College-endorsed insurance plan, please visit [www.wm.edu/health/insurance](http://www.wm.edu/health/insurance).

### **Reportable Diseases**

In the event a student is diagnosed as having a transmittable disease which must be reported to the State Department of Health, the College reserves the right to determine, on a case-by-case basis, whether it should establish conditions to limit or prohibit the student's continued participation in the College community in the interest of public health and/or the health of the student. The Director of the Student Health Service is empowered to make this decision with consultation as appropriate. Specific conditions may include, but shall not be limited to, periodic medical/counseling procedures, confinement to the Student Health Center, reassignment or removal from the residence halls, and/or a medical withdrawal from the College. If, in the opinion of the Director, the student's condition requires the immediate exclusion from the residence halls or the campus, the College shall consider such action temporary until the student has an opportunity to receive a full review of the matter by the Director of the Student Health Service. For a list of reportable diseases to which this policy may apply, please consult the Virginia Department of Health web site at [www.vdh.state.va.us](http://www.vdh.state.va.us)

### **Medical and Emotional Emergencies**

The College has a medical/emotional emergency procedure to maintain the safety of individual students, as well as the community. The medical/emotional emergency procedure will be used if a student attempts suicide, makes a threat or gesture of suicide, harms or attempts to harm him or herself or others, or undergoes severe emotional or psychological distress. Anyone with knowledge of such circumstances should contact the Dean of Students, 221-2510; Residence Life Staff, 221-4314; or Campus Police, 221-4596 to alert the counselor on call.

When the College medical/emotional emergency procedures are initiated, a student may not attend classes or college activities or return to a residence hall until he or she has been given clearance to do so by the Dean of Students or her/his designee. Clearance will require the student to demonstrate he or she is no longer in crisis and has taken steps sufficient to address the underlying emotional and/or psychological issues which led to crisis to allow him or her to function in the college environment. Parental notification and involvement is necessary in order to ensure the safety of students, and to comply with state law; only the Dean of Students or the Vice President for Student Affairs may decide not to involve parents/guardians. The medical/emotional emergency procedure is implemented with sensitivity to students' privacy and academic success. Taking time away from the College to address urgent medical and emotional issues in compliance with this policy does not necessitate negative academic consequences. The Dean of Students office will take measures necessary to allow students to return to school with the same academic

standing once health is restored.

If a student is confined to or brought to the Student Health Center because of a suicide threat, gesture or attempt or because of severe emotional or psychological distress, any personal belongings that are brought to the Center by or for the student are subject to search and/or confiscation by Health Center staff or police personnel.

Failure to comply with the provisions of the College medical/emotional emergency procedure may result in disciplinary action through the Code of Conduct. A complete summary of the Medical and Emotional Emergency Protocol may be obtained from the Office of the Dean of Students.

## **Technology Policies**

### **Email Accounts**

Upon acceptance of admission, the College provides students with an email account and services hosted by Google. All policies regarding appropriate use of email accounts and on campus computer resources apply to these Google services. In addition, Google maintains strict privacy policies and will require students to accept its privacy policy the first time they log into their email account (WMapps).

### **Student Intellectual Property Rights**

The Commonwealth of Virginia requires that all State colleges and university have patent and copyright policies. The College's Intellectual Property Rights Policy defines the ownership of patents and copyrights, collectively "intellectual property," created by State university employees and students.

Students can act in two capacities: as students or as employees. When acting as employees, students can be agents of either the College or an individual College employee (their "principal"). Under certain circumstances, when not acting as an employee, students may own the IP rights to their contributions to works and inventions. When they act as agents, ownership of their works and inventions is determined in accordance with rules of the policy that would apply if their principal had created the works and inventions.

Students who believe the College may own Intellectual Property should consult the College policy described above and additional information available from the Office of Technology Transfer, ext. 1-1751.

### **Social Networking Website Policy**

Social networking websites such as Facebook and Twitter are considered part of the public domain, and the College encourages students to use them wisely with full knowledge that anything they post may be viewed by the public. The College does not generally monitor these sites; however, the College may consider and investigate any alleged violation of College policy brought to its attention by any person.

For more information regarding expectations of use of the College's computing equipment and resources, see the College's Acceptable Use Policies.

## **Motor Vehicles**

### **Possession and Use of Motorized Vehicles**

Students may not have motor vehicles on campus unless they are eligible to register them as follows:

1. The student does not reside in College-administered housing, OR
2. The student has completed 54 semester hours and has completed at least four regular (fall and spring) semesters, OR
3. The student is a classified or hourly employee of the College, is registered for fewer than five (5) credit hours, and is paid from the Student Work Budget, OR
4. The student, although otherwise ineligible, has obtained special permission (designated as “restricted permission”) through the Parking Appeals Committee. Forms are available at Parking Services. Students with disabilities also may obtain the forms in the Office of the Dean of Students. The College may grant permission upon demonstration that a vehicle is indispensable for employment and for continuance at the College, is necessary to reasonably accommodate a disability, or for other essential College-related needs.

A student who brings a motor vehicle to campus without prior permission in anticipation of receiving that permission, is in violation of this regulation.

Students who would be eligible for a motor vehicle under this regulation may not register a motor vehicle for another student who would not be eligible.

The sanction for a first violation of the motor vehicle regulation shall range from warning to suspension for one semester and, for a subsequent violation, shall range from warning to dismissal.

Students are required to register all eligible motor vehicles operated on the campus, including motor scooters, by the third day of classes.

The Parking Advisory Committee recommends and reviews regulations governing registration of vehicles as well as parking and traffic on the College campus. College motor vehicle regulations, procedures, and penalties are set forth on the Parking Services website ([www.wm.edu/parking](http://www.wm.edu/parking)). The operation of a motor vehicle on the College campus constitutes implied consent for College parking and traffic violations to be handled through informal disciplinary procedures with final written appeals to the Parking Appeals Committee.

For more detailed information, students should refer to the pamphlet Parking and Traffic Regulations, available at Parking Services and on their website.

## **Use of Campus Facilities**

Access to College facilities and use of campus grounds for non-academic purposes is governed by the Use of Campus Facilities Policy. This policy includes

- requirements for scheduling of meetings, demonstrations, rallies, and other organized activities
- types of unscheduled activities in which students can engage and where these activities may be conducted
- limitations on commercial activities and solicitation
- College facilities strictly reserved for administrative and academic uses.

# Student Code of Conduct

## Introduction

The College community shares a commitment to achieving its educational purposes. While the Board of Visitors, the President, and administrative officers bear the ultimate responsibility and authority, students share a direct responsibility to maintain on the campus, in the classrooms, and in the residence halls, the environment necessary for the pursuit of scholarly activities, respect for the rights of others, and the opportunity for personal growth and development.

The College considers the observance of public laws of equal importance to the observance of its own regulations. Students should note that, in addition to laws governing the conduct of all citizens, the Code of Virginia contains specific provisions relating to colleges and universities, including those that prohibit hazing; malicious burning or destruction by explosives of any College building or any other malicious destruction of College property; threats to bomb, burn, or destroy any school building; and bribery of any amateur sport participant.

## Authority of the President

The Board of Visitors has vested the authority for discipline in the President. The President has empowered members of the Student Affairs Division, the Student Conduct Council, the Honor Councils, the Appeals Committee, and the Provost or designee to adjudicate charges of alleged misconduct by students and to levy fair sanctions as provided in these procedures. At all times the President reserves the right to designate other persons or to appoint special committees as necessary to aid in the student discipline function. While there is no right of appeal to the President, the President reserves the right to review any decision made and to take such action he or she determines to be in the best interest of the institution.

## Jurisdiction

The College expects its students and student organizations to maintain a high standard of conduct both on and off campus. The Student Code of Conduct applies to conduct that occurs on College property, at College-sponsored activities, and to off-campus conduct when the conduct adversely affects the College community and the pursuit of its objectives. The Dean of Students or designee shall decide whether the Code of Conduct shall be applied to conduct occurring off campus, on a case by case basis, in his/her sole discretion.

## Section I. Definitions

1. The terms “Student Code of Conduct” and “Student Code” are used interchangeably.
2. “College” means the College of William and Mary.
3. “Student” includes all persons taking courses at the College, either full-time or part-time, pursuing undergraduate, graduate, or professional studies, and non-degree seeking students. Persons who withdraw after allegedly violating the Student Code, who are not officially enrolled for a particular term but who have a continuing relationship with the College, or who have applied for admission to the College are considered “students,” as are persons who are living in College residence halls, although not enrolled in this institution. This Student Code applies at all locations of the College, including the College’s official study abroad locations.

4. "Faculty member" means any person hired by the College to conduct classroom or teaching activities or who is otherwise considered by the College to be a member of its faculty.
5. "Academic unit" means the school in which an undergraduate, graduate, or professional student is engaged in study.
6. "College official" includes any person employed by the College performing assigned administrative or professional responsibilities.
7. "Member of the College community" includes any person who is a student, faculty member, administrator, or any other person employed by the College. The Dean of Students or designee will determine a person's status in any particular situation.
8. "College property" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College (including adjacent streets and sidewalks).
9. "Organization" means any number of persons who have complied with the formal requirements for College recognition.
10. "Case Administrator" means a College official authorized on a case-by-case basis by the Director of Student Conduct or designee to impose sanctions upon any student(s) found to have violated the Student Code.
11. "Student Conduct Board/Panel" means any person or persons authorized by the Dean of Students to determine whether a student has violated the Student Code and to impose sanctions when a violation has been determined.
12. "Appeals Committee/Officer" means any person or persons authorized by the Vice President for Student Affairs or the President to consider an appeal regarding whether a student has violated the Student Code or of the sanctions imposed by the appropriate Case Administrator or Committee.
13. "Will" and "Shall" are used in the imperative sense.
14. "May" is used in the permissive sense.
15. An "attempt" is any act beyond mere preparation carried out with the intent to engage in conduct that violates College policies. Attempted violations may be sanctioned in the same manner as completed violations.
16. "Clear and convincing evidence" is the degree of proof necessary to produce a firm belief in the allegation sought to be established.
17. The Vice President for Student Affairs is that person designated by the President to be responsible for the administration of the Student Code. The Vice President for Student Affairs in turn delegates some functions to the Dean of Students and the Director of Student Conduct.
18. "Policy" means any written regulations of the College as found in, but not limited to, the Student Handbook, Residence Life Housing Agreement, the College web page and computer use policy, and Graduate, Undergraduate, or Professional School Catalogs.
19. "Reporting Party" means any person who submits a charge alleging that a student violated this Student Code. When a student believes that s/he has been a victim of another student's misconduct, the student who believes s/he has been a victim will have the same rights under this Student Code as are provided to the Reporting Party, even if another member of the College community submitted the report itself.
20. "Charged Party" means any student or student organization alleged to have violated this Student Code.

21. “Working days” means any day that the College is open for business exclusive of weekends or official holidays.

## Section II. Student Code Authority

- A. The Vice President for Student Affairs or designee shall develop policies for the administration of the student conduct system and procedural rules for the conduct of Committee Hearings that are consistent with provisions of the Student Handbook.
- B. The Dean of Students or designee shall determine the composition of Student Conduct Boards and which Student Conduct Board will be authorized to hear each matter.
- C. The Vice President for Student Affairs or designee shall determine the composition of the Appeals Committee and which committee shall be authorized to hear each matter.

## Section III. Student Code of Conduct

The student conduct system at the College exists to provide a living and learning environment which reflects the values of the institution. Through it, the College seeks to guide students toward the development of personal responsibility, respect for others, and mature behavioral standards. While the College’s conduct system may have some similarities with the legal system established in the broader community, it is essentially educative and administrative in nature and is not governed by narrow legalisms or the same restrictions found in criminal or civil proceedings.

Any student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary sanctions outlined in Section VII. (The examples of offending misconduct contained in the footnotes are illustrative, not exhaustive.)

### A. Conduct Affecting Persons

1. Causing physical harm, threatening harm to any person, or behaving in a manner that a reasonable person would find alarming or intimidating. Negligent conduct that results in injury to others violates the Student Code.
2. Behaving in a manner that endangers the health or safety of another person or in a manner that a reasonable person would consider indecent or disorderly.
3. Engaging in conduct that infringes on the rights of others.<sup>1</sup>
4. Violating the College’s Sexual Misconduct Policy (*see Appendix I*).<sup>2</sup>
5. Engaging in Harassment or Sexual Harassment (*see Appendix II*).<sup>3</sup>

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<sup>1</sup> Examples include: exposing one’s own genitals, buttocks, or breasts in a public place (unless specifically authorized for activities such as theater productions or class); and entering a student’s residence room without permission.

<sup>2</sup> Including but not limited to sexual intercourse, sexual contact, sodomy, or object penetration of the anus or vagina without the person’s consent, and intentional touching or fondling of a person’s genitals, breasts, thighs, or buttocks.

Sanctions for sodomy, object penetration, or sexual intercourse without consent (whether by acquaintance or stranger) include indefinite suspension or permanent dismissal. Sanctions for intentional touching or fondling range from probation to dismissal.

<sup>3</sup> Harassment includes 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. Prohibited conduct also includes, but is not limited to stalking (repeated conduct directed toward another person including following that person or engaging in acts that harass); making unwanted obscene, abusive or repetitive telephone calls, electronic mail, instant messages, or similar communications with intent to harass.

6. Hazing, including acts which endanger the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with or as a condition for continued membership in, a group or organization. Apathy or acquiescence in the presence of hazing are not considered neutral acts; they are violations of this rule. The express or implied consent of the victim, tradition, and intent of such acts are not valid defenses.
7. Disrupting or obstructing the normal living and work environments of other members of the College community or the functions or activities of the College (as well as activities conducted on the College's property with its permission).<sup>4</sup>
8. Using electronic or other devices to make an audio or video recording of the private activities of any person while on College property without his/her prior knowledge or without his/her effective consent.
9. Violating the College's Firearms, Combustibles, Weapons and Explosives Policy (*see Appendix III*).

### **B. Conduct Affecting Property**

1. Damaging property of the College and/or members of the College community or other personal or public property, on or off campus.
2. Possessing property of another, of the College, or of another institution without proper authorization.<sup>5</sup>
3. Violating the College's Fires/Emergency Equipment policies.<sup>6</sup>

### **C. Conduct Affecting the College Community**

1. Breaching campus safety or security including unauthorized access to College facilities, intentionally damaging door locks, and unauthorized possession or use of College keys or access cards.
2. Violating the College's technology policies (*see page 16*).
3. Failing to comply with the directions of College officials or law enforcement officers acting in performance of their duties; failure to identify oneself to these persons when requested to do so;<sup>7</sup> and/or failing to comply with a sanction issued by an appropriate Case Administrator or panel hearing board.<sup>8</sup>

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<sup>4</sup>Examples include: blocking entrances, corridors or exits; interfering with ongoing educational activities cultural events, or recreational, extracurricular or athletic programs; unauthorized presence in a building after normal closing hours or after notice that the building is being closed; interfering with vehicular or pedestrian traffic; and interfering with any other effort to protect the health and safety of members of the College community or larger public.

