

GRADUATE STUDENT LIFE POLICIES




The College of William and Mary
in Virginia
1973

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The College of William and Mary in Virginia
Williamsburg, Virginia



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GRADUATE STUDENT LIFE POLICIES

The achievement of the educational purposes of the College is a responsibility shared by all members of the College community. Each has the right to expect his colleagues to help maintain on campus an environment conducive to the pursuit of learning and each has the obligation to respect the same right of others. While the Board of Visitors and the President of the College bear ultimate legal responsibility and authority, faculty and students participate significantly in the direction of the College toward this end. The following pages describe the mechanisms by which graduate students take part in this endeavor and share in the governance of the College.

I. STATEMENT OF RIGHTS AND RESPONSIBILITIES

The College community—faculty, students, and administration— in 1973 recommended to the Board of Visitors and the Board adopted the following Statement of Rights and Responsibilities.

Statement of Rights and Responsibilities

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 of 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 insure 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 insure 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 following 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.

I.

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. 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. Each member of the College community has a right in his or her dealings with the institution and with members of the College community in the performance of their official duties to non-discriminatory treatment without regard to race, creed, sex, religion, national origin, or political belief.

C. 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 agreements voluntarily entered into, and does not interfere with the rights of others. The following specific rights apply:

1. 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 will be determined by vote of those who hold membership in said organization.

b. Affiliation with an extramural organization shall not disqualify an organization from institutional recognition.

c. An organization will be officially recognized after its constitution and by-laws have been approved by the appropriate body as designated by the President or his delegated representative and when consistent with the By-laws 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 without regard to race, religion, creed, national origin, sex or political belief, provided, however, that to the extent permitted by law membership in honorary or social organizations may be restricted to members of the same sex 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. Right to hold public meetings, to invite speakers to campus of his or her own choosing, to post notices and to engage in peaceful, orderly demonstrations within reasonably and impartially applied rules designed by the President or his delegated representative to reflect the educational purposes of the College and to protect the safety of members of the College 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 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.

3. 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 as designated by the President.

D. Each member of the College community has a right to fair and equitable procedures for the adjudication of charges of violations of non-academic College regulations and the sanctions or penalties to be imposed, including, without limitation, the following specific rights:

1. 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, 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 be represented by counsel of his or her choice, to present and cross-examine witnesses, to have written findings and to appeal to a 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 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 the 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.

E. Each member of the College community has a right to privacy in his or her dealings with the institution, including, without limitation:

1. 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. The right to expect that all records of his or her association with the institution are treated as confidential.

a. Except as provided below, the institution may not release information about any aspect of an individual's association with the institution (other than that information which is a matter of public record) without the prior written consent of the individual concerned or under the compulsion of law. The institution does, however, reserve the right to announce the bestowal of honors on its members. Within the institution, access to such records shall be restricted to authorized personnel for authorized reasons, as determined by the President or his delegated representative, and such others as are agreed to in writing by the individual concerned.

b. Each member of the College community and the parents or legal guardian of minor members shall have the right to inspect the contents of his or her own records kept by the institution, other than information submitted in confidence at the request of the College prior to June 30, 1974, and may request the destruction of any information not relevant to a proper evaluation of his or her performance within the institution or unsupported allegations constituting hearsay. The questions of relevance and hearsay shall be determined by the President or his delegated representative. An individual shall also have the right to challenge the accuracy of any information contained in his or her records, in which case, the institution shall undertake to verify the accuracy of such information to the satisfaction of the individual concerned or make a permanent notation in the record that the accuracy of such information has been challenged by the individual concerned. Subsequent authorized disclosure of the contents of the record shall indicate such challenge.

c. 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.

d. To minimize the risk of improper disclosure from student records, the academic record shall be maintained separately from other necessary student records. Transcripts of academic records shall contain only information about

academic performance and status. All withdrawals prior to graduation, whether voluntary or involuntary, shall be recorded on the transcript.

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

II.

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. 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 are preserved and respected, an atmosphere which includes without limitation the following specific rights:

1. 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. Right of the instructor to determine the specific content of his or her course within established course definitions. Concurrently, the instructor has the responsibility not to depart significantly from his or her area of competence or to divert significant time to materials extraneous to the subject of the course.

3. Right of the student to be evaluated entirely on the basis of academic performance and to freely discuss, inquire and express opinions inside the classroom. The student has a responsibility to maintain standards of academic performance as set by his or her professors provided, however, that the student shall have means for redress against arbitrary, unreasonable or prejudicial standards or evaluation.

4. Right to pursue normal academic and administrative activities, including the freedom of movement in the performance of such activities.

5. Right to privacy in offices, laboratories and dormitory rooms and in the keeping of personal papers and effects.

6. Right to hear and study unpopular and controversial views on intellectual and public issues.

7. Right of the student to expect that information about his or her views, beliefs and political associations which an instructor acquires in the course of his or her work as a teacher, advisor or counselor of the student be held in confidence to the extent permitted by law.

B. Since 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. Right to be free from prior censorship or advance approval of copy.

2. Right to develop editorial policies and news coverage.

3. Right to be protected from arbitrary punishment or suspension, or removal from his or 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 or she shall remain subject to the provisions of Article I, Sections C-3 and D-3.

4. Responsibility to make clear in writings or broadcasts that editorial opinions are not necessarily those of the institution or its members.

C. 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 his or her associates.

III.

The College, through those who administer its affairs, has a special responsibility to insure 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 insure, 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. 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. 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 or her duties.

C. The College has the responsibility to insure 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 insure this opportunity.

D. 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. The College has the right and responsibility to protect its integrity from external and internal attacks related or unrelated to the performance of academic activities and to prevent its political or financial exploitation by an individual or group.

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 the 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 responsibility to prohibit use of its name, its finances or office equipment for any political or other purpose.

IV.

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 administrators 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.

II. GRADUATE STUDENT PARTICIPATION IN COLLEGE GOVERNMENT

Graduate students participate in the governance of the College through graduate student associations and the Board of Student Affairs.

Graduate Student Associations

Each graduate student body of the College has a student organization. The Graduate Student Association includes as members all graduate and unclassified (post-baccalaureate) students studying under the Faculty of Arts and Sciences and the School of Marine Science; the M.B.A. Associa-

tion all graduate students, faculty members, administrators, and alumni directly associated with the graduate business program; the School of Education Graduate Student Association all students admitted to a degree program or enrolled in a course in the School of Education; and the Student Bar Association all students pursuing a law degree at the Marshall-Wythe School of Law. In addition to promoting the academic and social well-being of members, graduate student associations select the graduate representatives on the Board of Student Affairs.

The constitutions of the several graduate student associations may be obtained from the office of the Graduate Dean of Arts and Sciences or the offices of the Deans of the schools.

Board of Student Affairs

The Board of Student Affairs consists of representatives of the student body, faculty, and administration. The Board has full power to investigate any aspect of College life that is of concern to students. In addition, the Board has final authority over the allocation of the Student Activities Fee.

The by-laws of the Board of Student Affairs are in the appendix.

III. STATE STATUTES AND COLLEGE REGULATIONS AFFECTING GRADUATE STUDENT LIFE

Personal Conduct

In addition to laws governing the conduct of all citizens and residents of the state the Code of Virginia contains specific provisions relating to colleges and universities 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.

College regulations further define as hazing, in addition to assault and battery, the subjection of another person to harassment or abuse or threats or intimidation and prohibit such action whether connected with an initiation rite or not. The penalty for violation of this regulation shall be not less than reprimand nor greater than dismissal.

