

POLICIES

The following pages contain 14 important VCU documents and synopses of three others. These documents govern many aspects of campus life and help define student rights and responsibilities.

You are encouraged to scan each document as soon as possible, so that you will know what topics are covered here and where to find detailed information should the need arise. **Please keep your copy of this handbook where you can find it easily, because quantities are limited and duplicate copies may not be available later in the year.**

If one or more of the policy documents should be revised and approved before the next printing of this handbook, the revised version(s) will be published online. These policies are also available at www.students.vcu.edu/rg/policies.

VIRGINIA COMMONWEALTH UNIVERSITY RULES AND PROCEDURES

Introduction

Virginia Commonwealth University is an academic community given meaning through the mutual respect and trust of the individuals who learn, teach, and work within it. Each member of this community is entitled to certain rights and privileges which must be protected through fair and orderly processes and which are best safeguarded when members act in an orderly and responsible manner. Each member of the University community is equally entitled to the protection of this document.

I. Application

This document governs the conduct of all persons on University premises; that is, on the campuses of VCU, and other property or facilities owned, controlled, or being used by the University. The provisions of this document are applicable to all members of the University community composed of faculty, administrators, staff, and students, as well as licensees and invitees. Statutes of the Commonwealth of Virginia, city or county codes, and federal laws apply on University premises, and violators of such laws will be subject to the provisions thereof, in addition to the sanctions of this document. In general, it is the policy of Virginia Commonwealth University not to become involved in adjudicating off-campus conduct of members of the University community. However, the institution also has a commitment to protect its own welfare and that of its members. Thus in those circumstances where the off-campus behavior of a member of the University community significantly impairs the University-related functioning of another member or gives rise to serious danger to the University community, the provisions of this document will apply to off-campus behavior of members of the University community. Such conduct may subject the violator to the provisions of law, in addition to the sanctions of this document. Additionally, in cases where off-campus conduct of a student has resulted in a criminal conviction or an adjudication of civil liability by a court of law, the University may exercise the right to impose the sanctions of this document even though the off-campus conduct does not significantly impair the University-related functioning of another member of the University community or does not give rise to serious danger to the University community. Any decision to exercise this right will be at the determination of the Provost or his/her designee.

II. Relationship to Other University Policies and Regulations

All duly constituted University regulations issued pursuant to University activities and functions remain in force and effect and will be observed. Consequently, members of the University community may be charged for a single incident under such regulations and under provisions of this document as well except that charges for a single incident may not be brought under Rules and Procedures, if a charge has been, or is in the process of being, brought under the Grievance Procedures for State Employees, the Faculty Grievance and Appeal Procedures, or the Promotion and Tenure Policies and Procedures.

III. Rights and Prohibited Conduct

Free inquiry and free expression are indispensable to the objectives of an institution of higher education. To this end, peaceful, reasonable, and lawful picketing and other orderly demonstrations in approved areas shall not be subject to interference by the members of the University community. Nor shall any member of the University community be subject to limitation or penalty solely because of the lawful exercise of these freedoms. However, those involved in picketing and demonstrations may not engage in conduct that violates the rights of any member of the University community.

These rules shall not be construed to restrain controversy or dissent, or to prevent, discourage, or limit communication between and among faculty, students, staff, and administrators. The purpose of these rules is to prevent abuse of the rights of others and to maintain public order appropriate to the University.

A. The Right to Academic Freedom and to Equal Educational and Occupational Access

The University is committed to providing an environment conducive to academic freedom, free inquiry, and equal access to educational and occupational opportunities. The principle of academic freedom requires all persons to respect another's dignity, to acknowledge another's right to express differing opinions, to cultivate and to cherish intellectual honesty, and to promote freedom of inquiry and expression. It is therefore the policy of the University that no act of any member of the University community shall serve to restrain or inhibit access to opportunities or the exercise of these freedoms. To that end, no person, either singly or in concert with others, shall willfully:

1. Discriminate against another person on a basis not reasonably related to the educational or job functions involved on the basis of race, ethnicity, sex, religion, color, creed, disability, sexual orientation, marital status, and age.
2. Harass or intimidate any person.
3. Cause physical injury or threaten any person with force or violence.
4. Have in his or her possession any firearm, other weapon, or explosive, regardless of whether a license to possess the same has been issued, without the written authorization of the president of the University. This restriction does not apply to persons whose duties lawfully require the possession of firearms or other weapons.
5. Disrupt or prevent the peaceful or orderly conduct of classes, lectures, meetings, or other University functions, or interfere with the lawful freedom of other persons, including invited speakers, to express their views.
6. Falsify or forge an official University record or document; or file documents with the University with the intent to mislead.
7. Lie, cheat, steal, or plagiarize. Violations of lying, cheating, plagiarism, and stealing will be adjudicated through this or other applicable documents. Student academic violations of lying, cheating, plagiarism, and stealing will be referred to the VCU Honor System for adjudication.
8. Violate any duly authorized University rule or regulation issued pursuant to a specific University function, for example, regulations applicable to social events, the library, or University hospitals.
9. Incite others to commit any act which has been herein prohibited.
10. Bring charges against a member of the University community that are spurious, or that are intended primarily to harass or maliciously defame, or that are designed to intentionally overburden the adjudicatory system.