<sup>5</sup>Stealing is a violation of the Honor Code, and reports alleging stealing will be referred to the appropriate Honor Council.

<sup>6</sup>Including intentionally initiating or causing to be initiated any false report, warning or threat of fire, explosion or other emergency; tampering with fire safety or emergency equipment; intentionally, carelessly or recklessly causing a fire to be ignited; intentionally interfering with or failing to follow emergency procedures; or entering or failing to evacuate a building when a fire drill is conducted or when an alarm is sounded.

Fires may not be started in campus buildings or elsewhere, including the College's woods, unless approved by the College's Fire Safety Officer. This prohibition includes the burning of personal or organizational property. The Fire Safety Officer also may approve fires in fire places in residence halls.

<sup>7</sup>Such a request must be made by one who identifies him/herself and acts in the reasonable and good faith belief that compliance with the request is necessary for the safety and welfare of the person or persons or others, to prevent the disruption of any lawful activity carried on by the College, to maintain College or personal property, to maintain vehicular traffic, or to perform the official's duties.

<sup>8</sup>The Dean of Students Office may issue a hold on the student's record pending completion of any outstanding sanction.



4. Violating any College policy, rule, or regulation published in hard copy or available electronically on the College website or disseminated via official means of communication (e.g., email or letter).
5. Abusing the student conduct system.<sup>9</sup>
6. Knowingly abusing a position of trust or responsibility with the College.<sup>10</sup>
7. Hosting guests who violate College Policy. All guests are expected to abide by College regulations. Students are responsible for the behavior of their guests and may be sanctioned for violations committed by their guests.

#### **D. Alcoholic Beverages and Drugs<sup>11</sup>**

1. Violating the Alcoholic Beverage Policy. Use, possession, or distribution of alcoholic beverages (except as expressly permitted by College regulations), public intoxication, or driving under the influence of alcohol (*see Appendix IV*).
2. Violating the Drug Policy. Use, possession, manufacturing, or distribution of drugs and/or drug paraphernalia. 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.<sup>12</sup>

#### **E. Violations of Local, State, or Federal Law**

Conduct leading to arrest, indictment, or conviction for violation of local, state, or federal law may result in disciplinary action by the College if the Dean of Students or designee, determines that such action is necessary for the protection of other members of the College community, for the safeguarding of the educational community, to prevent the disruption of any lawful activity carried on by the College or others on behalf of the College, or activities on College property. The College reserves the right and responsibility to initiate its own disciplinary proceedings without awaiting court action or the conclusion thereof.

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<sup>9</sup>Including refusing to appear, testify, or remain present during an official College hearing or meeting with any person connected with the disciplinary or honor processes; distortion or misrepresentation of information before a committee, administrator, or the Honor Council; contacting witnesses or any other party to an incident to intimidate them or to get them to change their testimony; or institution of a Student Conduct or Honor proceeding in bad faith.

<sup>10</sup>Students holding positions of trust or responsibility include student workers (paid or unpaid), student leaders, Resident Advisors, Student Conduct Council and Honor Council members, and Orientation Aides. Students in these positions have a special relationship with the College and are expected to respect the privacy of other students and members of the College community, including by maintaining confidentiality of student records, abiding by College policy, and using resources in an ethical fashion.

<sup>11</sup>In situations where a student is seeking medical attention for him or herself or others, the Medical Amnesty policy will apply with respect to charges of violating the Alcoholic Beverages and Drugs policies. Please see Appendix V.

<sup>12</sup>The sanctions for manufacturing or providing drugs range from suspension to dismissal from the College. The sanctions for possession or use of drugs ordinarily range from probation to dismissal from the College. Loss of housing is a typical sanction for drug use in College residences. (*See also Appendix VII.*)

# Administration of Student Code of Conduct

## Section IV. General Principles

### A. Hearing Authorities

1. **Objectivity of hearing authorities.** Administrative officers, panel or board members may disqualify themselves when unable to function fairly and objectively. A charged party or a reporting party also may submit a timely request in writing requesting the Dean of Students to disqualify an administrator or panel or board member for bias. The Dean's decision shall be final. If a student challenges the objectivity of a panel member during the hearing, the chair of the panel or board whose member is challenged will decide such challenges unless the member challenged is the chair. In such instances, the decision on disqualification will be decided by majority vote of the panel or board.
2. **Confidentiality and closed and open hearings.** Conduct proceedings shall be conducted in private; however, an open hearing may be held upon the request of the charged party at least two working days in advance, when approved by the Dean of Students, and when all parties sign a privacy waiver.<sup>13</sup> The Chair may close the hearing if the presence of others interferes with the orderly conduct of the hearing. In cases involving an alleged crime of violence, the reporting party is not required to keep confidential the name of the charged party, the charge or the outcome of the conduct proceeding.<sup>14</sup> When such proceedings are closed, the reporting party shall not reveal the names of the witnesses or panel members involved.

### B. Combined or Multiple Violations

1. **Combined or "joint" hearings.** In cases where more than one student is charged with misconduct for the same incident, the College may hold a single hearing on the matter, but findings must be determined for each individual student charged in the incident.
2. **Multiple charges and same conduct.** A student should not be charged with two offenses for the same conduct unless the conduct violates two clearly distinguishable provisions in the Student Code.
3. **Multiple charges and single hearing.** The College may adjudicate multiple charges at one time if they stem from the same incident or are based on a pattern of behavior close enough in time or related sufficiently by their nature to be reasonably resolved in a single proceeding. Questions about the use of a single proceeding to resolve multiple charges will be decided by the Dean of Students.
4. **Alleged violations of honor and student conduct codes.** Should an incident result in an allegation that a student has violated both the Honor Code and the Student Code, the Dean of Students will decide whether the matter will be heard within the Student Conduct System or by the appropriate Honor Council. The system selected by the Dean will be empowered to review all the charges and reach a final disposition. There may only be one proceeding to determine a final

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<sup>13</sup> The charged party retains the right to disclose information regarding his/her own case; however, he/she does not have the right to discuss other students' related cases without their written consent.

<sup>14</sup> "Crime of violence" is defined in Section 16 of Title 18 of the U.S. Code.

disposition. A charged party may not face more than one proceeding to determine the final disposition of a single incident.

### C. Student Rights and Responsibilities During Procedure

1. **Honesty and cooperation.** Students involved in disciplinary proceedings are expected to cooperate and to be honest and complete in their answers. Failure to do so may be considered a violation of the Student Code and/or of the Honor Code.<sup>15</sup>
2. **Access to hearing records.** 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 considering an appeal may make an appointment during normal working hours to access materials in the case file. The student also may 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.
3. **Withdrawal during process.** The Dean of Students may notify a charged party who withdraws from the College after oral or written notification that an alleged violation is under investigation that a hold and/or transcript notation ("Withdrew While Disciplinary Charges Pending") will be placed on his or her record. Before the Dean places a notation on the transcript, the student will be notified in writing and given an opportunity to meet with the Dean or designee to discuss the action. The Dean will remove the notation if the student resolves the case. Normally, the College will not readmit the student unless the charges have been resolved.

### D. Failure to Appear

1. **Failure to appear for appointments.** If a charged party fails to make an appointment with the Case Administrator within three working days after being notified, fails to appear for a scheduled appointment, or otherwise fails to respond to a written direction to appear after being properly notified, the Case Administrator may bring a charge of Abuse of the Conduct System, and/or he/she may place a hold on the student's records. In addition, the Case Administrator may reduce the charges to writing and set a hearing date without the student's consultation.
2. **Notice.** Proper notice will consist of an email sent to a student's official College email account, written notice delivered through either Campus or U.S. Mail to an address in the Registrar's records, or a letter delivered personally by College staff, including Residence Life student staff. In general, correspondence will be sent via email or to the student's local address or Campus Station Unit (CSU) when classes are in session and to the student's home address when classes are not in session.
3. **Failure to appear for a hearing.** If after receiving proper notice of the date, time, and location of a hearing, a charged party refuses to appear or to make him/herself available for a hearing without justification for postponement (as determined by the chair of the scheduled committee or administrator handling the case), the party will be deemed to have waived the right to appear, and the hearing may proceed as scheduled. Absence of the charged party in such circumstances will not constitute sufficient grounds for an appeal.

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<sup>15</sup>A student may choose not to answer a question that may incriminate him or her, and if so, must so state.

## E. Interim Suspension

In certain circumstances, the Dean of Students or designee may impose a College or residence hall suspension prior to the resolution of a conduct case before the appropriate hearing body.

Interim suspension may be imposed only either to ensure the health or safety of the student or of other members of the College community, or if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the College.

During an interim suspension, 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 Dean of Students or designee. During the period of interim suspension, a student is not permitted on the campus without prior written consent from the Dean or designee.

After an interim suspension is imposed, the student will be provided an opportunity to speak with the Dean of Students to show why his/her continued presence does not merit the suspension. When requested, the Dean will schedule an administrative hearing regarding the interim suspension decision 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. See also "Medical and Emotional Emergencies," page 15.

## Section V. Student Conduct Authorities

**A. Case Administrator.** Upon receipt of a report alleging misconduct, the Director of Student Conduct or designee will assign a staff member from the Division of Student Affairs the primary responsibility to investigate and resolve the report.

### B. Student Conduct Council

1. **Composition.** The Student Conduct Council is a committee of student, faculty, and administrative members constituted as follows:
  - a. Undergraduate Students - 15 students (six seniors, five juniors, and four sophomores) selected on an annual basis. Each year the Director of Student Conduct will coordinate an application/selection process. A committee consisting of the Student Assembly Vice President,<sup>16</sup> the Director or designee, a faculty member (preferably one who has served as a member of the Student Conduct Council), two students who have served on the Student Conduct Council, and two Undergraduate Council members will select Student Conduct Council nominees.<sup>17</sup> Any student currently on disciplinary or honor probation or who previously has been suspended or dismissed from the College for non-academic reasons is ineligible for membership on the Council. Students must have an overall William and Mary GPA of 2.5 or higher. Undergraduate students may not serve concurrently as standing members on the Honor Council and the Student Conduct Council.
  - b. Graduate Students - 15 students (three from each of the five graduate schools) selected on an annual basis by a process determined by each of the graduate student governing bodies.

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<sup>16</sup> If the Student Assembly Vice President is not an undergraduate student, then the next most-senior undergraduate Student Assembly member will serve in place of the Vice President.

<sup>17</sup> The Director, the faculty member, and the Student Assembly Vice President all serve as ex-officio, non-voting members. The Student Assembly Vice President may vote in the event of a tie among the other voting members.

- 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.
2. **Duties.** All members shall serve on Board Hearings. Student members also shall serve on Student Panel Hearings.
  3. **Administration.**
    - a. On an annual basis, the undergraduate membership of the Student Conduct Council will elect two of its members to serve as chairs. Each graduate school governing body will designate one of its Student Conduct Council members to serve as chair for those hearings involving members of their academic unit.
    - b. The term of office for all members begins the day after classes begin in the fall semester and runs through the first day of classes the following fall semester. Should a vacancy occur on the Council or should additional, temporary Council members be required, the Dean of Students is empowered to make the necessary appointments.
    - c. The student members of each Student Conduct Council will be subject to bylaws approved on an annual basis by each Council.

### **C. Appeals Committee**

1. **Composition.** Twenty-four members: four administrators (not members of the Student Affairs Division), four faculty members appointed annually by the Provost, and sixteen students (six undergraduate and two graduate students from each of the five graduate schools) elected annually by the Student Assembly. Should temporary Appeals Committee members be required, the Vice President for Student Affairs is empowered to make the necessary appointment(s).
2. **Duties.** Members of the Appeals Committee shall serve as panel members in Appeals Committee hearings.

### **D. Final Appellate Review**

1. The Provost, or his/her designee, shall review appeals sent forward by the Appeals Committee. The Provost or his/her designee shall serve as the final authority for appeal review.

### **E. Procedures for Reports Received After the Last Day of a Semester or During the Summer Session**

1. Students or organizations charged with a violation of the Code after the last day of classes in a semester or during the summer session shall be provided a hearing by committee if possible. If the regular student conduct body is unable to meet, one of the following options may be selected by the student or organization:
  - a. The Dean of Students or designee may appoint a three-member panel consisting of members of the faculty, the Student Affairs staff, and the student body (if practical). The panel will observe customary hearing procedures. Other than an informal resolution and an administrative hearing, this is the only option available to a student completing degree requirements in the term in which the charge originates.

- b. The Dean or designee may defer the hearing until the beginning of the following semester provided that such a deferral, in his or her opinion, would not preclude a fair hearing due to the loss of evidence or unavailability of witnesses. The Dean may place a hold on the student's records pending resolution of the matter.
2. When a student is alleged to have violated College regulations after the last day of classes in a semester, including during Commencement, and he or she is scheduled to graduate, the College may hold the student's degree pending resolution of the charges.

## Section VI. Student Conduct Procedures

### A. Charges and Resolution of Charges

1. Any student, member of the faculty, administration, support staff, visitor or guest to the campus community may file reports alleging possible student misconduct. The Director of Student Conduct will review all reports and determine the appropriate course of action to be taken. The Campus/Community Incident report form is available on the Dean of Students website.
2. Any alleged violation should be submitted as soon as possible after the event takes place. If an alleged violation is not reported within four months of the time it becomes known by the reporting party, it may be considered untimely unless the Director of Student Conduct concludes that there has been good cause for the delay and that it is still feasible to hold a fair hearing.
3. The person filing a report need not be the actual victim of the conduct.
4. Upon receipt of a written report of misconduct, the Director of Student Conduct or designee shall determine if the alleged misconduct is unfounded or frivolous, and if so, he or she shall dismiss the report.
  - a. Levels of Seriousness
    - i. **“Warning”** cases are those in which the student faces no more severe a primary sanction than a Warning (The Case Administrator may assign secondary sanctions as appropriate.).
    - ii. **“Less Serious”** cases are those cases in which the alleged violation might result in a sanction between a Warning and Probation with Loss of Privileges.
    - iii. **“More Serious”** cases are those cases in which the alleged violation would likely result in a sanction of removal from the College's residence halls, Probation with Loss of Privileges, Suspension, or Permanent Dismissal from the College.

### B. Information Session

1. If the Director does not dismiss the allegation, the student or official representative of the student organization shall be directed to appear for an information session with a Case Administrator. This session is an opportunity for the student to receive information about the conduct process, including options for adjudication, and to discuss the report with the Case Administrator and respond on his or her behalf, or on behalf of a student organization, although a student is not required to make any statement.

2. After the information session and any appropriate investigation, the Case Administrator may dismiss the report if unfounded.
3. If a student fails to appear at the information session after proper notification, the Case Administrator may further investigate and dismiss the report if unfounded, place a hold on the student's records (which prevents a student from registering or engaging in other transactions with the College), or prepare written charges and notify the student or representative of the student organization (hereafter referred to as the "charged party") that the matter has been scheduled for a hearing.