Alcoholic Beverage Policy

All students and organizations of the College and their guests must observe Virginia law as it pertains to the purchase and consumption of alcoholic

beverages. Students should note that state law prohibits the consumption of alcoholic beverages in unlicensed public areas. Public areas include the lounge areas of College residence halls to which the general public has access. Alcoholic beverages may be consumed in an unlicensed area only if this area qualifies under state law as a *private place*. The Alcoholic Beverage Control Board has interpreted the term *private place* to include:

1. The private room or quarters of an individual resident of a residence hall.
2. The area reserved or designated for an organized, scheduled social function limited to an identifiable group such as the residents of a particular residence hall, or members of an organization and their personally escorted guests. Such events are scheduled by the College with the understanding that the sponsors will supervise admission of guests so as to ensure that the above limitations of a private party are met. It is highly recommended that the sponsors require all persons attending to register upon entrance.

Disruptive Conduct

The College of William and Mary is a community of scholars existing to promote the advancement of learning, the encouragement of scholarship, and the transmission of knowledge. As a publicly supported institution of learning, it endeavors to make its programs and resources available not only to the community of scholars but, to the extent feasible, to the public as well.

To attain its mission as an educational institution and to accomplish maximum utilization of its resources, it is essential that each student respect and recognize the authority of the College to engage in normal programs and activities. In this context, the following definitions are applicable:

1. **Normal Functions and Activities.** A normal function is any lawful activity carried on by the College, or conducted under the auspices of, sponsored by or with the permission of the College on property under the control of the College. Illustrative examples, which are not comprehensive, include the conduct of educational activities, cultural events, recreational, extra-curricular, and athletic programs, the care, maintenance, and security of physical property, the maintenance of vehicular and pedestrian traffic, and the performance of assigned duty by members of the faculty and staff.

2. **Disruptive Conduct.** Disruptive conduct includes both violation of obligations imposed on citizens generally and violation of particular obligations required to maintain an educational institution. These specifically include:

(a) Any violation of the law of the Commonwealth of Virginia, or of the United States which violation obstructs or disrupts a normal function is disruptive conduct. This includes both violation of general law and of law particularly applicable to students.

(b) Non-criminal conduct which obstructs or disrupts a normal function including the unreasonable obstruction of passage of others through corridors or at entrances and exits, other group assemblies which obstruct or disrupt, unauthorized presence in a building after normal closing hours or after notice that the building is being closed, physical detainment of a student or of a member of the administration, staff, or faculty against his will, the entry into or onto any College controlled property with the intent to, or the awareness that such activity will, disrupt any normal function of the College, or any other activity conducted with the intent or awareness that such activity will disrupt or obstruct a normal function, is disruptive conduct.

(c) Any failure to comply with a request to move on, to vacate an area or to desist in a particular course of conduct when such request is made by an authorized person in the reasonable and good faith belief that compliance with the request is necessary to the safety and welfare of the person or persons so requested or others, or to the maintenance or restoration of the normal functions and activities of the College. For this purpose, an authorized person is the President of the College, the Executive Vice President, the Dean of the Undergraduate Program, the Dean of Students and the Dean of any school or faculty, any member of the campus security police and any law enforcement officer or conservator of the peace, and any person specifically authorized by the President orally or in writing who, in making such request, gives notice of the authority given him by the President.

(d) Any failure to comply with the terms of any curfew imposed by the President or the Executive Vice President for the purpose of restoring or maintaining the security of persons and property.

Prohibited Conduct. No student shall commit any act which amounts to disruptive conduct as defined in this regulation, or knowingly participate with others in conduct which amounts to disruptive conduct.

Procedure and Penalty. Any person engaging in disruptive conduct may be charged with a violation of this regulation. The charge shall be heard in accordance with the disciplinary procedures of the College. Prohibited conduct may result in penalties of reprimand, probation, suspension for a specific period, or dismissal, depending upon the gravity of the particular conduct involved and the presence or absence of extenuating circumstances.

Drugs

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:

1. Manufacturing, merchandising, or providing others with drugs is prohibited. The penalty for violation of this regulation will be not less than disciplinary probation nor greater than dismissal from the College.
2. Possession or consumption of drugs is also prohibited. The penalty for first violation of this regulation will be not less than reprimand nor greater than suspension from the College, and for the second, not less than disciplinary probation nor greater than dismissal from the College.

Violations of Law

Charges or convictions of violations of local, state, and federal law will not result in disciplinary action by the College unless it is determined that such disciplinary action is essential to the protection of other members of the College community or to the safeguarding of the educational process.

Public Performances

No person or group of persons shall represent the College in a public performance of any kind unless prior approval has been obtained from the Vice President for Academic Affairs. The penalty for violation of this regulation shall be not less than reprimand nor greater than dismissal.

Motor Vehicle Regulations

All graduate students, whether living on campus or not, who bring motor vehicles on campus must register with the Office of Campus Security and must abide by the Student Motor Vehicle Rules and Regulations. Copies of the regulations are available from the Office of Campus Security.

Solicitation by Students or Others

Solicitation or sale of goods on campus is prohibited unless prior written approval has been obtained. Approval for solicitation by students must be obtained from the Director of Student Aid. Approval for solicitation by non-students must be obtained from the Dean of Students.

Residence Hall Life

Graduate students must abide by regulations governing undergraduates when guests in undergraduate residence halls.

The following regulations apply to graduate students living in College housing. The Vice President for Academic Affairs, the Graduate Dean of Arts and Sciences or the Dean of the School in which a student is doing his major work are responsible for enforcing these regulations. Willful violation of these regulations will result in a penalty ranging from reprimand to suspension unless otherwise specified.

Damages to College Property, Rooms, and Furnishings. All residents of College housing are required to maintain with the College a \$75.00 damage deposit. Damages to College property, rooms, and furnishings will be charged to the occupant or occupants unless the identity of others responsible for the damage is known. Charges in excess of \$75.00 will be billed separately.

Pictures, maps, pennants, and the like may be hung only from the molding and are not to be taped or otherwise fastened to the walls. Marking on the walls is considered damage. College furniture may not be painted or otherwise refinished, and furniture may not be removed from the room in which it is placed by College authorities.

Damage to the common areas in residence halls and their furnishings (including vending machines and other equipment placed in the residence halls as a convenience to the residents) will be charged to the person or persons responsible in the manner described above. Lounge furniture may not be moved from the common areas.

Motorized Vehicles and Bicycles. Motorized vehicles and bicycles may not be parked in College residences or in any other areas except those designated for student parking. (For more detailed information, the student should refer to the pamphlet, "Motor Vehicle Rules and Regulations.") Campus Security Police reserve the right to remove motorized vehicles and bicycles which are in violation of this regulation even if such removal requires that the chain or lock used to secure the vehicle be destroyed. Impounded vehicles may be recovered through the Campus Security Office.

Pets. For sanitary reasons, pets may not be kept in the residence halls.

Electrical Equipment. Refrigerators which draw 5 amperes or less are permitted in individual student rooms. Other appliances are per-

mitted only upon approval by the Superintendent of Buildings and Grounds. Requests for approval must be initiated through the Office of the Dean in charge of housing. Under no conditions will appliances which draw more than 5 amperes be approved. Air conditioners are specifically prohibited.

Firearms and Fireworks. Firearms may not be kept in residence halls. The possession of fireworks or the exploding of fireworks in the residence halls or elsewhere on the campus is prohibited.

Solicitation by Students or Others. Except by written approval, solicitation or sale of goods on campus or in the residence halls is prohibited. Approval for solicitation by students must be obtained through the Office of the Director of Student Aid. Approval for solicitation by non-students must be obtained through the Office of the Dean of Students.