B. The Right to Appropriate Use of University Premises in the Pursuit of Educational Goals, Occupational Endeavors, and Recreational Activities

No person, either singly or in concert with others, shall willfully:

1. Unreasonably stop or obstruct the free movement of any person or vehicle, or unreasonably obstruct a passageway, entrance, or exit.
2. Refuse to leave any University premise after being ordered to do so by an authorized member of the University community.

3. Destroy or damage land, buildings, or equipment owned or controlled by the University, the personal possessions of any individual, or without proper authorization, use, remove, or fail to return such property.
4. Without permission, expressed or implied by the duly assigned occupant, enter any office of an administrative officer, faculty member, or employee, or student office or room. This does not prohibit the right of University law enforcement officers or maintenance personnel to enter private rooms, offices, or any other University facility to prevent damage to or protect persons or property.
5. Enter into, or remain in, any University premise for other than an authorized purpose, or remain beyond the prescribed hours for utilization of the facility, without written permission from a University community member authorized to give such permission.

C. Student Off-Campus Conduct

When determined to be detrimental to the interests of the University by the Provost or his/her designee, certain off-campus conduct by students, that does not involve another member of the University community or otherwise does not give rise to serious danger to the University community but which results in a conviction of a criminal offense or an adjudication of civil liability by a court of law, may subject the convicted or adjudicated student to the penalties of this document. Such offenses include, but are not limited to, the following:

1. Theft, destruction, defacing (e.g., graffiti) or damaging (e.g., vandalizing) land, buildings, equipment or property of others.
2. Possession, use, sale or distribution of illegal drugs or substances or the underage possession and/or consumption of alcohol.
3. Assault and/or battery, sexual assault, threats, stalking or domestic violence or other offenses causing personal injury or death.
4. Breach of the peace (e.g., disorderly conduct, public drunkenness, unlawful assembly, etc.)

D. Prohibitions from Other Policies

There are a number of separate policies that specify further prohibitions, and that refer to the procedures and penalties of this document. A list of such policies can be obtained from the office of the senior vice president for administration.

IV. Penalties and Other Disciplinary Actions

Any person who violates the provision of this document is subject to one or more of the following penalties and/or disciplinary actions: Classified employees and faculty may also be subject to penalties under other University policies.

A. Censure

Censure may be imposed by the University Hearing Board, or by the president upon the recommendation of the University Appeal Board, or in the event the accused waives the right to a hearing, by the administrator receiving the charges. Censure is a written warning advising that the individual has been judged guilty of conduct which violates the provisions of this document and that the individual must avoid a recurrence of conduct which violates the provisions of this document. Censure is an official warning and is not reported to external agencies as a University disciplinary action.

B. Probation

Probation may be imposed by the University Hearing Board or by the president upon the recommendation of the University Appeal Board, or in the event the accused waives the right to a hearing, by the administrator receiving the charges. Probation is a written warning indicating that the individual has been judged guilty of conduct which violates the provisions of this document. An individual on Probation who is charged with another violation of this document will be required to appear before the University Hearing Board or appropriate administrator for consideration of Separation or Dismissal from the University. (See IV.D.) Probation is an official warning and is not reported to external agencies as a University disciplinary action.

C. Public Service and/or Educational Experience

Assignment of hours of Public Service or Educational Experience may be imposed by the University Hearing Board, or by the president upon the recommendation of the University Appeal Board, or by the administrator receiving the charges. Public Service or Educational Experience may be within the University, or in the larger community. Such Public Service or Educational Experience should ideally bear some relationship to the offense committed. Documentation of successful completion of the assigned hours of Public Service or Educational Experience must be provided by the accused within a specified time period in the form of a written certification from the supervisor of the community or University organization/office where the service or Educational Experience was performed. An individual assigned Public Service and/or Educational Experience who fails to complete the assignment and provide documentation will be required to appear before the University Hearing Board or appropriate administrator for this violation and may be considered for Separation or Dismissal from the University. Public Service and/or Educational Experience is not reported to external agencies as a University disciplinary action.

D. Separation and Dismissal

Separation or Dismissal may be imposed by the University Hearing Board or by the president upon the recommendation of the University Appeal Board, or in the event the accused waives the right to a hearing, by the administrator receiving the charges. (See V.D.2.b.) Separation or Dismissal may be imposed even though the violator has not previously received a Censure or been placed on Probation. Separation can be given for a definite period of time up to two years. A Dismissal will be for an indefinite period. (See IV.F.) If the accused is a faculty member, an administrator, or a classified or hourly employee, the Separation or Dismissal will be effected according to the conditions stipulated in the policies and contract under which the accused member is employed. Separation and Dismissal are University disciplinary actions which may be reported to external agencies.

E. Interim Suspension

Interim Suspension may be imposed as described in Section V.D.3.

F. Reinstatement After Separation or Dismissal

Only when a penalty of Separation has been removed by expiration or when Dismissal has been removed by action of the University Appeal Board may an individual petition the appropriate admissions committee or hiring agency for reinstatement. Faculty members and administrators separated for eight months or less will be automatically reinstated. In cases of Dismissal, the individual may, after two years, annually request the University Appeal Board to alter the penalty so as to allow the individual to apply for reinstatement to the University. Such individuals must meet all other University requirements and be judged competitively with other applicants before being reinstated. (See VI.A.3.)