### C. Adjudication Options

1. If the Case Administrator does not dismiss the report after the information session, the student or organization may elect to resolve the case through one of the following three options:
  - a. **Informal Resolution:** If the charged party and the Case Administrator agree to a written summary of facts, and the charged party executes a written waiver of a hearing, the charged party may resolve the case informally. The Case Administrator shall assess a sanction and appropriately inform the student.
    - i. If the Case Administrator determines that a case cannot be resolved through an informal process, he or she can mandate that a hearing take place. The type of hearing will still be the choice of the student or organization (except in cases of Sexual Misconduct- *see also Modified Hearing Procedures for Alleged Violations of Sexual Misconduct Policy, page 33.*)
    - ii. For "Warning" cases, the student may resolve the matter via Informal Resolution or Administrative Hearing, but not via a Panel Hearing.
  - b. **Administrative Hearing:** The charged party may elect to resolve the case through a hearing with the Case Administrator.
  - c. **Committee Hearing:** The charged party may elect to resolve the case through the appropriate committee via formal hearing.
2. **Timeline.** The charged party will have two full working days to decide upon an adjudication option unless the Case Administrator grants an extension for good cause. Once made, this election is irreversible. If the charged party does not inform the Case Administrator of his or her election within two working days after the Information Session, the lack of notification will be deemed a waiver of the party's right to dispute the report, and the Case Administrator may resolve the report based on the information available without the need for a formal hearing.
3. **Appeal.** The charged party retains the right to appeal regardless of the method of adjudication selected. Depending upon the method of adjudication, the grounds for appeal may be limited. (*See "Appeals of Student Conduct Actions," Section VIII.*)

### D. General Adjudication Procedures

1. **Rules of evidence and "second hand" information.** College proceedings do not follow the formal rules of evidence employed by Courts of Law. Information that does not come from a first-hand source may be considered if the chair or administrator handling the

case determines that the information is reliable, although a finding of responsibility may not be premised solely on such information. Lie detector/polygraph evidence is not permissible.

2. **Separation of witnesses.** During the course of a hearing, the chair may separate witnesses who will give testimony in a given case in order to preserve the independence of witness testimony. If separated, no witness who has already provided testimony may have contact with any witness due to testify.
3. **Support for Charged Party**
  - a. **Student or Administrative Counsel.** The charged party may elect to be represented/assisted by a currently-enrolled student of his or her choosing. In “more serious,” cases the student may petition the Director of Student Conduct (or designee) to appoint an administrator to serve in place of student counsel. A counsel may not give testimony at any point during the hearing.
  - b. **Silent Supporter.** The charged party may elect to have one silent supporter present. Silent supporters may not participate in the proceedings or serve as witnesses. The student must provide the Case Administrator written notice of the presence of a silent supporter at least two working days prior to the hearing.
    - i. **Presence of Legal Counsel.** Legal counsel may serve as a student’s silent supporter provided the student has informed the Case Administrator in writing at least two working days prior to the hearing. Legal counsel may not participate in the proceedings unless the chair or 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. The determination regarding the participation of legal counsel is final, and legal counsel shall participate only to the extent authorized. Under no circumstances shall the attorney be permitted to question witnesses or other parties to the proceedings, or to serve as a witness. The College reserves the right to have its own legal counsel or advisor present if a student opts to have legal counsel present.

## **E. Procedures for Committee Hearing and Administrative Hearing**

1. **Charges.** If the charged party chooses to resolve a case via a hearing, the Case Administrator will prepare formal written charges and notify the student.
2. **Timeline.** Charges normally will be heard within ten working days of when charges are brought except in unusual cases where 1) the Dean of Students grants a postponement to the Case Administrator, or 2) the party responsible for hearing the matter grants the charged student a postponement, or 3) when a College break makes a hearing impractical. A case may not be heard in fewer than four working days unless the student waives in writing the four-working-day time period.
3. **Committee Hearing Procedures**
  - a. **Types of Committee Hearings**
    - i. A Student Panel hears “less serious” cases (as defined in Section VI.A.4.) when a student requests a committee hearing.



- ii. A Conduct Board hears “more serious” cases (as defined in Section VI.A.4.) when a student has requested a committee hearing.

#### 4. *Procedures for Student Panel Hearings*

- a. **Procedures.** Normally, informal procedures will be used in deciding “less serious” charges. However, the student will be provided
  - i. written notice of the charge(s)
  - ii. upon timely request, a summary of the principal facts underlying the charge to the knowledge of the Case Administrator
  - iii. the opportunity to respond on his or her behalf
  - iv. the opportunity to present relevant witnesses (although the chair may limit testimony that is repetitive), and
  - v. written findings of the outcome of the hearing.
- b. **Panel Composition.** Three student members of the Student Conduct Council, at least two from the school in which the charged party is enrolled, will normally hear each case. Each three-member panel will select one of its members from the school of the charged student as chair. A fourth member, who may not vote or participate in any way in the hearing or deliberations of the Panel other than as record-keeper, will be designated as recorder.
- c. **Authority of the Panel.** The Panel may determine responsibility for the charges issued and assess sanctions if the student is found responsible. The panel will require a majority vote to reach decisions.
- d. **Witnesses.** The charged party has the responsibility to secure the presence of witnesses desired at the hearing. If the charged party notifies the Dean of Students in a timely fashion that a critical witness, one whose testimony will not be duplicative, is refusing to appear at the scheduled hearing, the Dean will examine the matter and assist if appropriate. The charged party may request that disciplinary action be taken against any student witness who refuses to appear or to testify so long as timely, appropriate, and verifiable notice was provided the witness. This action is authorized by the College regulation “Abusing the College Discipline System.” The Case Administrator will notify all available witnesses required to support the charges of the date, time, and place of the hearing.
- e. **The Case Administrator** will ordinarily present the information relevant to the incident and will recommend sanctions if the panel finds the charged party responsible for one or more violations.
- f. **Determination of Responsibility and Burden of Proof.** The Panel will meet in closed session to determine whether the charged party has violated the Code as charged. At least two of the three Panel members must conclude that “clear and convincing” evidence establishes that a violation has occurred.
- g. **Determination of Sanctions.**
  - i. If the Panel finds the charged party responsible for one or more violations, the Case Administrator will brief the Panel

regarding any previous violations of the Conduct Code or Honor Code by the student, any precedent for similar situations, any additional relevant information concerning the student's character, and any recommendations concerning sanctioning. The student may make a statement concerning sanctioning, and if desired, call character witnesses. The chair may limit the number of character witnesses (usually limited to one). The Panel then meets in closed session to determine an appropriate sanction and reconvenes to announce its decision.

- ii. At least two of the three members of the Panel must agree to the sanction(s) imposed. Any sanctions are not final until the Dean of Students issues a written decision to the student and any appeal procedure is complete.
- h. **Hearing Records.** The recorder and the chair will summarize the evidence presented and the findings of the Panel, including the reasons for the finding and sanction if the student is found responsible. Normally, the chair will submit the summary in the Office of the Dean of Students within two working days of the hearing.
- i. **Case Review and Notification.** The Office of the Dean of Students will return to the Panel any finding and/or sanction that is inconsistent with College policy or practice. Normally, the Office of the Dean of Students will notify the student in writing of the decision of the Board within two working days after the Board's summary is filed.
- j. **Appeal.** Appeals of Student Panel decisions will be reviewed by the Dean of Students or designee in accordance with the principles outlined under "Appeals of Student Conduct Actions" (Section VIII.).

##### 5. *Procedures for Conduct Board Hearing*

- a. **Board Composition.** Five Student Conduct Council members will comprise a Conduct Board: two students from the charged party's academic unit, one other student member of the Council, one faculty member from the charged party's academic unit, and one administrator. The Director of Student Conduct will designate one of the three students as chair of the Council. If the charged party is a graduate student enrolled in a degree program in two different schools, student members will be appointed to the Board from both schools if possible. A sixth member of the Conduct Council, who may not vote or participate in any way in the hearing or deliberations of the Board other than as record-keeper, will be designated as recorder.
- b. **Recording.** Student Conduct Board proceedings will be recorded via digital media.
- c. **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 at issue. 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.
- d. **Witnesses.** The charged party has the responsibility to secure the presence of witnesses desired at the hearing. If the charged party

notifies the Dean of Students in a timely fashion that a critical witness, one whose testimony will not be duplicative, is refusing to appear at the scheduled hearing, the Dean will examine the matter and assist if appropriate. The charged party may request that disciplinary action be taken against any student witness who refuses to appear or to testify so long as timely, appropriate, and verifiable notice was provided the witness. This action is authorized by the College regulation "Abusing the College Discipline System." The Case Administrator will notify all available witnesses required to support the charges of the date, time, and place of the hearing.

- e. **Postponement.** A charged party may request one postponement of the hearing, citing the reasons for the request in a written statement to the Case Administrator at least two working days in advance of the hearing, if possible. The charged party should provide supporting documentation where appropriate. The Case Administrator, in her or her discretion, may grant a postponement for good cause.
- f. **Conduct of the Hearing.** The chair is responsible for the conduct of the hearing and shall follow the conduct procedures as outlined on the student conduct website.
- g. **Determination of Responsibility and Burden of Proof.** The Board will meet in closed session to determine whether the charged party has violated the Code as charged. At least four of the five Board members must conclude that "clear and convincing" evidence exists to prove the charge(s).
- h. **Determination of Sanctions.**
  - i. If the Board finds the student responsible for one or more violations, the Case Administrator will brief the Board regarding any previous violations of the Conduct Code or Honor Code by the student, any precedent for similar situations, any additional relevant information concerning the student's character, and any recommendations concerning sanctioning. The student may make a statement concerning sanctioning, and if desired, call character witnesses. The chair may limit the number of character witnesses (usually limited to one). The Board then meets in closed session to determine an appropriate sanction and reconvenes to announce its decision.
  - ii. At least four of five members of the Board must agree to the sanction(s) imposed. Any sanctions are not final until the Dean of Students issues a written decision to the student and any appeal procedure is complete.
- i. **Hearing Records.** The recorder and the chair will summarize the hearing, the evidence presented, and the findings of the Board and indicate the reasoning for the finding and any sanctions assigned.
- j. **Filing with Dean of Students.** The chair normally will file the summary, the recording, and all evidence within two working days with the Dean of Students.
- k. **Case Review and Notification.** The Dean of Students or designee will review the case documents and will return to the Conduct Board any finding and/or sanction that is inconsistent with College policy or practice. The Dean of Students normally



- vii. The Dean of Students or designee shall provide the reporting party with notification of the outcome of a conduct proceeding and any sanction(s) imposed.
  - viii. The reporting party has right of appeal (*see Section VIII.*).
- b. **Modified Procedures for Crimes of Violence or Hazing:**
- i. If a case of alleged crime(s) of violence<sup>18</sup> or hazing is not resolved informally, the reporting party shall be granted the following additional rights
    - a) The reporting party may have present at the hearing a supporter of his/her choosing. The support person will not participate in the hearing process and will be bound by the rules of confidentiality governing the hearing.
    - b) The reporting party may choose to be physically separated from the charged party during hearing proceedings. The party must indicate this choice at least two working days prior to the hearing.
    - c) The Dean of Students or designee will provide the reporting party with notification of the final outcome of a conduct proceeding and any sanction(s) imposed as permitted by law.
    - d) The reporting party has the right to appeal (*see Section VIII.*).

## Section VII. Sanctions

Unless otherwise stated, sanctions for violations of the code of conduct range from warning to dismissal for individuals, and from warning to termination for organizations. Attempted or uncompleted violations may be sanctioned as completed violations. Acting as an accomplice or aiding another also may result in sanctions.

The sanctions listed below are categorized as primary and secondary. The hearing authority may issue at least one primary sanction and any combination of primary and secondary sanctions for any single violation. A due date will be given with any task and/or restitution sanction. All other sanctions are effective immediately upon completion of the appeal or appeal period, unless the Vice President for Student Affairs authorizes an exception. Students appealing a sanction of separation (suspension or dismissal) must comply with the restrictions noted in the Appeals section.

### A. Primary Sanctions<sup>19</sup>

1. **Permanent Dismissal** is an involuntary separation of the student from the College without the possibility of future readmission. The student

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<sup>18</sup>As defined in Title 18 of the U.S. Code Section 16.

<sup>19</sup>The sanctions of Permanent Dismissal, Indefinite Suspension, or Suspension may be administered even though the student may not currently be on probation, has not previously been placed on probation, or has otherwise not been disciplined. Students who are suspended or dismissed from the College are considered not to be in good standing during the term of suspension/dismissal. Students will not be eligible for any refund of tuition, general fees, or residence fees if required to withdraw by the College. Students may not earn course credit while serving a suspension sanction, nor may a student transfer credits taken elsewhere while suspended.

must leave the campus and is not eligible to participate in classes or any College-sponsored or College-related activities. The sanction of dismissal is permanently noted on the student's transcript.

2. ***Indefinite Suspension*** 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, with a date determined by a committee or administrative officer when the student may petition for reinstatement. 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. During the period of separation, the student is not permitted on campus without prior written consent from the Dean of Students or designee. 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.
  - a. **Reinstatement Hearing**
    - i. When a Board assigns the sanction of indefinite suspension, a similar Board of five persons will be appointed by the Dean of Students or designee at the appropriate time to determine whether the charged party has met the conditions necessary for reinstatement.
    - ii. The Board will have access to all file materials from the original hearing, may require the charged party to make a personal appearance before the committee, and may solicit other information to reach a decision. The same general procedures employed in the original hearing will be followed with the same rights assured for reinstatement.
3. ***Suspension*** is an involuntary separation from the College for a period determined by the appropriate committee or administrative officer during which time the student must leave the campus and is not eligible to participate in classes or any College-sponsored or College-related activities. The student is not permitted to return to the campus without prior written consent from the Dean of Students or designee. At the end of the period of suspension, the student automatically is eligible for readmission provided there is no other encumbrance upon his/her return. Suspensions are noted on the student's transcript but are removed once the period of suspension has been completed.
4. ***Probation with Loss of Privileges*** is continued enrollment but exclusion from participation in College, fraternal, and/or other student extracurricular or social activity for a specified period of time. Such probation also constitutes a warning that further misconduct or violation of College regulations during the period of probation will be referred to the appropriate committee or administrative officer and will most likely result in the student's separation from the College.
5. ***Probation*** is continued enrollment but under stated conditions. Probation constitutes a warning that further misconduct or violation of College regulations during the period of probation will be referred to the appropriate committee or administrative officer and may result in the student's separation from the College.
6. ***Warning*** is a notation confirming that a minor violation of College policy has occurred and that future violations may result in more severe sanctions. No student may receive more than two warnings in an academic year without more serious action being taken.