Security. An electronic card-key security system is employed in the residence halls for the protection of the residents. Each resident must secure a key to his or her room and a card-key (or door key where appropriate) for the residence to which he or she is assigned. A \$5.00 deposit is required for this service. Room keys, front door keys, and card-keys must be relinquished promptly upon request by the Associate Dean of Students for Residence Hall Life and must be returned upon withdrawal, when moving from one residence and/or room to another, and at the close of each session. A fee of \$2.50 will be charged for replacement of a lost card or key.

Inspection and Search of Student Residences, Offices, Lockers, or Possessions on Campus

Routine maintenance and safety inspections of student campus residences will be announced at least three days in advance except in emergencies. The Associate Dean of Students for Residence Hall Life or his representative will be asked to accompany the inspector. The student's absence will not prevent the carrying out of such maintenance or safety inspections. When an occupant has requested repairs, authorized maintenance personnel may enter in the student's absence for the sole purpose of making the repairs requested.

No student's residence, office, locker, or possessions on campus shall be searched by College authorities unless there is reasonable cause to believe that the student is using his or her residence, office, locker, or possessions on campus for a purpose in violation of federal, state, or local law, or College regulations. No graduate student's residence, office, locker, or possessions on

campus shall be searched by College authorities unless a certificate authorizing the search has been issued and signed by the Vice President for Academic Affairs. The certificate shall state the source of the information, the violation, the location of the search, the materials to be seized or information sought, and the name of the person authorized to conduct the search. The search shall be conducted in the presence of the student whose residence, office, locker, possessions on campus are to be searched.

IV. ADMINISTRATION OF GRADUATE STUDENT LIFE POLICIES

The discipline of the College is vested in the President by action of the Board of Visitors. The President has delegated disciplinary authority in the case of graduate students to the Vice President for Academic Affairs and other administrative officers as described below.

A. FOR GRADUATE STUDENTS UNDER THE FACULTY OF ARTS AND SCIENCES, THE SCHOOL OF EDUCATION, AND THE SCHOOL OF MARINE SCIENCE

Basic Policy

The President has empowered the Vice President for Academic Affairs, the Graduate Dean for Arts and Sciences, and the Deans of the Schools of Education and Marine Science to exercise limited disciplinary authority and to levy penalties of oral or written reprimand and lesser penalties as appropriate. Students so disciplined shall have the right to request a hearing before a committee on discipline. Cases involving offenses punishable by suspension or dismissal from the College shall be tried by a discipline committee in accordance with procedures set forth below.

Composition of a Discipline Committee

A discipline committee shall be appointed by the Vice President for Academic Affairs in each instance in which a case arises. A discipline committee shall consist of the Graduate Dean of Arts and Sciences or the Dean of the School of Education or of Marine Science as is appropriate as chairperson, three members of the faculty of the department or school in which the student is pursuing his or her major work, and two graduate students who have been admitted to a degree program under that faculty or school, selected from at least four nominees presented by the graduate student association of that faculty or school. The faculty members of the committee shall not include a faculty member who is pressing charges against the stu-

dent, and in the case of a student in arts and sciences, one faculty member and one student member shall be from the same department as the student accused. The Dean shall direct the questioning at the hearing, but shall have no vote. Each member of the committee shall have the opportunity to question both the witnesses and the accused.

Procedure

A student who has been accused of misconduct will be given a written statement of the charge and written notification of the composition of the committee appointed to hear his or her case at least five days in advance of the hearing. The student may submit a written statement of his or her case to the committee in advance of the hearing if he or she wishes. The student must present in writing any challenge of bias against any voting member of the committee no later than forty-eight hours in advance of the hearing. The challenge will be decided by the Vice President for Academic Affairs.

The accused shall be present at the hearing. In the event that he or she elects to be represented by counsel, he or she must notify the chairperson of the committee in writing no later than forty-eight hours before the scheduled time of the hearing. A committee on discipline shall have the right to counsel of its own choosing, but such counsel may not question witnesses or the accused, or vote on the finding or penalty. The accused shall have the right to know the evidence on which he or she is being tried, to question his or her accuser, and to cross-examine witnesses appearing against him or her. He or she shall have the right to present witnesses in his or her own defense and to present whatever information or evidence he or she deems appropriate to a fair and adequate defense. In the determination of guilt, only the evidence relating to the charge on which the accused is being tried may be considered. However, in fixing a penalty the prior conduct of the student may be considered. The student has the right to rebut the record of such conduct presented to the committee. A tape recording of the hearing shall be made and a student whom a discipline committee has found guilty shall have access to the recording of his or her hearing.

Although the College considers the testimony and evidence of a hearing and the finding and penalty confidential, it imposes no such stricture upon the student being tried. A hearing is normally closed, but upon the request of the accused, and when approved by the chairperson and the committee, an open hearing may be held. In the event, however, that the presence of others interferes with the orderly conduct of the hearing, the committee may vote to close the hearing.

Except in cases of oral reprimand, the accused shall be given written notification of the decision of a committee dated within twenty-four hours of

the conclusion of the hearing. Until so informed, he or she shall be entitled to attend classes and participate in other College functions unless a committee believes his or her presence and participation would constitute a threat to his or her own safety and welfare or to that of other members of the College community in which case he or she shall be so informed in writing.

Penalties

Among the penalties levied by the appropriate authorities for a violation of rules and regulations are those listed below. Additional penalties of less severity may be employed as is appropriate.

1. *Restitution.* A student may be required to reimburse the College or appropriate individual for damage to or misappropriation of property. The penalty of restitution may be accompanied by other sanctions.

2. *Reprimand.* Written or oral reprimand constitutes a severe reproof and a warning that the behavior of which the student has been found guilty will not be tolerated by the College. It cautions him or her that repetition of the behavior may result in a more severe penalty.

3. *Suspension.* An involuntary separation from the College for a period determined by a committee, at the end of which period the student is automatically eligible for readmission provided there is no other encumbrance upon his or her readmission.

4. *Required withdrawal* with eligibility to apply for readmission. An involuntary separation from the College with a date determined by a committee when the student may apply for readmission. In such instances the student must first satisfy a committee by his or her conduct and record that he or she is in fact entitled to readmission.

5. *Dismissal.* Involuntary separation of the student from the College without expectation of readmission.

Right of Appeal

Any student found guilty by a committee of discipline shall have the right to appeal the finding and the penalty imposed to the President of the College. The President may delegate his authority in such instances to the Vice President for Academic Affairs. Such an appeal must be presented to the President through the Graduate Dean of Arts and Sciences or the Dean of the School of Education or Marine Science within five days of the conclusion of the hearing.

B. FOR GRADUATE STUDENTS IN THE SCHOOL OF BUSINESS ADMINISTRATION

1. *Title*

These rules shall comprise the Code of Conduct for Graduate Students of the School of Business Administration, College of William and Mary.

2. *General Conditions Regarding Imposition of Disciplinary Sanctions*

a. No disciplinary sanction may be imposed upon any student without written notice to the accused of the nature and cause of the charge and a fair hearing which shall include confrontation of witnesses against him and the assistance of counsel or an adviser of his own choosing.

b. A student accused of violating an institutional rule is entitled to a hearing before the disciplinary board, hereinafter described, and to an appeal from, and review of that board's decision. An institutional rule includes any rule of the School of Business Administration.