G. Penalties Against a Licensee or Invitee

When the accused is a licensee, invitee, or visitor, authorization to remain on the campus or other facilities used by the University may be withdrawn, and he or she may be directed to leave the premises. Failure to leave or unauthorized return may subject the individual to applicable penalties under city, county, or state laws. A licensee, invitee, or visitor may petition the president of the University in writing to authorize a hearing before the University Hearing Board to determine whether there are proper and sufficient grounds for being excluded from University premises. The University Hearing Board shall present its recommendations directly to the president. There will be no further appeal.

H. Restitution

Restitution by the violator to the University or to members of the University community may serve, in certain instances, in lieu of or in addition to the application of the above penalties.

V. Procedures

A. Informal Complaint Option

1. The Informal Complaint Option is intended to provide an opportunity for an informal resolution of a complaint by a member of the University community or a department

- or unit of the University against other member(s) of the University community. The administrator receiving the Informal Complaint serves as a neutral mediator to resolve the complaint, although the administrator receiving the Informal Complaint is authorized to take several actions against the accused as specified below. Action taken through the Informal Complaint Option does not negate the right of the complainant to file a formal charge under the procedures specified in V.B.
2. Any member of the University community or a department or unit of the University may make an Informal Complaint about any other member(s) of the University community. All Informal Complaints involving charges of discrimination (III.A.1) or harassment (III.A.2) must be in writing and are filed with the assistant vice president for human resources. Informal Complaints not involving charges of discrimination or harassment must be in writing and are filed as follows:
 - a. Informal Complaints against the president shall be filed with the rector of the Board of Visitors.
 - b. Informal Complaints against a student shall be filed with the Dean of Student Affairs.
 - c. Informal Complaints against a faculty member (including academic department chairs) shall be filed with the academic dean of the accused faculty member.
 - d. Informal Complaints against a classified or hourly employee shall be filed with the assistant vice president for human resources.
 - e. Informal Complaints against an administrator shall be filed with the appropriate vice president or provost.
 - f. Informal Complaints against an administrator reporting to the president shall be filed with the president.
 3. The administrator receiving the Informal Complaint shall conduct a confidential investigation by interviewing the individual(s) bringing the complaint and the individual(s) accused in the complaint. When necessary, the administrator also may interview other individuals who have direct and specific information regarding the behavior alleged in the complaint. At the discretion of the administrator receiving the Informal Complaint, staff members from other areas may assist with the investigation interviews, (e.g., a female staff member from the Division of Human Resources could assist with a complaint related to sexual harassment.)
 4. As soon as reasonably possible after the conclusion of the interviews, the administrator shall schedule a joint conference involving the administrator, the individual(s) bringing the complaint and the individual(s) accused in the complaint. As appropriate, the administrator may suggest one or more of the following options resolve the complaint, such as:
 - a. Apologies, written or verbal.
 - b. Specific understandings for future contact and behavior between and among the parties involved in the Informal Complaint.
 - c. Specific actions intended to correct or compensate for the behavior alleged in the complaint. If all parties to the complaint agree to the conditions of the options offered by the administrator, the complaint shall be considered resolved, notwithstanding the option of the complainant to bring charges as noted in V.A.1. The administrator shall prepare and maintain a memorandum to the file which summarizes the results of the investigation and the terms of the agreement to resolve the complaint.
 5. If the options suggested in V.A.4 are not accepted by all parties to the complaint, or, if the administrator determines that the circumstances warrant further action, the administrator is authorized to take actions or penalties such as, but not limited to the following:
 - a. Issue a verbal or written warning to the accused member of the University community. Such a warning would inform the accused formally of the nature of the complaint, provide the name of the individual(s) bringing the complaint, provide an explanation as to why the behavior in question was unacceptable, and caution that further complaints could lead to more serious penalties.
 - b. Assign a Censure as described under IV.A.
 - c. Assign Public Service or Educational Experience as described under IV.C.
 - d. Require Restitution as described under IV.H.
 6. If the accused disagrees that an action or penalty is warranted, he or she may request, in writing, within 10 days, excluding weekends and official University holidays, of receipt of the notification of the decision of the administrator, that the administrator refer the case to the University Hearing Board. The administrator shall honor this request. During the hearing process, the accused has the same status as held prior to the action of the administrator.
 7. Unless a penalty as specified under V.A.5.a.-d. is assigned, or unless the accused requests that the case be referred to the University Hearing Board, there will be no formal records maintained by the administrator regarding any Informal Complaint, except as provided in V.A.4.c. above.

B. Formal Charges

1. Charges against an invitee, licensee, or any other person who is not a member of the University campus.

Any member of the University community may bring charges against an invitee, licensee, or any other violator who is not a member of the University community. Upon notification of such charge, the president of the University or a designee may inform the charged person that he or she is not authorized to remain on the University premises and may direct that person to leave. If the charged person refuses to leave, the president or designee may cause ejection from the University premises.
2. Charges against the president.