## **B. Secondary Sanctions**

1. ***Loss or Restriction of Privileges*** is the limitation or removal of specified social or personal privileges including, but not limited to, loss or restriction of computer privileges, entertainment of guests in the private areas of a residence hall, participation in social activities sponsored by the College or a residence hall, and/or the right to operate an automobile on campus. In addition, a student's current or subsequent year's Housing Agreement may be terminated or special conditions attached to it, or the student may suffer a reduction in priority of a specified number of places in the room selection process of a subsequent year.
2. ***Educational Requirements*** is the requirement that the student complete one or more specific educational activities directly related to the violation committed.
3. ***Task/Service Participation*** is the requirement that a student participate in assigned tasks that are appropriate to the regulation violated or behavior displayed.
4. ***Restitution*** is the requirement that a student reimburse the College, appropriate individual or organization for damage, personal injury, or misappropriation.

## **Section VIII. Appeals of Student Conduct Actions**

### **A. Right of Appeal.**

Only the student found responsible for a conduct violation has the right of appeal, except in disciplinary cases involving sexual misconduct, hazing or "crimes of violence."<sup>20</sup> In such cases, the reporting party also has the right to appeal the outcome of a conduct proceeding.

### **B. Timeline and Form of Appeal**

1. Appeals by the charged party must be submitted to the Dean of Students within five working days following written notification of the decision.
2. A reporting party who wishes to appeal a conduct action of alleged hazing, sexual misconduct, or a "crime of violence" must submit a written appeal to the Dean of Students within five working days following written notification of the decision.
3. All appeals must be in writing and must clearly cite the grounds for the appeal and the evidence supporting it.

### **C. Grounds for Appeal**

1. A charged party may appeal Informal Resolutions only on the ground of excessive or inappropriate sanction.
2. Students may appeal Administrative or Committee Hearings on the following grounds:
  - a. 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.
  - b. Discrimination in the hearing on a basis prohibited by College policy which caused an unfair hearing.

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<sup>20</sup>As currently defined in Section 16 of Title 18 of the U.S. Code

- c. Lack of sufficient evidence to support the decision.
  - d. New material evidence that is not merely corroborative or repetitive, unknown by the student at the time of the hearing and pertinent to the case.
  - e. An excessive or inappropriate sanction.
3. Notice to Reporting Party: a reporting party reporting a "crime of violence," hazing, or sexual misconduct will receive prompt notice from the Dean of Students or designee of any appeal received by the charged party.
4. Appeals by the Reporting Party
- a. A party alleging a "crime of violence," hazing, or sexual misconduct may appeal a sanction(s) on one or more of the following four grounds. The reporting party may appeal a "not responsible" finding on any of the first three grounds.
    - i. Procedural irregularity severe enough to have caused an unfair hearing. Procedural or technical deviations will not be sufficient to sustain an appeal unless found to have denied the reporting party a fair hearing.
    - ii. Discrimination on a basis prohibited by College policy which caused an unfair hearing.
    - iii. New material evidence, which is not merely corroborative or repetitive, unknown to the reporting party at the time of the hearing and pertinent to the case.
    - iv. A sanction which is too lenient or inappropriate (This ground is not available if the student was found "not responsible.")
  - b. In preparation for a possible appeal, the reporting party may review the case file in the presence of the Dean of Students or designee.

## **D. Procedures for Appeal by Charged Party**

### **1. Appellate Review Bodies**

- a. Appeals for cases in which the primary sanction issued is Probation with Loss of Privileges, Suspension, or Dismissal are considered by the Appeals Committee.
  - i. Upon receipt of a timely appeal, the Vice President for Student Affairs will convene a committee comprised of one administrator, one faculty member, and two students (from the academic unit of the charged party).
- b. All other appeals are considered by the Dean of Students.

### **2. Appellate Outcomes**

- a. Appeals to the Dean of Students
  - i. The Dean may decide one of the following:
    - a) There is no basis for the appeal. The appeal then is dismissed, and the original decision stands.
    - b) An incorrect finding of responsibility was reached. The Dean then will dismiss the case.
    - c) The sanction administered is excessive or inappropriate. The Dean then determines a sanction



that is fair to the facts and circumstances of the case.  
The Dean will not increase the level of the sanction.

- b. Reviews by the Appeals Committee
  - i. The Committee may decide one of the following:
    - a) The appeal is without merit. The decision regarding lack of merit is final.
    - b) The appeal has merit. The Committee may find:
      - i. The finding of responsibility should be reviewed and/or
      - ii. The sanction should be reviewed.
  - c. If the Committee finds that the appeal has merit, then the Provost or designee will review the appeal. The Provost or designee may:
    - i. Reverse a finding of responsibility and dismiss the case;
    - ii. Order a rehearing before a board/administrator;
    - iii. Modify the sanction to one that is fair to the facts and circumstances of the case (the Provost or designee will not increase the level of the sanction); and/or
    - iv. Uphold the decision(s) of the original hearing body.

### ***3. Continued Enrollment During Appeal***

- a. If the sanction being appealed includes suspension or dismissal from the College, the student may not take part in any College function except scheduled classes while the appeal is pending without the written permission of the Dean of Students. Where appropriate, the Dean also may restrict the student from parts of the campus or specific functions or activities during the appeal period.
- b. In those cases where the Dean determines that the continued presence of the student constitutes a risk to the educational process, to him/herself, or to the safety of others, the Dean may prohibit the student from attending classes until the appeal is complete.

## **E. Procedures for Appeal by the Reporting Party**

1. The Appeals Committee decides appeals submitted by the reporting party
2. When the Appeals Committee determines that a reporting party's appeal regarding a "not responsible" finding has merit, the committee will deem the results of the first hearing void and will order a new hearing using the original method of adjudication. When the committee determines that a reporting party's appeal regarding sanctions has merit, the committee will forward the case to the Provost or designee who may modify the sanction to one that is fair to the facts and circumstances of the case or uphold the decision(s) of the original hearing body. The Provost or designee may increase the level of the sanction.

## **F. Notification and Access to Record During Appeal**

1. The individual or committee hearing an appeal will have access to the full record of the case and may invite the appealing party to make a personal appearance to discuss the appeal. In such instances, the Case

Administrator or the chair of the student conduct committee whose decision is being appealed may also be invited to be present to respond to the appeal.

2. The student and the administrator or board that heard the original case will receive written notification of the decision regarding the appeal, including the reasons for the decision if appropriate. The case file maintained by the Office of the Dean of Students will include a copy of the appeal findings and all correspondence.

## **Section IX. Special Regulations for Recognized Student Organizations**

### **A. Accountability and Jurisdiction.**

As a condition of recognition by the College, all student organizations must abide by the rules and regulations of the College and by the terms of contracts and agreements into which they enter with the College. Recognized organizations and sponsored activities are subject to the same rules and regulations as individual students and may be held accountable for their actions even though the College pursues charges of misconduct for the same incident against individual members of the group. An organization will be deemed culpable for its conduct when it can be demonstrated that:

1. The activity involved such a significant number of members of the organization that a reasonable person would conclude that the activity was clearly a function of the organization, and/or
2. The organization, either in whole or in part, planned and/or implemented and/or condoned the action from which the complaint arises, and/or
3. The organization knew or should have known about the activity and failed to act responsibly in preventing it.

The College also reserves the right to hold an organization responsible for violations of College regulations which occur on or adjacent to property or facilities assigned to the organization for its use, or for violations that occur off-campus if the conduct adversely affects the College community or its members.

**B. Procedures.** In the case of alleged misconduct by a recognized organization, the organization shall have the right to resolve a matter informally with a Case Administrator or to have a hearing with a Case Administrator or with the appropriate student conduct committee (except in "warning" level cases). The same general procedures that apply to individual misconduct will be followed.

**C. Sanctions.** 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**
  - a. **Termination** is removal of institutional recognition. The organization is denied all privileges associated with recognition including, but not limited to, the right to reserve space in

College facilities or to use College property or resources, the right to receive student activity fee or other funding from College resources, and the right to participate in or sponsor extracurricular or social activities on campus.

- b. **Suspension** is removal of institutional recognition for a stated period of time. During the period of suspension, the organization will be denied the use of all College facilities and resources and may not in any way participate in or sponsor any extracurricular or social activity on campus. At the end of the prescribed period of time, the organization will be allowed to re-form subject to any condition(s) set forth at the time of suspension.
- c. **Probation with Loss of Privileges** is continued recognition with loss of the right to sponsor or participate in all extracurricular and/or social activities for a stated period of time. The organization is cautioned that further misconduct during the period of probation or violation of the terms of the probation will most likely result in a loss of recognition.
- d. **Probation** is continued recognition and operation with a warning that further misconduct during the period of probation or violation of the terms of the probation may result in loss of institutional recognition. Conditions may be attached as terms of continuance during the period of probation.
- e. **Warning** is a notification confirming that the organization has violated College regulations and a caution that repetition of the behavior or other misconduct may result in a more severe sanctions. An organization may not receive more than two warnings for the same conduct in an academic year without more serious action being taken.

## 2. *Secondary Sanctions*

- a. **Loss or Restriction of Privileges** is limitation or removal of social privileges including, but not limited to, the opportunity to schedule social functions, to use College facilities or vehicles, or to post notices. In addition, consistent with the provision of written agreements (should such exist), an organization's assignment of space in College facilities may be canceled and/or other privileges removed.
- b. **Educational Requirements** include requiring an organization to complete specific assignments at the organization's expense directly related to the violation committed.
- c. **Restitution** is requiring an organization to reimburse the College, appropriate individual(s), or vendor(s) for damage or misappropriation.
- d. **Task Participation** is requiring the organization's members to participate in assigned tasks or service projects appropriate to the regulation(s) violated.

## Section X. Records of Action Taken

When a student is found "not responsible" for a charge and all opportunity for appeal has been exhausted, the Director of Student Conduct will destroy all statements of charges not related to other pending reports of

alleged misconduct after two weeks and will ensure that no reference to the proceedings appears in the student's official educational records.

Sanctions of Permanent Dismissal, Indefinite Suspension, or Suspension are posted as notations on the student's transcript while the student is ineligible to enroll. The College maintains information concerning such sanctions permanently even though the notation placed on the student's transcript is removed once the student becomes eligible to re-enroll.

The College will maintain records of sanctions less than separation for three years after the student graduates. Warnings, however, will not be disclosed to persons or entities outside the College unless the student has consented in writing to disclosure or has received subsequent conduct action. Sanctions greater than warnings, on the other hand, will be maintained for three years after the student graduates, at which time the Director will destroy the record unless it involves separation from the College. The College will keep records of separation permanently. Also, when the graduates of a school or program must be licensed by a regulatory body (e.g., Law, Education, Accounting), the College may maintain records permanently.

## Review and Amendments to the Handbook

All sections of the Handbook are subject to periodic review and modification. For the most up to date version of these policies, please see the Student Handbook page on the Student Conduct website.

Each spring semester, the Vice President for Student Affairs requests suggestions for amendments to the Handbook. All members of the College community are encouraged to submit suggestions to the Dean of Students ([deanofstudents@wm.edu](mailto:deanofstudents@wm.edu)) by March 1st of each year. The Vice President for Student Affairs will disseminate proposals for public comment prior to recommending amendments to the President.

# Honor System

*This document does not, and shall not be interpreted to limit the authority of the President of the College.*

## Section 1. Background

Among the most significant traditions of the College of William and Mary in Virginia is the student-administered honor system. The essence of the honor system is individual responsibility in all matters relating to a student's honor. The evolution of the honor system is best understood in the context of the history of the College itself. The College originally combined the higher school with a grammar school and served almost exclusively the sons of gentlemen of the planter aristocracy, who took special pride in their reputation of men of honor. The students formed a small close knit group, at times numbering fewer than one hundred, and a violation of the College code of discipline was punished by ostracism.

From its earliest days, the College demonstrated a strong interest in the character of its students. In 1736, the College Statutes stated that "special care must be taken of their morals, that none of the Scholars presume to tell a Lie ... or do any Thing else that is contrary to good Manners." The faculty resolved in 1784 that every student should, upon matriculation, pledge to observe all College regulations, "particularly such as require that kind of conduct . . . conducive to the Honor & Prosperity of the University."

In 1788, the Board of Visitors declared that "whereas those, who are generally admitted into the higher schools, are from their years entitled to a certain degree of confidence in their discretion . . . the ordinary strictness of schools may with respect to them be in some measure relaxed."

Nathaniel Beverley Tucker, a Professor of Law, in an 1834 address to students, stated: "It has been the study of its professors to cultivate at the same time the intellect, the principles and the deportment of the student, laboring with equal diligence to infuse the spirit of the scholar and the spirit of the gentleman. He comes to us a gentleman. As such we receive and treat him, and resolutely refuse to know him in any other character. ... His Honor is the only witness to which we appeal."

Because a gentlemen's code of honor characterized early life and conduct at the College, the exact date by which a formal honor system had developed is unknown, although it certainly had emerged by 1779, the year often claimed for the honor system's official establishment, when the College was reorganized under Thomas Jefferson's leadership.

In the last two centuries, the College has grown in size and complexity and the student body is no longer the homogeneous group of young men that characterized the early years of the College. Today, William and Mary is a coeducational university serving thousands of students, undergraduate and graduate, from all parts of the United States and from foreign countries.

In modern times, honor has become a more relative value: it means different things to different people. Although an implicit "gentlemen's code of conduct" existed among a small number of students at the College two centuries ago, the system of honor inherited from the College's earliest days has been transformed into a written Honor Code. The Honor Code today informs all students, regardless of academic status, of the level of honor expected and seeks to promote a university-wide community of trust among scholars.

Like its predecessors, the modern Honor Code still presumes that a student is honorable unless proven otherwise. The Honor Code outlines the conduct that cannot be tolerated within a community of trust. Prohibited conduct is limited to three specific areas—lying, cheating, and stealing. This restricted definition enables the historical essence of honor to be applied in a practical manner within diverse groups.

Whereas the present Honor Code is of relatively recent origin, the spirit and essence of the Honor System have treaded the years undisturbed and, guarded jealously, have remained intact. It is the responsibility of all students to preserve and maintain this important tradition at the College by adhering to and enforcing the code.

### **Section 1.1 Statement of Purpose**

The honor system is based upon the premise that a person's honor is his or her most cherished attribute. In a community devoted to learning, a foundation of honor among individuals must exist if that community is to thrive with respect and harmony among its members. An Honor System is the ideal mechanism to ensure such a state of affairs. With it the community is afforded a freedom that otherwise would not be available. With this freedom comes each individual's responsibility to conduct himself or herself in such a way that the spirit of mutual trust which sustains the system is not compromised.

Under the Honor Code of the College of William & Mary, it is expected that all students will demonstrate honesty and integrity in their conduct. Acts of intentional lying, cheating, and stealing are deemed reprehensible and cannot be tolerated. A person who has violated the Honor Code must be sanctioned for compromising the community of trust and honor.