3. *Crime Relative to School of Business Administration Discipline*

a. If a student is charged with, or has been convicted of, a crime, the disciplinary board may, after an appropriate hearing and a finding that the School of Business Administration community's pursuit of its educational objectives would otherwise be impaired, impose its own sanction. In no event shall the sanction of expulsion be imposed until the student has been adjudged guilty in a court of law.

b. Where a sanction had been imposed under subdivision a., and the student has been acquitted or the charge withdrawn in the court of law, the School of Business Administration shall reinstate the student to his former standing.

4. *Sanctions*

The following sanctions may be imposed upon students:

a. **Admonition:** Oral notice of violation of an institutional rule or rules.

b. **Warning:** Oral or written notice that continuation or repetition of conduct found wrongful, within a period of time stated in the warning, may be cause for a more severe disciplinary sanction.

c. **Censure:** Written reprimand for the violation of a specified institutional rule or rules, including the possibility of a more severe disciplinary sanction in the event of the finding of another rule or rules violation within a stated period of time.

d. **Disciplinary Warning:** Written notice that further violation of an institutional rule or rules may result in suspension or expulsion.

e. **Restitution:** Written notice that reimbursement for damage to, or misappropriation of, property, which reimbursement may take the form of appropriate service or other compensation.

f. **Suspension:** Written notice of exclusion from classes and other privileges or activities as set forth in the notice for a definite period of time not to exceed two years.

g. **Expulsion:** Written notice of termination of student status for an indefinite period. The conditions of readmission, if any, shall be stated in the order of expulsion.

5. *Notice of Institutional Rules*

No conviction may be obtained or sanction imposed for the violation of an institutional rule unless such rule has been published by the institution and made available to the students.

6. *Proscribed Conduct*

The following misconduct shall be subject to disciplinary action and, upon conviction, to the imposition of any sanction set forth in section 4 depending upon the disciplinary board's view of the relative seriousness of the violation:

a. Cheating and plagiarism.

b. Intentional disruption or obstruction of teaching, research, administration, disciplinary proceedings or other School of Business Administration activities.

c. Harassment or physical abuse of any person invited or permitted to be on School of Business Administration premises or at a function sponsored or supervised by the institution.

d. Theft of or damage to School of Business Administration property or property of a member of the institutional community or institution premises.

e. Conviction or charge of committing a crime under such circumstances as to impair the School of Business Administration community's pursuit of its educational objectives, as provided in section 3.

f. Violation of any other rule of the School of Business Administration or the College of William and Mary, published and made available as provided in section 5.

7. *Disciplinary Board*

The disruptive conduct regulation on pp. 11-12 of this handbook is hereby consist of the Associate Dean for Graduate Studies; two of the School's faculty members, appointed for one-year terms by the Dean of the School of Business Administration; and two of the School's students who are in the M.B.A. degree program, at least one of whom is a full-time student. These student representatives are to be chosen by the School's graduate student organization. The concurrence of at least three members of the board is required for a student's conviction and imposition of a sanction. Where there is no such concurrence for conviction, the accused shall stand acquitted.

8. *Initiating the Case*

a. Any academic or administrative official, faculty member or student may file a charge, in writing, with the Dean of the School of Business Administration against any student for misconduct. A copy of such charge shall be delivered by the Dean to the accused student.

b. The Dean may, where the circumstances warrant, conduct a preliminary investigation for the purpose of ascertaining whether the charge can be disposed of informally by mutual consent without setting in motion the disciplinary machinery. Where such investigation has not been made or, if made, fails to resolve the matter, then copies of the charge shall be delivered to the members of the disciplinary board.

9. *The Hearing*

a. After receiving copies of the charge from the Dean of the School of Business Administration, the disciplinary board shall inform the accused student that he shall respond to such charge within ten school days. A time shall be set for a hearing which shall be not less than five nor more than ten school days after the student's response, or after the expiration of the period allowed for such response if there be none.

b. A separate hearing shall be granted upon request of the accused party or parties involved. In a hearing involving more than one student, severance shall be allowed upon request.

c. An accused student shall have the right to be assisted by counsel or an adviser of his own choosing.

d. The disciplinary board shall hear the testimony of the witnesses subject to the right of cross-examination. The production of records and other exhibits may be required.

e. A verbatim record of the hearing shall be made, except that these minutes should not include the executive deliberations of the disciplinary board members. This hearing record shall be made available to the accused student in order to aid him in the preparation of an appeal, if there be one.

f. After the hearing, the disciplinary board shall make a full report to the Dean of the School of Business Administration, including a copy of the minutes and the Board's decision.

g. In no event may a conviction be obtained and sanction imposed solely upon the failure of the accused student to respond to the charge or appear at the hearing. In such a case, the evidence in support of the charge shall nevertheless be presented and considered as if the accused student were present.

10. *Appeal*

a. An appeal from a decision of the disciplinary board may be taken only by an accused student. Such an appeal shall be made first to the Dean and shall be made within ten days of the disciplinary board's decision. In the event of a denial of the appeal by the Dean, then the student may appeal to the President of the College of William and Mary or to an appeal body designated by the President within five school days of such denial.

b. An appeal shall be limited to a review of the full record made before the disciplinary board for the purpose of determining whether such board acted fairly on the charge and the evidence presented.

c. The President or appeal body designated by him may affirm the disciplinary board's decision, or may accept it subject to the reduction of the sanction imposed, or may reverse it and dismiss the charge, or may reverse it and remand the case to the disciplinary board for a new hearing.

d. Unless, in the judgment of the Dean, the safety of the institution requires otherwise, a student who has been suspended or expelled shall not be precluded from attending classes while the appeal is pending.

e. In no event may an appeal result in the imposition of a more severe sanction for the accused student.

11. *Disruptive Conduct Regulation*

The disruptive conduct regulation on pp. 11-12 of this handbook is hereby made part of this code.

C. FOR STUDENTS IN THE MARSHALL-WYTHE SCHOOL OF LAW

1. *Title*

These rules shall be known as the Code of Conduct of the Marshall-Wythe School of Law, College of William & Mary, hereinafter called the "institution".

2. *Conditions to Imposition of Disciplinary Sanctions, in General*

a. No disciplinary sanction may be imposed upon any student without notice to the accused of the nature and cause of the charge, and a fair hearing which shall include confrontation of witnesses against him and the assistance of counsel or an adviser of his own choosing.

b. A student accused of violating an institutional rule is entitled to a hearing before the disciplinary board, hereinafter described, and to an appeal from and review of that board's decision.

3. *Crime and Institution Discipline*

a. If a student is charged with, or has been convicted of, a crime, the disciplinary board may, after an appropriate hearing and a finding that the institutional community's pursuit of its educational objectives would otherwise be impaired, impose its own sanction. In no event shall the sanction of expulsion be imposed until the student has been adjudged guilty in a court of law.

b. Where a sanction had been imposed under subdivision a., and the student has been acquitted or the charge withdrawn in the court of law, the institution shall reinstate the student to his former standing.

4. *Sanctions*

The following sanctions, and no others, may be imposed upon students:

a. **Admonition:** An oral statement to a student that he is violating or has violated an institutional rule.

b. **Warning:** Notice, orally or in writing, that continuation or repetition of conduct found wrongful, within a period of time stated in the warning, may be cause for a more severe disciplinary sanction.

c. **Censure:** A written reprimand for the violation of a specified institutional rule, including the possibility of a more severe disciplinary sanction in the event of the finding of another violation of an institutional rule within a stated period of time.

d. **Disciplinary Probation:** Exclusion from participation in privileged or extracurricular institution activities as set forth in the notice for a period of time not exceeding one school year. Violation of probation may result in suspension or expulsion.

e. **Restitution:** Reimbursement for damage to or misappropriation of property. This may take the form of appropriate service or other compensation.

f. **Suspension:** Exclusion from classes and other privileges or activities as set forth in the notice for a definite period of time not to exceed two years.

g. **Expulsion:** Termination of student status for an indefinite period. The conditions of readmission, if any, shall be stated in the order of expulsion.