Any member of the University community may bring charges against the president of the University. These charges must be in writing and directed to the Board of Visitors of the University. The Board of Visitors shall adjudicate the charges as it deems proper.
3. Charges against other members of the University community. Any member of the University community may bring charges against any other members of the University community. Such charges must be in writing and filed as follows:
 - a. Charges against a student shall be filed with the dean of student affairs, except as provided in V.G.4.
 - b. Charges against a faculty member (including an academic department chair) shall be filed with the academic dean of the accused faculty member.
 - c. Charges against a classified or hourly employee shall be filed with the assistant vice president for human resources.
 - d. Charges against an administrator shall be filed with the appropriate vice-president or provost.
 - e. Charges against an administrator reporting to the president shall be filed with the president.
4. Charges may be brought by a department or unit of the University (for example, police department, University libraries, University Enrollment Services, etc.). In such cases, the unit head will designate a representative to act as accuser.
5. In order to be considered, a charge must be brought within two years of the incident for which the charge is being brought.

C. Preliminary Evaluation of Charges

The administrator with whom the charge is filed will determine within 30 calendar days of receiving a charge whether the charge warrants further investigation. If the administrator decides that the accusation should be dropped, he or she shall notify the individual who filed the charge. Should the individual filing the charge disagree with the administrator, he or she may request, in writing, within 10 working days, that the administrator refer the charge to a panel of three administrators designated to receive charges in V.B.3., one each to be selected by the administrator with whom the charge was filed, the accused, and the accuser. All such requests will be granted. Within 30 calendar days of the charge being referred to the panel, the panel shall review the charge and information, and direct the administrator either to terminate further action or proceed with an investigation in accordance with V.D.

D. Action by the Administrator

If the administrator determines that the charge warrants investigation, he or she will appoint a designee to conduct one. The administrator shall provide written notification to both the accused and the accuser of the name of the appointed investigator. The accused, and the accuser, may request once each that the investigator be disqualified for bias or conflict of interest. To be considered, this request must be in writing and delivered to the administrator within seven (7) working days of notification. The administrator will then decide whether the investigator is to be disqualified, and his/her judgment is final. If a new investigator is appointed, the administrator shall provide written notification to both the accused and the accuser of the name of the new investigator. The administrator shall also provide written notification to the accused of the charges and who filed them. The investigator shall then consult with the accused and perform such fact finding activities as might be necessary. Both the accused and the accuser have the right to be accompanied by an adviser when meeting with the investigator and throughout the procedures described in this document. The administrator shall ensure that investigator's report is received, and one of the following actions is taken, within a reasonable period – and no later than one year – of decision to investigate:

1. If the administrator determines that action is not warranted, he or she shall, in writing, notify both the accused and the accuser. Should the accuser disagree with this decision, the accuser may request, in writing, that the administrator refer the charge and all information obtained by the investigator to a panel of three administrators designated to receive charges in V.B.3., one each to be selected by the administrator, the accused, and the accuser. All such requests will be granted. Within a reasonable period—and no later than six months—of the charge being referred to the panel, the panel shall review the charge and information obtained upon investigation by the administrator or by the panel (if it deems further investigation desirable), and direct the administrator either to terminate any action or proceed under V.D.2.
2. If the administrator decides that the charge warrants further action, he or she shall proceed by one of the following alternatives:
 - a. If the administrator determines that the charge has been substantiated, but is insufficient to cause Separation or Dismissal, he or she shall Censure, assign Public Service and/or Educational Experience, place the accused member on Probation, or any combination of these actions. If the accused member disagrees the penalty is warranted, he or she may request, in writing within 10 days of receipt of notification of the action, that the administrator refer the case to the University Hearing Board. The administrator shall honor this request.
 - b. If the administrator determines that the charge is of such nature that conviction would subject the accused member to possible Separation or Dismissal from the University, the administrator shall, except as immediately noted, refer the case to the University Hearing Board. If the accused states in writing that he or she waives the right to a hearing and agrees to accept the decision of the administrator without appeal, then the administrator will decide the case and appropriate penalty.
3. Interim Suspension
 - a. If the University president or designee determines that the presence of an accused member of the University community presents a serious and immediate threat to the University, the president or designee may immediately suspend that member, if this is permitted by the policies and contracts governing the accused.
 - b. The president or designee shall cause a hearing to be conducted within five days excluding weekends and official University holidays to determine the validity of the Interim Suspension and to determine if it should continue. Such hearing will be conducted within the University Hearing Board guidelines contained in V.F. and V.G. If the Interim Suspension

is determined to be not valid, the accused shall be allowed to resume a customary and usual role within the University community without penalty.

- c. If the Interim Suspension is continued, another hearing must be held to adjudicate the case no sooner than five days nor later than 10 days, excluding weekends and official University holidays, of the date of the Interim Suspension hearing. If the Interim Suspension is not continued, another hearing must be held to adjudicate the case as soon as possible.