Each member of the College community is responsible for upholding and enforcing the Honor Code. The System cannot function unless each member of the College community takes action when he or she believes that any person may have violated the Honor Code. The Code is not to be used, however, as a tool of harassment.

Honor and integrity are fundamental attributes of our community. We are privileged to live with an honor system, created and administered by students, because it inspires us to achieve our maximum potential without interference from others. Dishonest conduct violates the trust that exists at the College. Therefore, it is imperative that we accept no compromise and allow no action by any student to weaken the community of trust.

### **Section 1.2 Agreement of Students**

The Honor Code is an agreement among all students, taking classes at the school (or participating in the educational programs of the College, e.g. study abroad or internship activities), not to lie, cheat, or steal. This agreement is made effective upon matriculation at the College and continues throughout a student's enrollment even though that enrollment may not be continuous.

## **Section 2. Infractions**

Infractions of the Honor Code include (1) lying, (2) cheating, and (3) stealing, under the circumstances described below. Students at the College are responsible for learning the Honor Code and ignorance of its provisions is no excuse for a violation thereof.

1. **Lying** is the expression of a material untruth made with the intent to mislead another or with reckless disregard for the truth of the matter asserted. Lying is a violation of the Honor Code when the material untruth is uttered or presented, verbally, electronically, or in writing, to

another member of the College community (student, faculty or staff), to any person while on College property or at activities sponsored by the College or College-affiliated groups, or to any person when the student actively represents himself/herself as a student at the College. An untruth is material when it relates to or affects in a significant way, academic as well as non-academic activities of legitimate concern to the College community. Lying includes, but is not limited to, forgery or the use of false identifications, under the above-described circumstances.

2. ***Cheating*** is the act of wrongfully using or taking the ideas or work of another in order to gain an unfair advantage. It includes, but is not limited to: (1) the act of plagiarism; (2) the acts of giving unauthorized aid to another student or receiving unauthorized aid from another person on tests, quizzes, assignments or examinations; (3) the acts of using or consulting unauthorized materials or using unauthorized equipment or devices on tests, quizzes, assignments or examinations; (4) the acts of using any material portion of a paper or project to fulfill the requirements of more than one course unless the student has received prior permission to do so; or (5) the acts of intentionally commencing work or failing to terminate work on any examination, test, quiz or assignment according to the time constraints imposed.

The term “assignment” includes any work, required or volunteered, and submitted to a faculty member for review and/or academic credit, or any work, required or volunteered, submitted for publication in a College-sponsored or other publication, or any work, required or volunteered, submitted for use in conjunction with a College-sponsored event or activity. All academic work undertaken by a student must be completed independently unless the faculty member or other responsible authority expressly authorizes collaboration with another.

***Plagiarism*** occurs when a student, with intent to deceive or with reckless disregard for proper scholarly procedures, presents any information, ideas, or phrasing of another as if they were his or her own and does not give appropriate credit to the original source. Proper scholarly procedures require that all quoted material be identified by quotation marks, or indentation on the page, and the source of information and ideas, if from another, must be identified and be attributed to that source. Students are responsible for learning proper scholarly procedure. While any amount of improperly unattributed material may be sufficient to find plagiarism, a student may be presumed to have acted with intent to deceive or with reckless disregard for proper scholarly procedures when a significant amount of improperly attributed material is presented as if it were the student’s own work. In the absence of proof of the accused’s intent, the hearing panel shall determine whether the amount of improperly attributed material is so significant that intent may be presumed.

3. ***Stealing*** is the intentional taking or appropriating of the property of another without consent or permission and with the intent to keep or use the property without the owner’s or the rightful possessor’s permission. Although the prohibition against stealing includes property of whatever nature, it also covers theft of the academic work product of another.

## **Section 3. Rights and Duties**

### **Section 3.1 Rights of the Accused**

1. A right to receive written notice of the nature and circumstances of the charge as soon as reasonably practicable after the Chief Justice has received the written accusation from the accuser. If the written accusation fails to fairly apprise the accused of the charge, he or she may request the Chief Justice to provide a more definite statement as to time, place, and any other relevant particulars of the charge.
2. A right to have another willing student, whether or not designated and trained as Student Counsel, act as his or her Student Counsel and to have that Student Counsel participate in the hearing on the Honor Code charge. In the interest of preserving a balanced system of adjudication, and in light of the student-run nature of the proceedings, the accused student may not be represented at the hearing by any counsel who is not a student in the accused's school.
3. A right to have a silent (non-participating) supporter, including legal counsel, present to observe the hearing.
4. A right to have a member of the Honor Council appointed as a procedural advisor. The procedural advisor shall not prepare the case of the accused but may serve as a source of information regarding investigation, hearing procedures, and precedent.
5. A right to waive any and all rights the accused possesses and the right to waive any and all time limitations specified in these procedures. Such waivers must be in writing.
6. A right to a fair and impartial Honor Council hearing panel of no less than six members. For good cause shown, including possible bias or interest in the proceeding, members of the Honor Council hearing panel shall be disqualified by the Chief Justice from serving. The accused shall be provided with the names of the members of the hearing panel at least seventy-two hours prior to the hearing. If the accused wishes to have one or more members of the panel disqualified for bias or interest in the case, the accused must move for disqualification.
7. A right to have adequate time, at least seventy-two hours, to prepare for the hearing and a right to have a speedy resolution of the charge.
8. A right to inspect, examine, and make copies of all documentary evidence related to the case not less than seventy-two hours prior to the hearing.
9. A right, at least seventy-two hours prior to the hearing, to receive written notice of the date, time, and location of the hearing.
10. A right not to have honor proceedings scheduled or conducted in conflict with his/her religious practices.
11. A right to a separate hearing on each charge when multiple and unrelated charges have been filed.
12. A right to a separate hearing when two or more persons have been jointly charged with an Honor Code Offense.
13. A right upon request to an open hearing.
14. A right to summon witnesses to appear on his/her behalf. The number of character witnesses, if any, may be limited by the presiding judge.
15. A right to request the sequestration of witnesses, including the accuser.



In the event the accuser is sequestered as a witness, the accuser may observe the proceedings after giving testimony but shall not be present when the verdict is delivered.

16. A right to confront and cross-examine all witnesses.
17. A right to present evidence in his or her behalf, including evidence in mitigation of punishment.
18. A right to make an opening statement and closing argument.
19. A right to have the hearing recorded.
20. A right to be convicted only of the specific offense(s) charged, unless a different offense is clearly embraced within the original charge.
21. A right, in the event of acquittal, to have the recording of the proceedings and all documentary evidence destroyed after two weeks of the verdict, except when such evidence might be relevant to another pending charge.
22. A right to be presumed innocent and to be found guilty of an Honor Code offense only if evidence of his or her guilt is proven beyond a reasonable doubt.
23. A right, prior to notification of the verdict and sanction, to attend classes and to participate in any College function, provided, however, that until such time as all charges are resolved, the College reserves the right to withhold academic credit for any courses taken during the term in which the alleged offense occurred and/or to withhold the awarding of an academic degree.
24. When preparing his or her appeal, a right to have access to all evidence, including the recording of the proceedings in the company of one or more Honor Council members.
25. In the event of a closed hearing, a right to have all matters relating to the charge, hearing, verdict, or appeal kept confidential by all parties with knowledge of the circumstances of the charge or the proceedings hereunder, except as limited by applicable law.
26. A right to be sanctioned only one time for the same offense.
27. A right to seek protection from threat, harassment or damage to self or property resulting from participation in the hearing.

### **Section 3.2 Duties of the Accused**

1. To cooperate reasonably with the Honor Council during the investigation and hearing, including a duty to ensure a timely resolution of the charge.
2. To answer fully and honestly all relevant questions of the investigators, the Honor Council hearing panel, and the accused's Student Counsel, unless the answers might, directly or indirectly, tend to incriminate the accused and the accused asserts his/her rights under the Fifth Amendment to the U.S. Constitution.

### **Section 3.3 Rights and Duties of the Accuser**

1. A right and duty to testify fully and honestly.
2. A right to be present at the hearing, unless properly sequestered as a witness.
3. A right to seek protection from threat, harassment or damage to self or property resulting from participation in the hearing.

4. A duty to preserve the confidentiality of all matters relating to the alleged violation.

### **Section 3.4 Rights and Duties of Witnesses**

1. A right to seek protection from threat, harassment, or damage to self or property resulting from participation in the hearing.
2. A duty to cooperate in the investigation and to appear before the Honor Council and answer all questions fully and truthfully, except when the answers to any questions would tend, directly or indirectly, to incriminate the witness and the witness asserts his/her rights under the Fifth Amendment to the U.S. Constitution. Lying during the investigation or the hearing is a violation of the Honor Code. Failure to cooperate or to answer questions, except under a valid claim of privilege, shall constitute a violation of the College's Code of Conduct.
3. A duty to maintain the confidentiality of the investigation and the hearing.

### **Section 3.5 Rights and Duties of the Council**

1. A right to seek protection from threat, harassment or damage to self or property resulting from participation in the hearing.
2. A right, in cases in which the accused student chooses to have legal counsel present, to allow its own counsel, including the College's legal counsel, to be present. The council also has the right to be informed of the accused's choice (regarding the presence of counsel) at least forty-eight hours prior to the hearing.
3. A duty to maintain confidentiality.
4. A duty to treat every participant in the hearing fairly and equitably.

## **Section 4. Administration**

### **Section 4.1 Separate Jurisdictions**

Students administer the Honor Code through a Council of Chairs and a system of six Honor Councils constituted in each of the major academic units of the College: (1) the undergraduate student body, the graduate schools of (2) Arts and Sciences, (3) Business, (4) Education, (5) Law, and (6) Marine Science. Students will be selected for the respective Honor Councils in the manner determined by the student governing bodies of each unit: (1) the Undergraduate Honor Council, (2) Graduate Student Association in Arts and Sciences, (3) the MBA Association in conjunction with the MAC Council in the Graduate School of Business, (4) the Graduate Students in Education Association in the Graduate School of Education, (5) the Student Bar Association in the Law School, and (6) the VIMS Graduate Student Association in the School of Marine Science.

### **Section 4.2 Selection of Honor Council Members**

The student governing bodies of the respective academic units shall determine the manner of selecting their Honor Council members, procedures for removal of Honor Council members, and qualifications for membership on their Councils.

### **Section 4.3 Jurisdiction**

When a student is accused of violating the Honor Code, the Honor Council for the academic unit in which the accused student is enrolled as a degree candidate shall hear and determine the case according to these procedures.

An accused student who is not enrolled as a degree candidate in any specific academic unit shall be subject to the jurisdiction of the undergraduate Honor Council. An accused student enrolled as a joint degree candidate, shall be subject to the jurisdiction of the Honor Council in which the accuser is enrolled, if the accuser and accused are enrolled in the same academic unit. If the accused joint degree student and the accuser are not enrolled in the same academic unit, the accused student enrolled as a joint degree candidate may elect to be tried before the Honor Council of either of the academic programs in which he or she is enrolled.

#### **Section 4.4 Council of Chairs**

A separate Council of Chairs, consisting of the Chief Justice of each of the six Honor Councils, will be responsible for the oversight and management of the Honor System. The Council of Chairs will monitor the work of the various Councils to ensure that they function as a unified system. Among its specific duties, the Council of Chairs, in conjunction with the Office of the Dean of Students, will educate the student bodies regarding Honor Code standards and procedures, will coordinate the training of Honor Council members, investigators and Student Counsel, and will be responsible for ensuring that each student, upon matriculation at the College executes a pledge to abide by and uphold the honor system.

## **Section 5. Polices and Procedures for Code Enforcement**

### **Section 5.1 Preliminary Matters**

Each of the six Honor Councils may develop and implement procedural rules supplementing the administration of this Code. Such rules and procedures must be consistent with the other provisions of this Code as well as the Constitutions of their respective student governing bodies, and, therefore must be submitted to the Council of Chairs for approval.

In addition to specific procedures, each school may adopt non-binding commentary to explain portions of the Code. Such commentary should be developed in accordance with procedures determined by each school's student governing body. This commentary must also be submitted to the Council of Chairs for approval as consistent with this Code.

### **Section 5.2 Reporting A Breach of Honor**

The basis of an honor system is each student's acceptance of the responsibility to act honorably and to uphold this code of honorable conduct. Students must also reject dishonorable conduct in others. Accordingly, if an honor system is to be effective, students and all College community members must report suspected violations of the Honor Code by students.

When any member of the College community believes in good faith that an Honor Code violation may have occurred, he or she shall act in accordance with the following procedures: (1) make a good faith and diligent attempt personally to confront the student involved, inform the student of the nature of the alleged violation, and request an explanation; (2) if the explanation is satisfactory, forget the matter; (3) if the explanation is unsatisfactory or if no explanation is received, personally accuse the student of a violation of the Honor Code and offer that student the option of, within twenty-four hours, resigning from the College or reporting himself or herself to the Chief Justice of the Honor Council with jurisdiction over the matter; (4) within twenty-four hours after the personal accusation, whether the accused student has reported to the Honor Council or resigned from the College, notify the Chief Justice and reduce the charge to writing and submit the written charge to the Chief

Justice of the Honor Council with jurisdiction over the matter; (5) following an unsuccessful, good faith and diligent effort personally to confront the accused, promptly notify the Chief Justice of the accusation, and within twenty-four hours, deliver a written accusation of the alleged honor violation to the Chief Justice of the Honor Council with jurisdiction over the accused student.

The respective Honor Councils have no jurisdiction over alleged Honor Code violations until a personal accusation or a good faith and diligent attempt to make a personal accusation has been made, and a written charge has been filed with the Chief Justice in accordance with these procedures.

If an accused student chooses to resign from the College, the Office of the Dean of Students shall direct that the student's official records, including his or her transcript shall carry the designation "Resigned under suspicion of violation of the Honor Code." The student may meet with the Vice President for Student Affairs to discuss the issue. If a student chooses to resign from the College the student must certify in writing that he or she will never seek readmission or re-enroll to the program of study in which he or she was enrolled at the time of the alleged offense. If the accused reports to the Chief Justice within twenty-four hours, the Chief Justice shall, upon receipt of the accuser's written accusation, immediately provide to the accused the following information: (1) a copy of the written accusation, (2) a copy of the Honor Code, (3) a list of all students trained as Student Counsel, who may, if selected by the accused, serve as the accused's Student Counsel, and an explanation that the accused is free to select any student as his or her Student Counsel. The Chief Justice shall then commence an investigation in accordance with these procedures. The accused student's decision to report himself or herself to the Chief Justice, rather than resign from the College, does not infer guilt. Rather, by reporting to the Chief Justice, the accused demonstrates his or her willingness to cooperate with the honor system.

If an accused student fails to resign and fails to report to the Chief Justice within twenty-four hours following a personal accusation, the Chief Justice shall proceed with the investigation in accordance with these procedures and shall attempt to contact the accused and provide the accused with the information previously described.