5. *Notice of Institutional Rules*

No conviction may be obtained or sanction imposed for the violation of an institutional rule unless such rule has been published by the institution and made available to the students.

6. *Proscribed Conduct*

Except for such forms of dishonesty as cheating and plagiarism, over which the Judicial Council of the institution and the Honor Code of the College of William and Mary shall continue to have exclusive jurisdiction, the following misconduct shall be subject to disciplinary action and, upon conviction, to the imposition of any sanction set forth in Section 4 depending upon the disciplinary board's view of the relative seriousness of the violation:

a. Intentional disruption or obstruction of teaching research, administration, disciplinary proceedings or other institution activities.

b. Harassment or physical abuse of any person invited or permitted to be on institution premises or at a function sponsored or supervised by the institution.

c. Theft of or damage to institution property or property of a member of the institutional community on institution premises.

d. Conviction or charge of committing a crime under such circumstances as to impair the institutional community's pursuit of its educational objectives, as provided in Section 3.

e. Violation of any other rule of the institution or the College of William and Mary, published and made available to the law students as provided in Section 5.

7. *Disciplinary Board*

The disciplinary board of the institution shall consist of two faculty members, appointed for one-year terms by the Dean of the institution, and two law students, namely the incumbent President of the Student Bar Association and the incumbent Chief Justice of the Judicial Council. The concurrence of at least three members of the board is required for a student's conviction and imposition of a sanction. Where there is no such concurrence for conviction, the accused shall stand acquitted.

8. *Initiating the Case*

a. Any academic or administrative official, faculty member or student may file a charge, in writing, with the Dean of the institution against any student for misconduct. A copy of such charge shall be delivered by the Dean to the accused student.

b. The Dean may, where the circumstances warrant, conduct a preliminary investigation for the purpose of ascertaining whether the charge can be disposed of informally by mutual consent without setting in motion the disciplinary machinery. Where such investigation has not been made or, if made, fails to resolve the matter, then copies of the charge shall be delivered to the members of the disciplinary board.

9. *The Hearing*

a. After receiving copies of the charge from the Dean of the institution, the disciplinary board shall inform the accused student that he shall respond to such charge within ten school days. A time shall be set for a hearing which shall be not less than five nor more than ten school days after the student's response, or after the expiration of the period allowed for such response if there be none.

b. The hearing shall be private if requested by the accused student. In a hearing involving more than one student, severance shall be allowed upon request.

c. An accused student shall have the right to be assisted by counsel or an adviser of his own choosing.

d. The disciplinary board shall hear the testimony of the witnesses on both sides of the case, subject to the right of cross-examination of the other side. The production of records and other exhibits may be required.

e. A verbatim record of the hearing shall be made, except that these minutes should not include the executive deliberations of the disciplinary board members. This hearing record should be made available to the accused student in order to aid him in the preparation of an appeal, if there be one.

f. After the hearing, the disciplinary board shall make a full report to the Dean of the institution, including a copy of the minutes and the board's decision.

g. In no event may a conviction be obtained and sanction imposed solely upon the failure of the accused student to respond to the charge or appear at the hearing. In such a case, the evidence in support of the charge shall nevertheless be presented and considered as if the accused student were present.

10. *Appeal*

a. An appeal from a decision of the disciplinary board may be taken only by an accused student. Such an appeal shall be made to the President of the College of William and Mary or to an appeal body designated by him within ten school days of the disciplinary board's decision.

b. An appeal shall be limited to a review of the full record made before the disciplinary board for the purpose of determining whether such board acted fairly on the charge and the evidence presented.

c. The President or appeal body designated by him may affirm the disciplinary board's decision, or may accept it subject to the reduction of the sanction imposed, or may reverse it and dismiss the charge, or may reverse it and remand the case to the disciplinary board for a new hearing.

d. Unless, in the judgment of the Dean, the safety of the institution requires otherwise, a student who has been suspended or expelled shall not be precluded from attending classes during the pendency of an appeal.

e. In no event may an appeal result in the imposition of a more severe sanction for the accused student.

V. THE HONOR CODE

The College of William and Mary has traditionally operated in all departments of instruction, with the exception of the School of Business Administration, under an Honor Code administered entirely by students. The basic premise of the Code is, in the simplest terms, intellectual honesty, the sine qua non of scholarship. It is assumed that to students embarking upon professional academic study the absolute necessity of adhering to this principle in their professional lives and insisting upon it in the professional lives of others is self-evident.

The undergraduate and each of the graduate student bodies, with the exception noted, separately administers the Honor Code for its own mem-

bers. Among graduate student bodies differences in professional requirements and organization occasion variations in procedure, which are described below, but all conform to the principles established in the Statement of Rights and Responsibilities.

A. FOR GRADUATE STUDENTS UNDER THE FACULTY OF ARTS AND SCIENCES, THE SCHOOL OF EDUCATION, AND THE SCHOOL OF MARINE SCIENCE

The Graduate Student Association (representing students in both arts and sciences and marine science) and the School of Education Graduate Student Association shall appoint an Honor Council from among their members at the beginning of every fall semester to serve for one year. The number of members and the manner of selection shall be prescribed by each association's by-laws. The appointing authority shall designate one Council member as chairperson, and the president of each association shall report the names of the members chosen to the Graduate Dean of Arts and Sciences or the Dean of the School of Education as is appropriate.

Allegations of honor violations shall be reported to the chairperson of the appropriate Honor Council who shall arrange for a hearing.

In conducting a hearing the Council shall follow the same procedures as prescribed in the foregoing section for a discipline committee with the exception that the Council chairperson shall act in place of the Dean and shall have a vote. A majority of the Council shall determine the verdict and, if the finding is guilty, may recommend penalties ranging from reprimand to dismissal to the Graduate Dean of Arts and Sciences or to the Dean of the School of Education or of Marine Science as is appropriate. The accused shall have the right of appeal as prescribed in the foregoing section on discipline committees.

Infractions of the Honor Code

Infractions of the Honor Code are defined as follows:

1. *Cheating.* Fabricating written assignments, giving aid to any student or receiving aid without the consent of the professor on tests, quizzes, assignments, or examinations, and the act of plagiarism with intent to deceive are violations of the Honor Code. Consulting unauthorized materials on tests, quizzes, assignments, or examinations shall constitute *prima facie* evidence of the intent to subvert the purpose of the exercise and shall be interpreted as cheating.

Plagiarism is the act of presenting the information, ideas, or phrasing of another person as if they were one's own. Such an act is plagiarism

whether by ignorance of proper scholarly procedures, failure to observe them, or deliberate intent to deceive. Plagiarism with intent to deceive is a violation of the Honor Code. The presence of a significant amount of plagiarized work shall constitute *prima facie* evidence of this intent.

Regardless of the reason, plagiarism is a violation of the standards of scholarship which the College endeavors to teach. While these standards encourage the constructive use of materials for reference and research, they also demand the honest acknowledgement of all sources of help. If the instructor should determine that such acknowledgement is not made according to the accepted procedures in the scholarly discipline involved, he may take into consideration such lack of scholarly standards when assigning a grade for the course.