E. University Hearing Board

1. The University Hearing Board will be constituted annually at the beginning of the academic year and will consist of the following members:
 - a. A chair appointed annually by the president of the University. The chair shall be non-voting, except in the case of a tie vote.
 - b. Two students, only one of whom shall serve on a given case, as outlined below:
 - (1) A student from the Monroe Park Campus appointed annually by the Appointments Committee of the Student Government Association.
 - (2) A student from the Health Sciences Campus appointed annually by the VCU Medical Center Honor Council.
 - (3) If the accused has greater responsibility on the Monroe Park Campus, the student from the Monroe Park Campus will serve. If the accused has greater responsibility on the Health Sciences Campus, the student from the Health Sciences Campus will serve. Should the accused have equal responsibility on both campuses, either student will serve as decided by lot.
 - c. The president of the University Faculty Senate or his or her annually appointed designee from the Faculty Senate.
 - d. An administrator appointed annually by the president of the University.
 - e. A classified employee appointed by the senior vice president for administration.
 - f. Each appointing party will annually designate at least two alternates for each appointee.
2. Although every reasonable effort shall be made to have all members present, four members shall constitute a quorum provided that the representative of the peer group of the accused is present. The chair shall be counted in determining whether a quorum is present.
3. Annually, the chair of the University Hearing Board shall, at the beginning of the academic year and before hearings are conducted, schedule an orientation and training session for all members and alternates appointed to the University Hearing Board. Such training shall include a review of the procedures to be followed by the University Hearing Board in conducting hearings, together with such issues as confidentiality, sensitivity required for charges of sexual assault or rape, and other duties of board members.
4. The administrator overseeing the investigation, or his/her designee, and the investigator shall present to the University Hearing Board the findings and evidence establishing the charges against the accused.
5. Each member of the University Hearing Board, excluding the chair, except in the case of a tie (see E.1.a.) will have one vote as to the guilt or innocence of the accused on each charge and the decision will be determined by a simple majority.
6. On a finding of guilty, the University Hearing Board shall determine the punishment of the accused by majority vote.
7. At the conclusion of the hearing, the chair shall, in writing, notify the accused, the accuser, and the administrator receiving the charge of the decision of the University Hearing Board and return to the administrator all records and documents of the case and hearing.
8. In the case of an appeal, the chair of the University Hearing Board will have access to all records and documents and copies when needed to prepare and present

the findings of the University Hearing Board to the University Appeal Board.

9. Service on the University Hearing Board
 - a. If any one of the members of the University Hearing Board cannot continue in that position, the alternate shall serve as a replacement, and a new alternate shall be appointed by the appointing party.
 - b. If a member of a University Hearing Board cannot serve on a particular case, his or her alternate will serve. If the alternate cannot serve, the chair of the University Hearing Board must ask the appointing party to appoint a substitute for that particular case. (See V.E.2.)
 - c. If the chair cannot serve on a particular case, the alternate chair will serve.

F. Hearings and Procedural Due Process

Preparations and hearings shall proceed as follows:

1. The chair of the University Hearing Board shall notify the accused and the accuser, in writing, of the nature of the charge(s), who filed the charge(s), a brief description of the circumstances of the charge(s), and the penalties to which the accused may be subject if found guilty. The chair shall also provide written notification to both the accused and the accuser of the names of the University Hearing Board members that will hear the case.
2. The accused and the accuser upon request will each be permitted to review the evidence and obtain copies of the records and documents at a reasonable cost.
3. The hearing must be held no sooner than five days and no later than 10 days, excluding weekends and official University holidays, from the date of notification of the hearing. At the request of the accused and with the agreement of the chair of the University Hearing Board, a hearing may be held sooner than five days.
4. Either the accused or the accuser may request postponement of the hearing. The chair of the University Hearing Board may grant postponement for a reasonable period of time, but is not required to do so.
5. The University Hearing Board will develop a hearing format and the accused and the accuser shall be informed of such at the time of notification of the hearing.
6. The hearing format must provide for the following:
 - a. The hearing will be open to the University community (open hearings do not require that a large number of persons be accommodated) unless:
 - (1) The accused requests a closed hearing.
 - (2) The accused requests a closed hearing except for a few observers of his or her choice. (The number shall be determined by the chair).
 - (3) The chair closes the hearing because of disruptions.
 - b. The accused and the accuser each may be accompanied in the hearing – even if closed – by an adviser of his or her choice and may consult with the adviser throughout the hearing. The role of the adviser is limited to consultation with the advisee (e.g., the adviser may not call or question witnesses).
 - c. The accused and the accuser each will be given the opportunity to hear the evidence presented, to present witnesses (including themselves) and to cross-examine all witnesses who testify. For cause, the chair may permit both the accuser and the accused to provide testimony in closed session.
 - d. The accused may reserve the right to remain silent.
7. Within five days, excluding weekends and official University holidays, of the conclusion of the hearing, the chair of the University Hearing Board, shall, in writing, notify the accused, the accuser, and the administrator receiving the charges of the decision. Other notifications shall be made in accordance with VI.B.
8. A record will be made of the proceedings.
9. Upon request, the accused and the accuser shall have the right to view all records and documents pertaining to the hearing and shall be furnished copies of such records and documents at a reasonable cost.
10. The accused — but not the accuser — may appeal the University Hearing Board decision to the University Appeal Board. See V.H.4.

11. Members of the University Hearing Board shall hold all specific information regarding hearings and deliberations confidential.