The respective Chief Justices shall immediately report all allegations of suspected Honor Code violations to the Office of the Dean of Students.

### **Section 5.3 Determining Jurisdiction**

Before commencing an investigation, the Council must first determine whether the asserted conduct falls within the jurisdiction of the Honor Code.

Any alleged violations determined to be trivial shall be dismissed. A "trivial" violation of the Honor Code is one with no possible consequence to a matter of legitimate concern of the academic community, or one with no tendency to undermine trust within the community.

Any honor violation alleged to have been committed more than 4 months before the confrontation of the accused shall be dismissed unless (1) good cause for the delay has been shown and (2) it is still feasible to hold a fair trial, considering the impact of the delay on the integrity of the evidence and its availability to the accused. In determining jurisdiction, the council shall consider the effects that a lapse of time may have on the ability of the respective parties to proceed in an unprejudiced manner. This shall be determined at the same time as triviality.

In the event the conduct which gives rise to the Honor Code charge is also alleged to violate the College's code of conduct, only one proceeding shall

occur. The Vice President for Student Affairs will determine in which forum, the Student Conduct System or the Honor System, the charges would be most appropriately adjudicated. The decision of the Vice President for Student Affairs shall be final and may not be appealed.

### **Section 5.4 Investigations Of Alleged Honor Code Violations**

Upon receipt of (1) a timely written accusation of violation of the Honor Code following a proper personal accusation or (2) a diligent, good faith effort to make a personal accusation, the Chief Justice shall appoint an investigating committee of at least two people from among the membership of the Honor Council with jurisdiction over the matter. The investigators shall (1) collect, preserve, and present evidence, and (2) prepare a written report detailing all facts and evidence discovered in the investigation. In the event sufficient numbers of Honor Council members are unavailable to serve as investigators, the Chief Justice may appoint one or more members from the general student body of the academic unit having jurisdiction.

The investigators shall meet with the accused, the accuser, and all material witnesses. They shall seek to gather all relevant evidence and shall prepare a written report detailing all facts and evidence discovered during their investigation. The written report shall not contain their opinions on ultimate issues of guilt or innocence, or of witness credibility or reliability of evidence. Both the accused and the accuser shall have the option of submitting a written statement to be included in the investigators' report.

The investigation and written report shall be completed within seven working days of the Chief Justice's receipt of the written accusation. If the investigators are unable to complete the investigation and report within this seven working day period, they may request a reasonable extension from the Chief Justice. If such an extension is granted, the Chief Justice shall promptly inform all concerned parties of the new deadline for completion of the investigation.

### **Section 5.5 Sufficient Evidence Hearing**

Upon completion of the investigation and written report, the Council shall convene a three-person panel to determine whether there is sufficient evidence to proceed with a hearing. The sufficient evidence panel does not consider the guilt or innocence of the accused, but does consider the quality of evidence offered in support of the accusation. "Sufficient evidence," (1) supports an accusation, and in doing so, (2) presents a question that warrants a hearing. If the panel determines that there is insufficient evidence, the charge will be dismissed and no further proceedings will occur. If at least two-thirds of the members of the panel determine that sufficient evidence exists, the matter will proceed to a hearing before the Honor Council.

The Chief Justice then shall provide the accused with a brief written statement of the panel's determination and a copy of the Investigators' written report detailing the facts and evidence gathered to that point.

The decision of the Panel on whether there is sufficient evidence to proceed with a hearing is final and no appeal may be taken.

### **Section 5.6 Hearings on Honor Code Offenses**

As soon as possible following the sufficient evidence determination, the Chief Justice shall meet with the accused and his or her Student Counsel, if the accused has chosen one, and, if not previously provided, shall provide the following: (1) a copy of this Honor Code; (2) a copy of the written accusation; (3) written notice of the date, time and location of the hearing; (4) copies of all documentary evidence and a written summary of the substance of non-

documentary evidence gathered by the investigating committee; and (5) an explanation of the standards and procedures that will be followed at the hearing.

Hearings on allegations of Honor Code offenses shall be held as soon as reasonably possible, but in no event less than seventy-two hours before or more than two weeks after the determination of sufficient evidence, unless the Chief Justice extends the time for good cause. Hearings shall not be conducted in conflict with the religious practices of the accused or the other parties involved in the process and shall, to the extent feasible be scheduled to accommodate the schedules of the accused, the accuser and other material witnesses.

Hearings shall be conducted in a fair and equitable manner so as to provide fundamental fairness to the accused and all other interested parties, including the accuser. Formal rules of evidence shall not apply in Honor Code proceedings. Relevant hearsay evidence with adequate indications of reliability may be considered. Relevant documentary and tangible evidence may be considered if adequately authenticated with indications of reliability.

Hearings shall be conducted before a panel of six Honor Council justices, appointed by the Chief Justice of the Honor Council with jurisdiction over the matter. All six members of the panel shall be selected from the membership of the Honor Council having jurisdiction. The Chief Justice shall, where possible, serve as the presiding judge, and shall rule on all procedural and evidentiary issues incident to the hearing. If, due to bias or other conflict, the Chief Justice is unable to serve as presiding judge, the Chief Justice shall appoint a member of the Honor Council, who is not one of the six justices on the hearing panel, to serve as presiding judge. The Chief Justice shall appoint one member of the panel as secretary, who shall keep an accurate record of the proceedings for purposes of deliberations on the verdict and/or sentence, and for student appeals if the tape recording is incomplete. If sufficient numbers of Honor Council members are unavailable in a particular case, the Chief Justice may appoint one or more students from the general student body of that academic unit. The Chief Justice shall make reasonable efforts to summon the attendance of material witnesses for and against the accused. No Honor Council member who has served on the investigating or Sufficient Evidence Panel may be appointed to the hearing panel.

Honor Code hearings shall be closed to the public, unless the accused asserts his or her right to request an open hearing. In the event the accused does not request an open hearing, the only persons present at the hearing shall be the members of the Honor Council involved in the hearing, the accused, the accused's counsel as allowed by the other provisions of this Code, one silent supporter or observer chosen by the accused, and witnesses.

If, after having received adequate notice of the date, time and location of the hearing, the accused student refuses to appear or otherwise makes him or herself unavailable for trial without demonstrating to the Chief Justice good cause for postponement, the accused shall have waived his/her right to appear. Under such circumstances, the Honor Council may hold the hearing in the absence of the accused, and his or her absence shall not constitute grounds for appeal of the hearing panel's verdict and recommended sanction. The Chief Justice shall appoint one member of the Honor Council with jurisdiction, not including any member serving as an investigator or Sufficient Evidence Panel member, to represent the interests of the accused if it becomes necessary to hold a hearing in the absence of the accused.

## **Section 5.7 Conduct of the Hearing**

1. The presiding judge shall remind all participants that the proceedings are confidential, unless the accused has requested an open hearing.
2. The presiding judge shall ascertain that the proceedings are being recorded.
3. The presiding judge shall read the written charge and instruct the hearing panel members that the accused is presumed to be innocent and must be found “not guilty” unless his or her guilt is established beyond a reasonable doubt.
4. The presiding judge shall admonish all witnesses that they are bound to testify fully and truthfully, and shall secure from each witness an affirmation that he or she will so testify.
5. The Investigators shall be permitted to present the evidence.
6. The accused and/or his or her Student Counsel shall be permitted to present their case.
7. Upon completion of presentation of evidence, the presiding judge shall instruct the six hearing panel members as to the relevant code section(s) and shall remind the panel that the accused is to be found “not-guilty” unless five of the six panel members determine that the accused is guilty beyond a reasonable doubt. The presiding judge shall explain to the hearing panel that reasonable doubt is doubt which an ordinary student might entertain, not imagined doubt or doubt which a student might create in order to avoid the unpleasant duty of finding guilt. The hearing panel shall then promptly convene in private to determine the guilt or innocence of the accused. The presiding judge shall not be present for, or in any way participate in, the panel’s deliberations. No recording or record of the panel’s deliberations may be made. The accused shall be found “not guilty” of the charge unless at least five of the six members of the hearing panel find that the accused’s guilt of the charge is supported beyond a reasonable doubt. When the panel has made its determination, the presiding judge shall immediately inform the accused of the verdict.
8. If the accused is found “guilty” of the charge, the hearing panel shall reconvene to determine the appropriate recommended sanction. The sanction hearing shall be held as soon as possible following a determination of guilt. Ordinarily, the sanction hearing shall be held within two full working days of the determination of guilt. With the permission of the accused, the hearing may be postponed by the presiding judge in the interest of fairness. In no case, however, shall the sanction hearing be postponed more than seven days after the date of the determination of guilt.
9. A separate sanction hearing is provided to allow the accused to argue without equivocation, if he or she desires, for no sanction or for mitigation. The sanction hearing is not intended to be a forum for the reassessment of the guilt or innocence of the accused. The sanction hearing is to be used solely as a means to determine the appropriate sanction, if any. The presiding judge should limit the introduction of evidence relating to guilt or innocence, unless introduced to show state of mind or some other legitimate purpose related to sanction.
10. After all evidence has been presented, the panel shall convene in private to deliberate over the sanction. No other person shall be present while the panel deliberates, and the deliberation shall not be recorded.

When determining the sanction, the hearing panel may consider the accused's prior record of Honor Code and/or conduct violations, which will be supplied to the panel in a sealed envelope by the Office of the Dean of Students. The envelope containing the accused's prior record may not be opened by the hearing panel unless a determination of guilt has first been made. The sanction to be imposed must be agreed to by at least four of the six panel members.

11. At the conclusion of the deliberations, the presiding judge shall inform the accused of the sanction imposed. The verdict and sanction imposed shall be reduced to writing by the presiding judge and a copy shall be given to the accused. The written verdict shall contain a certification by the presiding judge that at least five members of the panel agreed to a finding of guilt and that at least four members of the panel agreed to the sanction imposed. A copy of the written verdict and sanction, together with the recording of the proceedings and all documentary evidence, shall be transmitted to the Office of the Dean of Students no later than the end of the next full working day. Unless the accused consents to the presence of other persons at the time the verdict is delivered, only the accused, his or her Student Counsel, his or her spouse and parents, and one silent supporter or observer chosen by the accused may be present.

## Section 6. Sanctions

In cases of an Honor Code violation, after it has heard testimony concerning sanction, the hearing panel shall begin its deliberations concerning sanction by determining whether separation from the College (suspension,\* indefinite suspension,\* or permanent dismissal\*) is the appropriate sanction. Alternative sanctions may be imposed, when, in the judgment of the hearing panel, because of the nature and circumstances of the offense and/or the circumstances of the accused, one or more of the following lesser sanctions are appropriate:

1. Warning.\*
2. Recommendation that the student receive a specific grade, including a failing grade, in an assignment or a course, provided, however, that the Honor Council's recommendation is not binding on the faculty.
3. Task/service participation.\*
4. Restitution.
5. Loss or restriction of privileges.\*
6. Probation with or without specific conditions.\*
7. Probation with or without specific conditions and with loss of privileges.\*
8. Other reasonably constructed sanctions.

\* See Section VII., Sanctions, of the Administration of Student Code of Conduct section of the Student Handbook for definitions.

All sanctions imposed by the hearing panel must be accompanied by a written finding that explains why the panel determined such a sanction to be appropriate.



## Section 7. Post-Verdict Review and Appeal

Upon receipt of an Honor Council's written finding of guilt, the Dean of Students, in consultation with the Dean of the school with jurisdiction, shall immediately conduct a post-verdict review of the case, including a review of the recording of the hearing and all documentary and tangible evidence. If the Dean of Students concludes that the verdict and/or sanction was based in whole or in part on the accused's race, gender, age, sexual orientation, handicap, religion, or national origin, or that a material procedural error occurred that may have significantly prejudiced the accused, the verdict may be set aside. If the verdict is set aside because in the Dean's opinion it was based on discriminatory factors or set aside for procedural error, the accused may be re-tried for the offense. If the verdict is sustained, the Dean of Students shall also review the sanction imposed by the Honor Council. The Dean of Students may reduce or modify the sanction upon finding that the sanction imposed is not authorized by the Honor Code. No modification or reduction of sanction shall be made without the written consent of the accused. The Dean of Students shall complete this review within two full working days of receipt of the Honor Panel's written verdict, unless granted an extension for good cause by the Vice President for Student Affairs.

Within five working days of receipt of the written decision of the Dean of Students confirming the verdict and sanction of an Honor Council, the accused may appeal the verdict and or the sanction, including a sanction modified by the Dean of the Students with the consent of the accused, to the Appeals Committee by filing a written notice of appeal and with the Vice President for Student Affairs. The written notice of appeal shall specify the grounds for appeal and shall be limited to the following:

1. The verdict and/or sanction was based in whole or in part on the accused's race, gender, age, sexual orientation, religion, handicap, or national origin;
2. Material procedural error occurred, which significantly prejudiced the accused;
3. The verdict is not supported beyond a reasonable doubt;
4. The sanction imposed is unauthorized or is unduly harsh, given the circumstances of the offense and/or the circumstances of the accused;
5. New or exculpatory evidence has been discovered which is not merely corroborative, and which could not have been discovered by the accused in the exercise of due diligence, and which, at another hearing on the matter, would likely produce a different result.

Upon receipt of the notice of appeal, the Vice President for Student Affairs shall appoint from the membership of the Appeals Committee a four person appeals panel, composed of one administrator, one faculty member, and two students from the academic unit of the Honor Council which heard the case, who shall not be a member of that academic unit's Honor Council. Should temporary Appeals Committee members be required, the Vice President for Student Affairs is empowered to make the necessary appointment(s). The appeals panel shall review the appeal and any and all records of the case which it deems advisable, and, within one work week from the time appeal was filed, report its decision to the appellant unless the Vice President for Student Affairs, for good cause, decides to extend the time period. Ordinarily this period will not extend beyond two work weeks (beyond two weeks).

The appeals panel may determine either: (1) the appeal is without merit; or (2) the verdict and/or the sanction should be reviewed. If the panel decides that the appeal is without merit, the decision of the Honor Council, as affirmed or

modified by the Dean of Students, is final. If the panel decides that the verdict and/or sanction should be reviewed, the Office of the Provost shall review the record of the case, including the recording of the proceedings and all documentary and tangible evidence, and shall, within one work week, render a final decision. If the Office of the Provost concludes that the verdict has not been established beyond a reasonable doubt, that verdict shall be set aside and no further proceedings may occur. If the Office of the Provost concludes that the verdict or sanction was based in whole or in part on the accused's race, gender, age, sexual orientation, religion, handicap or national origin, or that material procedural error occurred which significantly prejudiced the accused, or that new material, exculpatory evidence has been discovered which, at another hearing, might produce a different result, the Office of the Provost may order the Honor Council to conduct a new hearing with a different council membership. If the Office of the Provost concludes that the sanction imposed is not authorized or is not supported by the circumstances of the case and/or the circumstances of the accused, the Provost may lessen the sanction as appropriate. The action of the Office of the Provost on appeal is final and no further proceedings or appeal shall occur.