2. *Stealing.* Stealing is the act of taking or appropriating without right or leave that which belongs to another with intent to keep or make use of wrongfully that which was taken. It is assumed that the individual will exercise good judgment in determining whether an act is an act of theft or merely an act of borrowing. Common sense dictates that students take ordinary measures to safeguard their property just as they would in the non-college community.

Removing books from the College Library without checking them through the proper channels is stealing. Student use of the College Library is subject to the principles of the Honor Code. The open-stack system is in effect; that is, students may browse in the stacks, and the students themselves assume responsibility for checking out books at the circulation desk. The alternative of the open-stack system is a closed-stack, under which students are not free to browse, but rather must give the titles of books they are interested in to a clerk who locates the books. The advantage to the students of the open-stack system in terms of ease of research and intellectual stimulation make the open-stack system preferable. The system can continue, however, only so long as students assume their obligations under the Honor System to obey Library regulations.

3. *Lying.* Lying is the intentional statement of an untruth made with deliberate intent to mislead another about other than trivial matters. If an individual tells an untruth concerning some matter, but later, on his own initiative, tells the truth concerning the same matter before he is confronted with committing a breach of honor, this shall be considered in his favor in dealing with his case and determining the penalty.

Forgery is considered an act of lying. It includes the unauthorized signing of a college document.

Falsely testifying before an Honor Council is itself an Honor offense. If an individual is being tried for an offense of the Honor Code on one count and lies while appearing before an Honor Council, he will be accused of committing an additional breach of Honor. In such cases, a new trial will be held to determine the guilt or innocence of the accused on the additional charge of lying.

Amendment

The Honor Code for graduate students under the Faculty of Arts and Sciences, the School of Education, and the School of Marine Science may be amended upon the recommendation of the appropriate graduate student association with the concurrence of the President of the College upon the advice of the Graduate Dean of Arts and Sciences or the Dean of the school involved.

B. FOR STUDENTS IN THE MARSHALL-WYTHE SCHOOL OF LAW

Judicial Council

The Judicial Council is responsible for investigating Honor Code violations and for interpreting the Student Bar Association Constitution and By-Laws. The procedures for these two functions are indicated below.

Procedures For Honor Code Violations

Offenses Under The Honor Code

The following offenses are cognizable under the Honor Code: Lying, Cheating, or Stealing. (For the full text of the Honor Code, see the undergraduate handbook *Student Life Policies*.)

Disciplinary infractions shall be dealt with by the Disciplinary Board as established by the Dean of the Law School.

Reporting A Breach Of Honor

The basis of the Honor System at the College rests upon each student's acceptance of his responsibility not only to act honorably but to uphold the code of honorable conduct for the College as well. It becomes necessary in order for such a system to continue to be effective for each student to acknowledge that he will not accept dishonorable conduct among his fellows.

Therefore, the responsibility of a student to report infractions is a vital part of the Honor System.

Whenever it is brought to the attention of the Council that there is reason to believe that practices by students in violation of the Honor Code may be occurring, it shall be the duty of the Council affected to hold a meeting or meetings for investigative purposes and to summon witnesses to disclose to the Council any information requested that is relevant and within their knowledge.

Any person believing that a breach of the Honor Code has been committed must challenge the student accused of the act and offer him the opportunity to resign from the Law School immediately or to report himself to the Judicial Council. If the accused does not report himself to the Judicial Council within twenty-four hours, the accuser must report the case. Only in those cases where a direct challenge is not feasible, may he report the suspect directly to any member of the Judicial Council, who will in turn notify the accused of the accusation against him.

Investigations Of Alleged Dishonorable Practices

Whenever, in the opinion of the Chief Justice of the Judicial Council or a majority thereof, evidence of probable dishonorable practices should be sought and impounded, and there are reasonable grounds to suppose that such evidence may be found in a particular place, any member of the Council, when accompanied by an administrative official of the Law School, may enter any room or building within the jurisdiction of the Law School in search of such evidence, and, if found, may impound the same for such period of time as shall be necessary for investigation and trial.

Witnesses

A witness called to testify must appear before the Judicial Council and must give such testimony pertaining to the case as may be requested by the Council. Failure to testify or falsely testifying before the Judicial Council is in itself a violation of the Honor Code.

Failure To Stand Trial

Should a person leave the Law School after having been challenged without appearing before the Judicial Council for trial, the accuser shall report the name of the accused and the breach of honor to the Chief Justice of the Judicial Council. The Judicial Council shall then record the facts of the case and advise the Dean that the student withdrew under suspicion of a breach of honor.

Rights Of Accused

The accused shall have the following rights in the event he elects to stand trial:

1. A right that the charges against him be reduced to writing and served on him personally by a member of the Judicial Council before trial. If these charges are so vague or indefinite as not to apprise fairly the accused of the charge or charges against him, he may ask for a more definite statement in writing as to time, place, and any other particulars relevant to the case, which shall then be furnished him promptly and reasonable in advance of the trial.

2. A right to a copy of the procedures established by the Judicial Council for Honor Code violations. This shall be given him at the same time he is served with notice of the charge or charges against him.

3. A right to have the opportunity to seek the advice of his family, teachers, or spiritual adviser, and that matters told in confidence not be disclosed.

4. A right to ask anyone who will not be a witness to be his counselor. If the accused does request a counselor, the duties of such counselor shall be as follows:

a. To explain to the accused his rights and duties.

b. To counsel the accused as to the best way to present any honest defense or mitigating circumstances.

c. During the trial, to question the accused and all witnesses, if he thinks such questioning may be helpful in presenting the case of the accused in the best possible way; to raise objections to proceedings of the trial which might result in unfairness, such as the admission of prejudicial hearsay evidence; but he shall have no right to argue the case of the accused before the Council or to participate in the deliberation of the Council.

d. Not to disclose to anyone any matter relevant to the case that has come to him in his capacity as counselor unless expressly requested to do so by the accused himself.

5. A right to a trial at a proper time and place. In general, the trial should not be held with undue haste, nor, on the other hand, should it be postponed unnecessarily. Trials should not be held for too long periods of time without recess, or at unseemly hours. In general, there should be a recess every two hours, and no trial should continue

past midnight, though members of the Council, if they so desire, may deliberate until a majority ask that proceedings be recessed.

6. A right to summon witnesses and to testify in his own behalf, but the number of character witnesses, if any, may be reasonably limited by the Council.

7. A right to be confronted with the witnesses, and to question them.

8. A right that he not be tried for two unrelated offenses in the same trial.

9. A right that he not be tried for one offense, e.g., cheating, and convicted on another, e.g., lying before the Council, without the same opportunity to defend himself against the other charge.

10. A right that his or her husband or wife, or brother or sister of the full blood or of the half blood or by legal adoption, not testify against him.

11. A right, before official notification by the Dean of the final verdict and penalty, to attend classes and to participate in any college function, except to participate in graduation exercises, receive a degree or to receive academic credit for courses taken during the semester in which the violation is alleged to have occurred.

12. A right to elect to be tried separately where he is one of two or more accused of a joint violation. If none of those accused jointly of an alleged joint offense request separate trials, they may be tried jointly or separately as the Council directs.

13. A right to present evidence of extenuating circumstances.

14. A right to an acquittal unless at least four out of five members of the Council believe that the charge or charges against him have been proved beyond a reasonable doubt.

15. A right, in event of acquittal, that the minutes and recordings of his trial be destroyed promptly.

16. A right to request the Dean of the Law School to review a finding of guilt and the propriety of the penalty. This right must be exercised promptly after notification to the accused of the penalty. The request should be made in writing and should state clearly the reasons relied upon for reversal or modification. If the penalty being appealed is expulsion or suspension, the accused shall not attend classes or take part in any Law School function while his request is under consideration.