G. Other Considerations for University Hearings

1. If the accused refuses to participate or fails to appear at a hearing, the University Hearing Board will hear the case on the basis of the evidence accumulated as a result of the investigation.
2. If the accused refuses to participate or fails to appear, the accused's adviser shall not be permitted to participate beyond a brief opening statement.
3. If the accused member terminates his or her relationship with the University prior to the hearing, the University Hearing Board shall have the option of conducting a hearing, with the accused present if possible.
4. If the accused is a faculty member, the academic dean involved, in consultation with the chair of the University Hearing Board, may determine that the charges are more appropriate to resolution by the Faculty Grievance Procedure.
5. If the accuser is a non-probationary classified employee and the issue raised is one that would qualify as "grievable" under the State's Employee Grievance Procedure, the assistant vice president for human resources, with the consent of the accuser, may refer the case through the State's Standards of Conduct and/or Employee Grievance Procedure. Actions and procedures under this document shall not limit the employee's rights as provided by the Virginia Personnel Act and Employee Grievance Procedure.
6. The president of the University shall appoint additional ad hoc hearing boards and appeal boards if required in emergency situations. Such boards shall follow the same procedures and have the same representative composition as the annually constituted boards.

H. Appeal

1. The accused has a right to appeal a University Hearing Board finding of guilt as per section V.H.4. of this document. A written appeal must be delivered in person or by certified mail to the chair of the University Appeal Board, or designee, within 10 days, excluding weekends and official University holidays, of receipt of the notification of the action of the University Hearing Board. The appellant must state as clearly and as fully as possible the reasons for seeking modification of the decision.
2. The chair of the University Appeal Board shall provide written notification to both the accused and the accuser of the names of the University Appeal Board members who will hear the case.
3. In considering an appeal, the University Appeal Board shall consider only the following issues:
 - a. Whether the original board's process was conducted fairly and in accordance with prescribed procedures.
 - b. Whether there is new evidence or relevant information not available at the time of the original hearing that, if consequential, shall result in a remanding of the case to the original board.
 - c. Whether the original decision is supported by substantial evidence.
 - d. Whether the University regulations alleged to have been violated were properly interpreted or applied by the original board.
 - e. Whether the sanction imposed was proportionate to the gravity of the misconduct.
4. During the appeal process the accused has the same status as he or she had prior to the finding of guilty. An individual on Interim Suspension will remain on Interim Suspension during the appeal process. An individual who has been separated (suspended) or dismissed by the University Hearing Board or other duly authorized board or Honor Council shall, following a recommendation to the University Appeal Board and a decision by the president to uphold said penalty, be separated or dismissed from the University effective as of the date of the initial decision of the University Hearing Board or other duly authorized board or Honor Council.
5. The University Appeal Board will be constituted and shall consist of the following:

- a. A student. If the case arises from the Health Sciences Campus, a student annually appointed by the Executive Council of the Health Sciences Student Government Association will serve. If the case arises from the Monroe Park Campus, a student annually appointed by the University Appointments Committee of the Student Government Association will serve.
 - b. A faculty member. The Faculty Senate will choose one faculty member from the Health Sciences Campus and one faculty member from the Monroe Park Campus. Only the member from the campus of the accused will serve at the appeal hearing.
 - c. A classified or hourly employee appointed by the senior vice president for administration.
 - d. An administrative officer jointly appointed by the vice-president for academic affairs and the vice-president for health sciences.
 - e. A chair appointed by the president of the University from among the full-time faculty. The chair shall vote only in case of a tie.
 - f. The administrative officer, the classified or hourly employee, and the chair must provide representation from both campuses.
 - g. No one who serves on a University Hearing Board, or the Honor Councils, shall also serve on the University Appeal Board. Nor shall an University Appeal Board for faculty, administrators, or staff include any division chair, departmental chair, dean, or vice-president under whom the accused serves.
 - h. Each appointing party shall annually designate at least two alternates for each appointee who will serve when the appointee is not available or has disqualified himself or herself.
 - i. Although every reasonable effort shall be made to have all members present, three members plus the chair shall constitute a quorum, provided that a representative of the peer group of the accused is present.
 - j. If a member cannot continue to serve, the chair of the University Appeal Board shall request the original appointing party to make a new appointment. If a member of the University Appeal Board cannot serve on a particular case, an alternate will serve. If no alternate can serve, the chair will ask the appointing party to appoint a substitute for that particular case. If the chair or alternate cannot serve on a particular appeal, the president shall appoint a substitute.
 - k. Annually, the chair of the University Appeal Board shall, before appeals are considered, schedule an orientation session for all members and alternates appointed to the University Appeal Board. Such orientation shall include a review of the procedures to be followed by the University Appeal Board in conducting appeals, together with such issues as confidentiality and other duties of board members.
6. The University Appeal Board may remand a case, dismiss some or all of the charges, affirm the decision of the University Hearing Board, other duly authorized board, or the Honor Councils, or reduce the penalty imposed. In no event may an appeal result in the imposition of a more severe penalty for the accused.
 7. When hearing an appeal from the Honor Council or an all-Monroe Park Campus judicial system or other procedures authorizing such appeal, the University Appeal Board shall take into consideration the provisions, procedures, and sanctions of the document from which the appeal arose.
 8. The decisions of the University Appeal Board will be reached by a simple majority vote and shall be presented to the president, or designee, as a recommendation within three days, excluding weekends and official University holidays, from the completion of the appeal hearing. The president, or designee, shall make his/her decision after reviewing the recommendations and supporting material. The decision of the president, or designee, is final. The decision will be relayed to the accused member, the University Hearing Board, or Honor Council, and the accused member's dean or supervisor within 10 days, excluding weekends and official

University holidays, after receipt of the recommendation of the University Appeal Board.