## **Section 8. Amendments**

Amendments to this Honor Code may be proposed to the Council of Chairs by any William and Mary student. Such amendments shall become effective when approved by all schools, and approved by the President of the College. The manner by which each school approves amendments shall be determined by their respective student governing bodies.

## **Section 9. Public Notice**

At the beginning of each semester, the Chief Justices of the respective Honor Councils shall compile a brief summary of the cases, charges, verdicts and sanctions for all Honor Code hearings conducted the previous semester. The compilations shall be sent to the editors of the Flat Hat, the William and Mary News, and other campus publications selected by the Council of Chairs, together with a request that the compilations be printed or broadcast in a conspicuous yet tasteful manner. The compilations shall contain no names or other identifying student information.

## Appendix I. Sexual Misconduct Policy

Sexual misconduct includes, but is not limited to, sexual intercourse, sexual contact, sodomy, or object penetration of the anus or vagina without the person's consent. A person who is mentally or physically helpless cannot give consent. Intoxication by alcohol or other substances may produce such a state of mental or physical helplessness.

Sexual contact without the person's consent includes, but is not limited to, any intentional touching, either directly or through the clothing, of the person's genitals, breasts, thighs, or buttocks. It also includes touching or fondling of a person when the party is forced to do so against his or her will. **Sanctions for violations of this section range from probation to dismissal.**

Sodomy, object penetration, or sexual intercourse without consent (whether by acquaintance or stranger) **require indefinite suspension or permanent dismissal.**

Because of the serious nature of acts of sexual misconduct, the student conduct procedures have been modified to insure that such cases are pursued with sensitivity as well as fairness. See p. 33 for information about these procedures. College regulations specifically prohibit the harassment, abuse, threat or intimidation of any witnesses or party to an incident (*see abusing the conduct system, p. 22*). As a matter of policy, the College encourages the reporting party in these cases to also pursue appropriate remedies in the state judicial system.

## **Appendix II. Sexual Harassment**

The College of William and Mary is committed to an environment in which students, faculty, staff, and guests are free from sexual harassment. Sexual harassment threatens the legitimate expectation of all members of the campus community that academic achievement or employment progress is determined by classroom and job performance. Particularly unacceptable in any work environment, sexual harassment is prohibited at The College of William and Mary and in its programs, activities, and functions. Sexual harassment may also constitute violations of the criminal and civil laws of the Commonwealth of Virginia and the United States.

Sexual harassment is any unwelcome conduct of a sexual nature, which may include:

- Seductive behavior
- Sexual solicitation
- Sexual touching or assault

Sexual harassment most often occurs when one person has actual or apparent power or authority over another. However, it may also occur between individuals of equal status or rank, between males and females, or between persons of the same sex.

Please visit the Office of Equal Opportunity's website at <http://www.wm.edu/offices/eo> for more information on sexual harassment.

## Appendix III. Weapons, Firearms, Combustibles, and Explosives

### A. Proscribed conduct includes, but is not limited to:

1. Illegal or unauthorized possession of firearms, explosives, fireworks, other weapons, or dangerous chemicals or combustibles on College premises.
2. Use of any such item, even if legally possessed, in a manner that harms, threatens or causes fear to others.
3. Possession of counterfeit, replica, or blank-firing firearms or realistic-looking toy firearms, knives, or swords.
4. Possession of pellet, paint, and bb guns.

**B. Confiscation.** The College reserves the right to confiscate weapons, fireworks, and any instruments, non-conforming toys, or other items that reasonably appear to be weapons or other prohibited items listed above, to hold those items for appropriate disposition, and to refer the possessor for disciplinary action.

**C. Obtaining Permission to Possess.** Any student who wishes to possess an object that is deemed a “weapon” by this policy on campus for any reason, including participating in an academic activity, club sport, or extra-curricular activity, must seek and obtain approval from the Dean of Students Office prior to bringing the object to the College. The College reserves the right to refuse permission to any request and/or to place conditions on the approval of such requests.

**D. Self-Defense Items.** Students may possess mace, pepper spray, and other such items that are intended for self-defense purposes only. Use in other ways would constitute a violation of College regulations. Stun guns and tasers are prohibited.

## **Appendix IV. Alcohol Beverage Policy**

### **A. The following conduct is prohibited:**

1. Possessing, purchasing, or consuming alcohol under the age of 21.
2. Providing alcohol to any person under the age of 21.
3. Appearing intoxicated in a public area.
4. Selling or serving alcoholic beverages to an intoxicated person.
5. Possessing an open container of alcohol in any public or common area, including, but not limited to, hallways, stairwells, and other common areas of residential facilities.
6. Possessing items used predominantly for drinking games (e.g., beer pong tables and beer bongs).
7. 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.
8. Bringing any type of alcoholic beverage into an Alcoholic Beverage Control (ABC) licensed facility or area, and taking alcoholic beverages out of an ABC area.

### **B. The following additional provisions apply to possession or consumption of alcoholic beverages in College residence halls:**

1. Alcohol is not permitted in any individual room in a freshman residence hall unless one of the residents is at least 21 years of age and the alcohol belongs to that resident. Further, alcohol is not permitted in the common areas of freshman residences nor may functions with alcohol be scheduled in freshman residence halls.
2. Students and guests may not participate in drinking games or progressive drinking parties.
3. Empty alcohol containers in residence hall facilities may constitute evidence of alcohol consumption or possession, and may, therefore, be subject to inspection and seizure, and residents may be subject to disciplinary action.
4. Any person who desires to host and have alcohol available at an event in his or her private residence hall room, apartment or lodge must register the event with the Office of Student Activities if the number of individuals present is more than eight over the room, apartment, or lodge occupancy. If it is likely that more than eight people plus the number of residents will be present, the resident(s) must obtain approval for the event. Maximum capacity restrictions of the room, apartment or lodge may not be exceeded.<sup>21</sup>
5. The College prohibits common containers of alcohol, including but not limited to, kegs, pony kegs, beer balls, box wines and containers greater than 750 ml., and mixed alcoholic punch in any residential facility, whether the containers are empty or full. The Office of Student Activities may grant permission for the use of common container alcohol at special functions.

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<sup>21</sup> Refer to Residence Life Contract for occupancy information.

## Appendix V. Amnesty Policy

Student health and safety are of primary concern at the College. 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 the Drug Policy. 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 Student Code of Conduct.

This 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.

This policy does not grant amnesty for possession *with intent to distribute drugs*.

In lieu of sanctions, 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.

### ***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 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 Policy or Drug Policy.

### ***Disclosure of Amnesty Incidents:***

The College may disclose amnesty incidents if a student is requesting that their discipline record be shared with Study Abroad, the Student Conduct system, and Residence Life when considering applicants for employment.

## Appendix VI. Events Where Alcoholic Beverages Are Served

- A. ABC Banquet/Special Event License.** The College may require a license from the Virginia Alcoholic Beverage Control Board for certain events. The event organizer is responsible to check and secure any license in advance. The ABC Board will not accept license applications that do not allow it two weeks for processing. Submission of an application for an ABC license does not guarantee approval. Students may obtain applications through the Office of Student Activities.
- B. Campus-wide events** are those limited to William and Mary students, faculty, staff, and their invited guests. In campus-wide events these restrictions apply:
1. A Virginia ABC license is required or a licensed third party vendor must be used if the host is charging an admission fee or charging for drinks.
  2. Alcoholic beverages must be sold individually and not given away.
  3. Beer, wine or wine coolers are the only alcoholic beverages that may be served.
  4. Admission is restricted to persons who are at least 21 years of age, unless alcoholic beverages are confined to a separate restricted area that has been approved for that purpose or unless approved by the Assistant Vice President for Student Affairs or designee.
- C. Private events** are those to which attendance is limited to an invited group. In private events these restrictions apply:
1. Prior written approval from the Assistant Vice President for Student Affairs is required.
  2. Announcement of the event may be by personal invitation only; advertising of the event is not permitted. Advertising includes, but is not limited to, ads, posters, flyers, or electronic postings/messages.
  3. The percentage of the group's membership, residents, and/or guest list that is of legal drinking age will be a factor in determining what quantity of alcohol may be served. A separate area may be required for the consumption of alcohol.
- D. B.Y.O. (Bring Your Own) Events.** Even though the attendees provide the alcohol, BYO events must conform to the same guidelines as all other events where alcohol is to be present. The student or organization sponsoring the event will control the collection, serving and disbursing of alcoholic beverages; a designated serving area will be established, and only one drink at a time may be obtained. Tickets or a punch card system must be in place for attendees to obtain beverages from the serving area, and hosts must adhere to food and alternate beverage requirements set forth in this policy. Deviations from these regulations must be approved in advance by the Assistant Vice President for Student Affairs.
- E. Except as otherwise noted, the following policies apply to all events at which alcoholic beverages are served:**
1. Events that fail to comply with the College's Alcoholic Beverage Policy or state law or with generally accepted rules of safety may be terminated by a member of the Student Affairs staff, law enforcement officers, including agents of the Virginia Alcoholic Beverage Control, or an appropriate fire or safety officer (depending on the circumstances).



2. **The following regulations incorporate the requirements of the Virginia ABC Board and additional requirements of the College. The sponsoring individual or organization must responsibly plan and supervise the activity.**
- a. **Scheduling Events.** Functions at which alcohol will be served must be scheduled through the Office of Student Activities, Campus Center 203B. For all events at which alcohol will be served, completed forms must be submitted no later than one week prior to the event. Area Directors must sign completed forms for events to be held in residence halls. Forms for events that are approved must be picked up and displayed at the event. (The Office of Student Activities closes at 5 pm on Monday through Friday.) Failure to pick up the authorization form from the Office of Student Activities and display it at the event constitutes an “unauthorized event.” Such an event is subject to termination and the organization is subject to disciplinary action.  
  
For smaller, more spontaneous weekend events of fewer than 20 students, the host may submit a request, via an online form, to the Assistant Vice President by 12:00 pm on the Friday preceding the event. The event is not considered approved unless the requestor or event manager receives an email from the Assistant Vice President/designee. Student Activities will provide notice of approval to the William and Mary Police and the appropriate Residence Life staff.
  - b. **Notice.** A notice must also be displayed at all entrances to the event and reading, “Private Function. Members and invited guests only.”
  - c. **Approved Areas.** Alcohol may be served and/or consumed only in approved common areas. Alcohol may not be served and/or consumed in common areas that have not been approved through the scheduling process. Approved areas are those for which a special license has been granted directly by the ABC Board or permission has been given by the Assistant Vice President for Student Affairs. Common areas include lobbies, lounges, living rooms, stairwells, stairways, common area bathrooms, hallways of College residence halls (including fraternity and sorority houses), and Campus Center and Sadler Center rooms. Events involving the distribution and/or sale of alcoholic beverages will not be scheduled for outside public or common areas that are not adequately shielded from public view, to which entry cannot be readily controlled, or which are inappropriate due to their proximity to residential or academic areas.
  - d. **Timing of Events.** The College may limit the number, frequency, and duration of events as well as the type and amount of alcohol that may be present and/or served at any function. The College will not approve functions with alcohol during Alcohol Awareness Week or during the first week of each semester, including the first weekend in the Fall semester (which will vary depending on individual school calendars). Functions with alcohol will not be scheduled after the last day of classes each semester, with the exception of officially scheduled events associated with Commencement. No events with alcohol may be scheduled during reading and exam periods without prior written permission from the Assistant Vice President for Student Affairs.

5. Progressive drinking parties, drinking games, and other functions where drinking alcohol is the principal attraction are not permitted.
6. **Types of Alcohol.** Beer, wine, or wine coolers are the only alcoholic beverages that may be served and/or consumed at an event. Hard liquor is not permitted except under special circumstances approved in advance by the Assistant Vice President for Student Affairs. Grain alcohol served in any form is strictly prohibited.
7. **Alternative Beverage and Food Items.** Non-alcoholic beverages must be visible and available on the same basis as any alcoholic beverages served at approved functions. Appropriate food items such as snacks, fruit, vegetables, cheese, pizza, and/or other solid foods must be available in sufficient quantities throughout functions as long as alcoholic beverages are present, served or sold. Failure to provide adequate alternative non-alcoholic beverages and food may result in termination, delay of the event, and/or disciplinary action.
8. **Guests.** Individuals or groups sponsoring social functions are responsible for the actions of all guests in attendance at the event. Except in the case of Campus-wide Events, “open” parties and functions where there are no guest lists are prohibited. Guests are defined as those individuals who are known to the host(s) of the function and have previously been identified as invited guests to the functions.
  - a. **Guest Lists.**
    - i. Except in the case of Campus-wide Events, a sponsoring organization must post completely sober (have refrained from consuming any alcohol) members at the entrance to a function to supervise the admission of guests.
    - ii. Guest lists must be approved by the Office of Student Activities by 12 noon on the day of the function or no later than 12 noon on Friday for functions occurring on the weekend.
    - iii. The sponsoring organization must submit to the Office of Student Activities two copies of their guest list with names of all guests. Guest lists must conform to the format provided on the Student Activities website.
    - iv. A maximum of 400 individuals may be included on a guest list for an approved scheduled event. Approval to exceed the maximum 400 person limit must be obtained in advance of the event from the Assistant Vice President for Student Affairs. The number guests permitted will be determined by the occupancy of the room/area requested. The maximum number of guests on a guest list will be two and a half times the occupancy of the room. Maximum occupancy codes are included on the Event Registration form.
    - v. At no time may the number of guests at a function exceed the maximum capacity restrictions for that facility.
    - vi. The signed guest list must be turned into the Office of Student Activities on the first business day following the event. Failure to turn in a guest list, prior to or following the event, may result in loss of privileges. The College reserves the right to confirm the accuracy of guest lists by reasonable means.

9. **Identification Cards.** A completely sober individual must check to ensure that every guest either has a William and Mary ID card or is accompanied by a William and Mary student with a valid ID. An additional ID that provides proof of legal drinking age is required to consume alcohol. The use of false, altered, or borrowed identification of any type is lying, an infraction of the Honor Code, and is also a criminal offense.
10. **Wrist Bands/Hand Stamps.** At functions where alcoholic beverages are served, sold, or consumed, the sponsoring organization must distinguish between those of age and those underage by either a separate drinking area or by use of wrist bands and/or hand stamps.
11. **Time and Duration of Events with Alcohol.** Alcoholic beverages may not be sold or served prior to 3 pm Monday through Friday and 12 noon on Saturday and Sunday unless written permission is granted by the Assistant Vice President for Student Affairs.
  - a. The maximum duration of an event with alcohol service is five hours.
  - b. Functions scheduled Sunday through Thursday must conclude by midnight and events scheduled Friday and Saturday must conclude by 2 am unless prior written permission has been granted by the Assistant Vice President for Student Affairs.
  - c. Events in residence halls must conform to the rules and times established by the pertinent hall council but may not exceed the above time limits under any circumstances.
12. **Outdoor Functions.** At outdoor functions, alcoholic beverages may not be sold or served prior to 3 pm on weekdays or 12 noon on weekends or after 12:30 am, and the function must end at 1 am unless the Assistant Vice President for Student Affairs has granted prior written permission. Amplified music at outdoor events must have the volume reduced to a reasonable level after 11 P.M. and must conclude by 12 A.M.
13. **Event Management.** Except in the case of Campus-wide Events, each function involving alcohol must have at least one individual designated as the Event Manager. The Event Manager takes full responsibility for management of the event and must have attended both the Event Management Seminar and TIPS Training sponsored by the College. Information regarding TIPS training, including how to sign up, is available on the Student Activities website. In addition to the specifics outlined below, the Event Manager is responsible for completing the Scheduling Request form and posting it at the event.