17. If a review by the Dean does not satisfy the accused, he may further appeal to the President of the College. This right must be exercised promptly after notification to the accused of the penalty. The request should be made in writing and should state clearly the reasons relied upon for reversal or modification. If the penalty being appealed is expulsion or suspension, the accused shall not attend classes or take part in any Law School function while his request is under consideration.

Duties Of The Accused

If he elects to stand trial, the accused shall be under the following duties:

1. A general duty to cooperate reasonably with the Council in conducting the trial and bringing it to a close without undue delay.
2. A duty to answer all relevant questions frankly, fully, and honestly, unless such answers would tend to expose him to the probability of a criminal prosecution, in which case the accused, if he does not wish to answer, shall so state.

Rights Of The Accuser

1. An accuser shall have the right to appear as a witness and present his case so that he can satisfy himself that his complaint is being properly heard.
2. He shall have a right to be advised of the final decision.

Conduct Of Trial

1. Every trial shall be conducted by a Council of five members. Should any of the regular members be unavailable, the Chief Justice, with the advice of the members who are available, may appoint any member of the student body as temporary member of the Council for the duration of the present trial. In the absence of the Chief Justice, the Assistant Chief Justice shall perform all the functions that would otherwise be performed by the Chairman. In the absence of both the Chief Justice and Assistant Chief Justice, the remaining members shall elect an acting Chief Justice.
2. The Chief Justice of the Council shall preside, unless disqualified.
3. The accused and all witnesses shall be reminded that lying in a Judicial Council trial is itself a violation of the Honor Code.
4. The initial questioning of the accused and witnesses shall be done by the Chief Justice. When he is through questioning, each member of the

Council shall be given the privilege of asking additional questions. Then the accused may ask additional questions, and so on, until all parties are satisfied that the witnesses can furnish no further information. Hearsay evidence may be heard at the discretion of the Chief Justice, when some useful purpose may be served thereby, and there is some guarantee of its reliability. The Chief Justice shall pass on all questions raised as to relevancy of proffered evidence, and where no unfairness is likely to result, may depart from the order of procedure set forth above.

5. Where the evidence consists in whole or in part of written work or other exhibits, the accused shall be permitted to examine them during the course of the trial.

6. Witnesses may be recalled by the accused or at the discretion of the Chief Justice of the Council.

7. No trial shall be held on Sunday or any religious holiday if anyone connected with the trial objects in good faith to its being so held.

8. Any student who in the opinion of the Council refuses to testify or who refuses to testify frankly and fully shall be liable for appropriate action by the Judicial Council.

9. If four or more of the five members of the Council participating in a trial shall believe the accused guilty beyond a reasonable doubt, he shall be deemed guilty as charged; otherwise he shall be acquitted.

10. The Council, after having found an accused guilty, shall by a majority vote of the Council recommend the penalty. In determining guilt or innocence it is not proper to consider extraneous matters.

11. If the finding be one of guilt, that fact shall be reported in writing to the Dean along with the recommended penalty and any alleged exceptional extenuating circumstances. The accused should be notified only of the finding of guilt and told that the Dean will in due course notify him of the penalty. The accuser shall also be given notice in writing that the accused has been found guilty.

12. If the finding be one of innocence, the accused should be notified of that finding.

13. There shall be no spectators at trials held by the Judicial Council. At the request of the accused, an observer acceptable to the Dean shall be permitted to be present during the trial. The Law School in such an event may also designate a suitable person to act as an observer. Observers, unless called as witnesses, shall take no part in the proceedings and shall not be present during the deliberation of the Council.

14. A Justice of the Council, appointed by the Chief Justice, shall take and keep minutes of the proceedings. Recording devices may be used if they are under the control of the Council.

15. If the accused is acquitted, the minutes and recordings of the meeting shall be destroyed immediately thereafter.

16. Any member of the Council who is an accuser or a witness in a case is automatically disqualified from serving on the Council. A member may also disqualify himself or may be disqualified by the Chief Justice because of interest, bias, close relationship to the accused or to the accuser, or for any other good reason.

17. No member of the Council shall communicate in any way with any person not a member of the Council about any case while that case is being tried. After trial, except under unusual circumstances, both discretion and good taste require continued secrecy.

18. A failure to follow any of the above stated rules shall be grounds for a mistrial unless such failure is not prejudicial to the accused.

Penalty For A Breach Of Honor

A violation of the Honor Code is normally punished by dismissal from the College, either permanent or temporary, although this penalty may be modified when in the opinion of the Council conclusive reasons for doing so exist. Lesser penalties may be imposed in the discretion of the Council.

If, after trying a case, four of the five members of the Council are convinced of the guilt of the accused and so cast their votes in a secret ballot, the Judicial Council shall immediately report its findings and recommendation to the Dean.

After reviewing a case, the Dean shall notify the accused of the *final* verdict and penalty. Penalties shall be imposed promptly and in the case of dismissal, the Dean shall have the Alumni Secretary informed, and shall have the facts recorded on all official records. These actions must take place within two weeks of the Council's verdict.

Public Notice Of Actions Taken

After the expiration of two weeks from the completion of any case, a notice of the charge, verdict, and the penalty shall be sent to the Editor of the *Amicus Curiae* along with a request that it be printed in a conspicuous place in that paper. The notice shall make no mention of any names.

Reopening Cases

No case shall be reopened after the expiration of two weeks from its completion before the Council except for newly discovered evidence, provided that the availability of such evidence was unknown at the time of the trial by the party seeking to reopen the case, and provided further that such evidence in the opinion of the majority of the Council would be apt to change the verdict of the original trial. In such cases either the accused or the Law School may ask that the case be reopened. If a case is reopened after the expiration of two weeks from its completion before the Council, it shall be tried anew. A verdict of innocent is not subject to reopening.

Stale Cases

Any breach of honor alleged to have been committed more than four months before complaint shall be disregarded unless at least two-thirds of the Council believe there has been just cause for delay and that it is still feasible to hold a fair trial.

Amendment

Amendment of these procedures requires a majority of the Judicial Council.

VI. APPENDIX

A. BY-LAWS OF THE BOARD OF STUDENT AFFAIRS

I. Statement Of Purpose

The Board of Student Affairs is responsible for formulating policy recommendations relating to the regulations contained in the Student Handbook, exclusive of the Honor Code, WDA regulations, and constitutions. The Board is responsible for allocating the Student Activities Fee to campus organizations. In addition, the Board has full power to investigate any area of the College pertaining to student concerns, and to make policy recommendations thereunto.

II. Implementation

Policy recommendations of the Board of Student Affairs relating to student regulations shall be forwarded to the appropriate administrative officer for his or her decision, consideration, comments and/or recommendations. The Board shall maintain regular communication with the Dean of the Undergraduate Program. The Board retains final authority over the alloca-

tion of the Student Activities Fee. In its investigative capacity, the Board shall present its opinions in the form of recommendations to the appropriate authorities.

III. Membership

The Board of Student Affairs consists of representatives of the student body, faculty, and administration in the following distribution:

a. Students: President of the Student Association; 1 graduate student representing the Arts and Sciences graduate student body; 1 law student representing the law school student body; 1 graduate business student representing the graduate business school student body; 1 graduate education student representing the graduate education school student body; 1 student elected annually from each undergraduate class; 4 elected annually at-large from the undergraduate student body.

b. Faculty: 1 representative elected by the law school faculty; 1 representative elected by the business school faculty; 1 representative elected by the education school faculty; 5 representatives elected by the faculty of arts and sciences.

c. Administration: Dean of Students, 1 representative appointed by the Vice President for Academic Affairs, and 1 representative appointed by the Vice President for Business Affairs.