9. Members of the University Appeal Board shall hold all specific information regarding appeals and deliberations confidential.

I. Additional Appeals

1. Actions and procedures under this document shall not limit the classified or hourly employees' rights as stated in the Virginia Personnel Act.
2. A tenured faculty member may appeal a decision of Dismissal by the University Hearing Board to the University Promotion and Tenure Appeal Panel as provided in Section VII.B.2. of the Faculty Promotion and Tenure Policies and Procedures. Appeals must be filed within 15 working days of notification.

VI. Records and Release of Information

A. Records

1. If the administrator who initially received a charge determines that no action is warranted, and if after a reasonable period there is no appeal of this decision, all records and documents shall be returned to the individuals or agencies which supplied them. The administrator shall destroy all remaining records pertaining to the charge and its description. The same will be done if a hearing or an appeal results in an acquittal.
2. All records of Censure and Probation will be kept for five years and then destroyed except as provided in VI.A.3. If an individual receives additional sanctions (Censure and Probation) during this five-year period, records of all violations of these provisions will be retained until there is a period of five years following the most recent sanction. They shall be retained by the administrator who initially received the charges, with sufficient safeguards to ensure confidentiality.
3. If an individual is separated or dismissed, complete records of the proceedings and all pertinent documents, including any records of previous censures or probations, shall be permanently maintained by the administrator who initially received the charges with sufficient safeguards to ensure their confidentiality.
4. A student's academic transcript will indicate any action which prohibits readmission as long as the prohibition is in effect. This means that once a penalty of Separation has been removed by expiration or a Dismissal by action of the University Appeal Board, the notation will be removed from the academic transcript by action of the administrator who initially received the charges. The records for classified employees will be dealt with in accordance with applicable State policies. All records for faculty will be dealt with in accordance with the Promotion and Tenure Policies and Procedures and the Faculty Grievance Procedures. (See IV.F.)

B. Release of Information

1. Information relative to a case or subsequent penalties shall be released to members of the University on a need-to-know basis. The administrator directly in charge of the above records (See VI.A.3.) shall determine need-to-know.
2. When a student is found guilty, the dean of the school in which the student is enrolled will be notified of the action taken. When the student is separated, or is dismissed, the director of academic records will be notified to withdraw the student and make an appropriate notation on the academic transcript.
3. When an employee is found guilty, the assistant vice president for human resources will be notified of the action taken.
4. The individual or agency which initiated a charge under this document will be notified of subsequent acquittals or penalties. Notices of such actions shall include a statement of confidentiality and a request for care in the security of the information.
5. Release of information not covered under VI.B. shall be only with written consent of the member adjudicated, or as required by law.

VII. Implementation

A. Coordination and Orientation

The president or his or her designee shall be responsible for coordinating the provisions of this document and will provide orientation and training for those with identified functions under this document.

B. Enabling Clause

This document replaces and supersedes the Virginia Commonwealth University Rules and Procedures effective January 8, 1979. Records created or sanctions imposed under previous documents will be continued, amended, stored, or destroyed as appropriate to conform to the provisions of this document.

C. Revisions

The president of the University may establish an ad hoc committee to recommend specific changes or to undertake a general revision of this document. Any member of the University community, either singly or in concert with others, has the right to petition the president in this regard.

Revision approved by the University Council: May 6, 2004

Revision approved by the Board of Visitors: May 21, 2004

Effective: August 26, 2004

AFFIRMATIVE ACTION/EQUAL OPPORTUNITY STATEMENT

Virginia Commonwealth University is an equal opportunity/affirmative action institution providing access to education and employment without regard to age, race, color, national origin, gender, religion, sexual orientation, veteran's status, political affiliation or disability.

For further information:

Office of Equal Employment Opportunity/Affirmative Action Services
901 W. Franklin St., Room 114
P.O. Box 843022 // Richmond, VA 23284-3022
www.vcu.edu/eeoaa
828-1347 // TDD: 828-1420

RIGHTS OF STUDENTS UNDER THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their educational records:

1. The right to inspect and review the student's educational records within 45 days of the day the University receives a request for access.
Students should submit to the registrar, dean, head of the academic department, or other appropriate official written requests that identify the record(s) they wish to inspect. The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
2. The right to request the amendment of the student's education records that the student believes are inaccurate or misleading.
Students may ask the University to amend a record that they believe is inaccurate or misleading. They should write the University official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.
If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.
3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA

authorizes disclosure without consent.

One exception that permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted (such as an attorney, auditor or collection agent); a person serving on the Board of Visitors; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the University discloses education records without consent to officials of another school in which a student seeks or intends to enroll.

Directory information¹ may be released without a student's prior consent; this information is limited to

- » student name
- » date admitted
- » mailing address and telephone number
- » local address and telephone number
- » university e-mail address
- » semesters of attendance
- » major(s)
- » minor
- » specialization
- » school
- » enrollment status
- » full- or part-time status
- » classification (freshman, sophomore, etc.)
- » degree sought
- » honors and awards
- » degrees and dates received
- » participation in officially recognized intercollegiate sports, weight, height, hometown, parents' names and previous school(s) attended (for members of athletic teams)
- » Emergency Contact Information

4. The right to file a complaint with the US Department of Education concerning alleged failures by Virginia Commonwealth University to comply with the requirements of FERPA. The name and address of the office that administers FERPA:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Ave., SW
Washington, DC 20202-5901
(www.ed.gov/policy/gen/guid/fpco)

Modified to reflect changes to the Family Educational Rights and Privacy Act published Nov 21, 1996.