Except in the case of Campus-wide Events, a minimum of one Event Manager and one Server are required for every event (with the exception of events with fewer than 25 guests where the Event Manager may also serve as the Server). Additional Event Management staff includes:

  - a. two individuals stationed at main entrances for any event with more than 50 guests.
  - b. one individual stationed at each additional point of entry/exit.
  - c. Minimum of one Monitor per 50 guests, whose purpose is to confront violations of the alcoholic beverage policy that are not occurring at the bar and/or entrance to the event.
  - d. All Event Management staff must be sober (have refrained from consuming any alcohol).

#### **14. Event Managers:**

- a. are responsible for supervising the serving and sale of alcohol.
- b. are responsible for designating the Event Management Staff for the event and for ensuring that they carry out all responsibilities of the Event Management Staff.
- c. are responsible for checking identification and verification of those eligible to be served throughout the entire event.
- d. must be present in the area where the alcohol is being served and consumed throughout the entire event.
- e. must display notice at all entrances stating "Private Function. Members and invited guests only."
- f. may share responsibility with their organization and possibly face disciplinary action and/or legal penalties for violating the provisions of this policy and the laws of the Commonwealth.

#### **15. Servers:**

- a. must be at least 21 years of age.
- b. must be trained through attendance at a TIPS Training seminar sponsored by the College.
- c. may share responsibility with their organizations and possibly face disciplinary action and/or legal penalties for violating the provisions of this policy and/or the laws of the Commonwealth.

#### **16. Serving of Alcoholic Beverages**

- a. Alcohol service is limited to an individual and to one drink per person at the time of serving.
- b. Self-service bars, taps, and beer trucks or trailers with open taps are prohibited.
- c. No alcohol may be served in glass containers at functions in or on College owned or controlled facilities or grounds. This includes outdoor functions. Glass bottles are permitted, but all alcohol must be served to guests in plastic cups.
- d. Alcoholic beverages may not be served or consumed in academic buildings without the prior written approval of the Department Chair and the Assistant Vice President for Student Affairs. Alcoholic beverages may not be served or consumed in the arena area (including the stands) of William and Mary Hall, in Zable Stadium, in any area of the Student Recreation Center, or on any athletic or intramural field without Prior written approval by the Assistant Vice President for Student Affairs in concurrence with the appropriate facility director or supervisor.
- e. The serving or consumption of alcohol at any activity or event related to membership recruitment, initiation or induction is prohibited.

#### **17. Third Party Vendors**

- a. Third party vendor service may be used in place of Event Management Staff (Event Manager and Server). A third party vendor must be a company, business, or establishment that is insured and has been issued a Mixed Beverage Caterer's License by the Virginia Alcohol Beverage Control Board.

## 18. Advertising

- a. Advertising means publicity that promotes attendance at an event. It includes, but is not limited to, ads, posters, flyers or electronic messages.
- b. Advertising for private functions is not permitted.
- c. Advertising for campus-wide events, banquets or events with a Special Event License, or any event that involves the sale of alcohol must be limited to the campus.
- d. Information provided on the advertisement must be limited to the type of function, names of band or entertainment, location, and time.
- e. The advertisement must include the name of the sponsoring organization and a statement indicating that a William and Mary ID and proof of age are required for entry into the event.
- f. Terms or illustrations descriptive of alcoholic beverages or which encourage or promote the consumption of alcoholic beverages (including but not limited to “cocktails”, “happy hours”, “beverages”) are prohibited.

## 19. Security

- a. The College may require professional security personnel to be present for any event that involves the serving or sale of alcoholic beverages. The Assistant Vice President for Student Affairs will make this determination in consultation with the Campus Police. The number of attendees, amount of alcohol present, location of the event, and potential for crowd control issues will all be factors in determining security for an event. Campus Police or professional security personnel are required at functions scheduled for the Sunken Garden, the Alumni House, and the Lake Matoaka Amphitheatre shelter and/or amphitheater.

**Nothing in the Alcoholic Beverages policies shall operate or be interpreted as assumption of liability by the College for any injury, damage, or loss caused by any student’s, sponsor’s or organization’s failure to comply with the foregoing policy. Each student, organization and sponsor is responsible for becoming informed and observing the law. Permission by the College to conduct any activity covered by these rules does not release the student, organization or sponsor from responsibility under applicable laws governing the activity. Student organizations or sponsors are not agents of the College and have no authority to make any representations or undertake any actions or contracts on behalf of the College.**

## **Appendix VII. Policy Notice Regarding Alcohol and Other Drug Use**

In keeping with the Federal Drug-Free Schools and Communities Act Amendments of 1989, which require that all College students receive annual notice of the laws regarding alcohol and other drug use, the following information is offered:

Members of the College community enjoy a high degree of personal freedom, guaranteed by the United States, the Commonwealth of Virginia, and the College of William and Mary's Statement of Rights and Responsibilities. That freedom exists within the context of local, State and Federal law and the obligations imposed by College regulations. The Student Handbook is the official document describing College policy for student behavior, the student discipline system of the College of William and Mary, and sanctions for violation of College policy.

- The College of William and Mary clearly prohibits the use and distribution of illicit drugs and the abuse of alcohol.
- Violations of local, State, or Federal law also constitute violation of College regulations.
- When a student is charged with a violation of law, it is the practice of the College to initiate its own disciplinary proceedings without awaiting court action. Behavior off-campus is subject to disciplinary action.

### **Alcohol Policy and Sanctions**

All students of the College and their guests and all organizations must observe Virginia law as it pertains to the purchase and consumption of alcoholic beverages. Virginia law specifically states that persons under the age of 21 may not purchase, possess, or consume any type of alcoholic beverages. The sanctions for violation of this regulation shall range from warning to dismissal and will usually include alcohol education or treatment.

### **Drug Policy and Sanctions**

For the purpose of these regulations, drugs are defined as including marijuana, hashish, amphetamines, LSD compounds, mescaline, psilocybin, DMT, narcotics, opiates, and other hallucinogens, except when taken under a physician's prescription in accordance with law.

College regulations, in conformity with Federal and State statutes governing drug use, provide the following:

- Manufacturing or providing drugs to others is prohibited. The penalty for violation of this regulation shall range from disciplinary probation to dismissal from the College.
- Possession or consumption of drugs is also prohibited. Possession of drug paraphernalia is prohibited. The penalty for violation of this regulation ordinarily shall range from probation to dismissal.

### **Sanctions for Students under the College Discipline System**

Violations of College policy by students are addressed through the Student Conduct System or the Honor Council as appropriate.

When a student is found responsible for violating College regulations, the following sanctions may be levied individually or in combination with other sanctions:

Warning; loss or restriction of privileges; restitution; task participation

(including for example, service to the community and/or participation in a educational program); disciplinary probation; probation with loss of privileges; suspension; indefinite suspension; and permanent dismissal. In extraordinary circumstances an interim suspension can also be imposed.

## **I. LEGAL SANCTIONS**

Members of the William and Mary community should be aware of legal penalties applied for conviction in cases of drug and/or alcohol abuse. An offense is classified in the Code of Virginia as a misdemeanor or a felony, depending upon the type and the amount of the substance(s) involved.

### **Alcohol**

Virginia's Alcohol Beverage Control Act contains a variety of provisions governing the possession, use and consumption of alcoholic beverages. The Act applies to all students and employees of this institution. As required by the Federal Drug-Free Schools and Communities Act Amendments of 1989, the pertinent laws, and sanctions for violations, are summarized below:

1. It is unlawful for any person under age 21 to purchase or possess any alcoholic beverage. Violation of the law exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to twelve months and a fine up to \$2,500, either or both. Additionally, such person's Virginia driver's license may be suspended for a period of not more than one year.
2. It is unlawful for any person to sell alcoholic beverages to persons under the age of 21 years of age. Violation of the law exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to twelve months and a fine up to \$2,500, either or both.
3. It is unlawful for any person to purchase alcoholic beverages for another when, at the time of the purchase, he knows or has reason to know that the person for whom the alcohol is purchased is under the legal drinking age. The criminal sanction for violation of the law is the same as #2 above.
4. It is unlawful for any person to consume alcoholic beverages in unlicensed public places. Violating the law, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is a fine up to \$250.

### **Controlled Substances and Illicit Drugs**

The unlawful possession, distribution, and use of controlled substances and illicit drugs, as defined by the Virginia Drug Control Act, are prohibited in Virginia. Controlled substances are classified under the Act into "schedules," ranging from Schedule I through Schedule VI, as defined in sections 54.1-3446 through 54.1-3456 of the Code of Virginia (1950), as amended.

As required by the Federal Drug-Free Schools and Communities Act Amendments of 1989, the pertinent laws, including sanctions for their violation, are summarized below.

1. Possession of a controlled substance classified in Schedules I or II of the Drug Control Act, upon conviction, exposes the violator to a felony conviction for which the punishment is a term of imprisonment of ranging from one to ten years, or in the discretion of the jury of the court trying the case without a jury, confinement in jail for up to twelve months and a fine up to \$2,500, either or both.

2. Possession of a controlled substance classified in Schedule III of the Drug Control Act, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to twelve months and a fine up to \$2,500, either or both.
3. Possession of a controlled substance classified in Schedule IV of the Drug Control Act, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to six months and a fine up to \$1,000, either or both.
4. Possession of a controlled substance classified in Schedule V of the Drug Control Act, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is a fine up to \$500.
5. Possession of a controlled substance classified in Schedule VI of the Drug Control Act, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is a fine up to \$250.
6. Possession of a controlled substance classified in Schedule I or II of the Drug Control Act with the intent to sell or otherwise distribute, upon conviction, exposes the violator to a felony conviction for which the punishment is imprisonment from five to forty years and a fine up to \$500,000. Upon a second conviction, the violator must be imprisoned for not less than five years but may suffer life imprisonment, and fined up to \$500,000.
7. Possession of a controlled substance classified in Schedules III, IV, or V of the Drug Control Act with the intent to sell or otherwise distribute, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to one year and a fine up to \$2,500, either or both.
8. Possession of marijuana, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to thirty days and a fine up to \$500, either or both. Upon a second conviction, punishment is confinement in jail for up to one year and a fine up to \$2,500, either or both.
9. Possession of less than one-half ounce of marijuana with intent to sell or otherwise distribute, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to one year and a fine up to \$2,500, either or both. If the amount of marijuana involved is more than one-half ounce to five pounds, the crime is a felony with a sanction of imprisonment from one to ten years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for up to one year and a fine up to \$2,500, either or both. If the amount of marijuana involved is more than five pounds, the crime is a felony with a sanction of imprisonment from five to thirty years.

## **II. RISKS**

The College of William and Mary is dedicated to the education of students and employees about risks associated with the abuse of alcohol and other drugs. Descriptions of some of these health risks are offered below. In addition, behavioral difficulties at work or in school, in relationships, and with the law can be linked to the abuse of alcohol and other drugs.

### **Effects of Alcohol**

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car or walk home safely. Low to moderate doses of alcohol also are associated with increased incidence of a variety of aggressive acts, including



sexual assault, vandalism, and fighting. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn, memorize and perform academically, sometimes for weeks after the drinking occurrence. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to impairment, high tolerance, and dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants often have irreversible physical abnormalities and mental retardation. Research indicates that children of alcoholic parents have a greater risk of becoming alcoholics.

### **III. AREA RESOURCES RELATED TO SUBSTANCE ABUSE**

Students in the College community have access to several sources of assistance for substance abuse problems.

#### **Campus Educational and Consultation Resources**

- Substance Abuse Education—interactive group, individual and classroom education. (221-3631; <http://www.wm.edu/offices/ohe/>)
- Substance Abuse Educator—assessment, counseling, and education regarding the health effects of substance abuse for individuals and groups, as well as referrals to appropriate campus and community services. (221-3631; <http://www.wm.edu/offices/ohe/>)
- The F.I.S.H. Bowl (Free Information on Student Health) has books, videos, CD Roms, computer tests, journals and research for students and faculty on substance abuse, sexual assault, wellness, relationships, and more. (221-3229)
- Counseling Center—limited assessment, counseling, and referral services for drug and alcohol related issues. (221-3620; <https://www.wm.edu/offices/counselingcenter/?svr=web>)
- New Leaf Clinic—substance abuse assessment and counseling (short and long term). 221-2363; <http://education.wm.edu/centers/newleaf/index.php>

#### **Off Campus Support Groups**

- Alcoholics Anonymous (AA)—a self supporting fellowship based on a Twelve Step program that offers individual sponsorship, group meetings and membership to anyone interested in dealing with an alcohol problem. (Telephone assistance and meeting information: 595-1212 <http://www.aavirginia.org/hp/>)
- Al-Anon—families and friends of alcoholics receive help through this fellowship which explores the Twelve Steps and the experiences of others. (Telephone assistance and meeting information: 875-9429; <http://www.va-al-anon.org/>)
- Narcotics Anonymous—individuals addicted to drugs may obtain help through this group. It offers a fellowship with other recovering addicts

who help each other remain abstinent. (Telephone assistance and meeting information: 875-9314; <http://www.peninsulana.org/>)

- Marijuana Anonymous — individuals dependent on marijuana may obtain help and support for abstinence. (Meeting information: 259-6164; [www.marijuana-anonymous.org/pages/meetva.html](http://www.marijuana-anonymous.org/pages/meetva.html))

### **Off Campus Community Resources**

Mental health services are generally covered by student's health insurance plan.

- Colonial Service Board's Substance Abuse Unit—outpatient education and therapy for individuals, families and groups, with referral to inpatient services if needed. (220-3200 or [www.colonialsb.org](http://www.colonialsb.org))
- Williamsburg Place, Substance Abuse Treatment Center for Adults—licensed by State of Virginia (JCAHO approved); outpatient treatment with a residential component. (565-0106 or 1-800-582-6066 or [www.williamsburgplace.com](http://www.williamsburgplace.com))
- The Counseling Center, LLC – offers mental health assessments, substance abuse screenings, intensive outpatient treatment, education groups, and individual counseling, as well as Aftercare. (757-229-4645; [www.thecounselingctr.com](http://www.thecounselingctr.com))