IV. Selection Of Members

The bodies represented on the Board of Student Affairs select their representatives through procedures established by the organizations representing each individual body. The representative of the freshman class must be determined by the second week of October. No person already holding an office is prohibited from candidacy for the appropriate category of BSA representation.

Any vacancy among the representatives on the Board shall be filled within two weeks of the vacancy, by means of a process of selection identical to that originally used to determine the representative. The newly selected representative shall take office immediately upon his or her selection.

V. Officers

The officers of the Board consist of a Chairman, a Vice-Chairman, a Secretary, and a Parliamentarian. The officers shall be elected by the members of the Board at the first meeting of the academic year to be held no later than October 1, and will serve until the first meeting of the Board in the

following academic year. The first meeting of an academic year will be called by the outgoing chairman. If a vacancy occurs among the officers of the Board, the Board shall elect one of its members to fill the unexpired term at its next regular meeting.

The Chairman has the duties of presiding at and calling all regular and special meetings of the Board. These notices shall be in writing to the individual members and shall include date, time, and place of meeting.

The Vice-Chairman shall coordinate the details of committee work. He or she shall give notice and preside at meetings in the Chairman's absence. The Chairman and Vice-Chairman shall constitute a Nominating Committee which shall present the members of committees and their respective chairmen to the Board for its majority approval. The Secretary shall call the roll and take the minutes of all meetings and report these regularly at subsequent meetings.

VI. Standing Committees

A. There shall be three standing committees: (1) Finance, (2) Academic Affairs, and (3) College Environment.

B. Duties of the Committees

1. Finance: The Finance Committee shall consider all matters of financial policy which are of concern to the Board of Student Affairs. It shall recommend to the Board of Student Affairs the allocation of funds available through the Student Activities Fee to the various campus activities and organizations which serve the entire student body and shall oversee these funds on behalf of the Board. As early as feasible the Finance Committee will present a complete financial report for the Board's approval. The Committee shall establish such procedures as are necessary to the implementation of its task and submit these for approval to the Board of Student Affairs.

Because of the unusual relationship between the Publications Council and the Board of Student Affairs, the Publications Council, after review of the requests for funds prepared by individual publications, will recommend a unified budget to the Finance Committee. Inasmuch as the Publications Council, in terms of its fiscal responsibility, is charged with: "supporting student-operated publications with funds and other resources. . ." and determining: "whether any existing publications, or additional ones, merit or continue to merit financial or other support or recognition from the College. . .", substantial changes in the budget which is recommended by the Council will not be made without consultation between the Council and the Finance Committee.

2. Academic Affairs: The Academic Affairs Committee shall consider all matters of academic concern, for example: (a) grading process (b) registration (c) faculty evaluation (d) curriculum (e) student membership on faculty committees.

3. College Environment: The College Environment Committee shall consider all matters concerning student living conditions, for example: (a) dormitory accommodations (b) transportation (c) physical planning and expansion of the College (d) social regulations.

4. The Board may create additional committees as desired.

VII. Operating Procedures

A. Regular meetings of the Board shall be held at least twice each month during the academic session and as required during the summer session.

B. All members of the College community are free to attend, as observers, all meetings except those designated as closed by vote of the Board. The Board or any of its committees may also invite individuals to contribute to their respective discussions. Likewise, any member of the College community may, upon written request to the presiding officer and vote of the Board, obtain a hearing before the Board or one of its committees.

C. Special meetings of the Board may be called at the discretion of the presiding officer, or upon receipt by the presiding officer of a petition signed by nine or more members of the Board.

D. Notices calling all regular or special meetings shall be in writing to the individual members.

E. A quorum at any regular or special meeting shall consist of a majority of the Board, provided that such a quorum shall include a representative from each of the divisions of the Board: the administration, the faculty, and the students. All questions on which action is required shall be decided by a majority vote of those present and voting.

F. Order of Business. The order of business at regular and special meetings shall be as follows:

- a. Call to order by the presiding officer
- b. Roll call of members
- c. Disposition of the minutes
- d. Reports of the standing committees
- e. Reports of the special committees

- f. Unfinished business
- g. New business
- h. Adjournment

G. In the event of his or her absence a member of the Board may designate shall be voted on in a meeting unless it shall have been submitted in counted in determination of a quorum, may participate in discussion, but bers of the Board at least three days prior to the date of the meeting. This provision may be waived by two-thirds consent of those present.

H. No policy recommendations affecting student regulations of the College shall be voted on in a meeting unless it shall have been submitted in writing to the Chairman and copies thereof sent by him or her to all members of the Board at least three days prior to the date of the meeting. This provision may be waived by two-thirds consent of those present.

I. These by-laws may be amended at any meeting by a two-thirds vote, provided that written notice of the proposed amendment has been given at the preceding meeting.

J. Robert's Rules of Order Newly Revised is the authority for all procedures not in conflict with the above by-laws.

B. BY-LAW OF THE GRADUATE STUDENT ASSOCIATION REGARDING SELECTION OF AN HONOR COUNCIL

The Council of the Graduate Student Association in September of each year shall appoint five of its members to serve as an Honor Council, designating from among them a chairman and a vice-chairman, and shall appoint two of its members in addition to serve as alternates for the Honor Council. The president of the Graduate Student Association shall inform the Graduate Dean of Arts and Sciences of the names and addresses of the persons appointed.

C. ARTICLE X OF THE CONSTITUTION OF THE SCHOOL OF EDUCATION GRADUATE STUDENT ASSOCIATION RELATING TO THE APPOINTMENT OF AN HONOR COUNCIL

Honor Council

The President of the School of Education Graduate Student Association shall be the chairman of the School of Education Honor Council. He shall appoint four additional members to the Honor Council when an infraction

has been referred to the council for action. If possible, at least one member shall be appointed from each program in the School of Education.

Reporting Of Honor Violations

Suspected Honor Code infractions may be reported to the Dean, School of Education or Chairman of the Honor Council.

D. ARTICLE IX OF THE CONSTITUTION OF THE STUDENT BAR ASSOCIATION RELATING TO THE JUDICIAL COUNCIL AND THE HONOR CODE

Section 1. The judicial power of the Student Bar Association shall be vested in the Judicial Council to be composed of a Chief Justice and four Associate Justices. Only issues arising under or connected with :

- a. the interpretation of this Constitution and by-laws pertaining thereto
- b. the dismissal of officers of the Association
- c. the application of the Honor Code to the members of the Association

shall be adjudicated by the Judicial Council.

Section 2. The dismissal of any officer of the Association shall be based upon a unanimous finding by the judicial council of gross misconduct bringing discredit upon the office and the law school.

Section 3. All members of this Association are subject to the Honor Code as administered by the Judicial Council. The Honor Code includes, but is not limited to, applicable portions of the Honor System of the College of William and Mary and such provisions as the administration, faculty, and Judicial Council of the Law School shall from time to time prescribe. Generally, the standard of conduct to be adhered to by the students of this law school shall be in accordance with the highest standards expected of members of the Legal Profession. Any member of this Association convicted of an honor offense by the Judicial Council shall have a right of appeal to the Dean of the Law School.

Section 4. The Chief Justice and the Associate Justices shall be appointed by the President of the Association with the consent of a majority of the Executive Council. The Chief Justice and Associate Justices shall hold their offices until they cease to be a member of the Association. No member presently holding an office on the Executive Council may serve on the Judicial Council.