Note: Students have the right to withhold the release of information designated as "directory information" by submitting to the Office of Records and Registration (www.vcu.edu/enroll/rar), not later than 14 days after the beginning of a term, a request written and signed that "directory information" not be released. This request is effective until revoked in writing by the eligible student to the same office.

INTELLECTUAL PROPERTIES POLICY

The VCU Intellectual Properties Policy applies to students, fellows and trainees as well as to other University members. Under the policy, inventions made using University facilities and resources and copyrighted works created as an assigned employment duty or making significant use of University facilities and resources belong to the University. The University has a duty to attempt to commercialize such intellectual properties and to share 50 percent of the net proceeds with the creator(s). In addition, any intellectual property created using resources of a University-approved grant or other agreement will be treated in accordance with the terms of that agreement if they differ from the terms of the Policy.

Students are considered by this document to be University members and are subject to its terms. Students should be aware that when they create intellectual property in the course of employment by the University, the University retains ownership of the intellectual property. However, note that copyrighted works prepared to meet academic requirements do not become University property, unless there is involvement of the student's employment status.

The full text of this policy is available at www.vcu.edu/ott. Further details may be obtained from

The Office of Technology Transfer // 828-5188
Sanger Hall, Room 1-026, MCV Campus
P.O. Box 980568

VCU HONOR SYSTEM

POLICY STATEMENT AND PURPOSE

Section I: Introduction

Virginia Commonwealth University recognizes that honesty, truth, and integrity are values central to its mission as an institution of higher education. In a community devoted to learning, a foundation of honor must exist if that community is to thrive with respect and harmony. Therefore, members of the academic community are required to conduct themselves in accordance with the highest standards of academic honesty and integrity.

The Honor System Pledge is "On my honor, I have neither given nor received aid on this assignment, and I pledge that I am in compliance with the VCU Honor System." Neither the presence nor the absence of a signed pledge statement, however, shall prevent a student from being charged with a possible violation or from being held to the standards of the Honor System.

Section II: Rights and Responsibilities of the VCU Community

All members of the VCU community are presumed to have an understanding of the VCU Honor System and are required to:

- » Agree to be bound by the Honor System policy and its procedures;
- » Report suspicion or knowledge of possible violations of the Honor System;
- » Support an environment that reflects a commitment to academic integrity;
- » Answer truthfully when called upon to do so regarding Honor System cases, and;
- » Maintain confidentiality regarding specific information in Honor System cases. However, facts, principles, and problems raised by cases, the knowledge of which benefit the Honor System and honor education, may be discussed with appropriate faculty and administrative representatives.

VCU Students:

All VCU students are presumed upon enrollment to have acquainted themselves with and have an understanding of the Honor System. Therefore, it is a student's responsibility to ask course instructors to clarify expectations for each assignment in order to be in compliance with the Honor System.

VCU Instructors:

To reinforce the terms and importance of the Honor System, all VCU instructors are expected to discuss the Honor System at the beginning of a course, to include a section on the Honor System in course syllabi, and to assess academic work on the specific assignment/exam as if there were no violations of the Honor System, until and unless otherwise determined by the Honor System.

Section III: Possible Violations

Academic dishonesty jeopardizes the quality of education and depreciates the genuine achievements of others. Academic dishonesty by a student will not be tolerated and will be treated in accordance with the procedures as outlined in the Honor System. If a student violates the Honor System, that student will suffer consequences. However, appropriate opportunities to remediate the situation and for the student to learn and to grow from the mistake will be considered.

The categories of academic dishonesty include, but are not limited to, any deliberate and dishonest act that results in, or could result in, a student receiving an unfair advantage in an academic matter:

- » Plagiarism: Representing the words, ideas, facts, opinions, theories, illustrations, tables or any part of another's work as one's own on academic assignment without customary and proper acknowledgment of the source;
- » Cheating: Receiving, giving and attempting to receive or give unauthorized assistance, such as materials, devices, information, notes, or sources, on academic matters;
- » Lying: Transferring, transmitting or communicating any false statements concerning academic matters;
- » Stealing: Taking or making academic materials inaccessible, thereby temporarily or permanently depriving others of its use or possession, and;
- » Facilitation: Helping or soliciting another person to commit an act of academic dishonesty.

Section IV: Sanctions

All proven cases of Honor System violations will be sanctioned appropriately under the relevant circumstances. Sanctions assigned by the Honor System are intended to address specific violations. In some cases, however, the assignment of a sanction may result in the lowering of the accused's cumulative grade point average, the accused's loss of a graduate assistantship, or the accused's dismissal from further enrollment in a program. Although the Honor System can consider and assign other sanctions, the recommended sanction for a student's first violation is an 'F' for an assigned course grade. Although the Honor System can consider and assign other sanctions, the recommended sanction for a subsequent determination of an honors violation is Suspension for at least three semesters.

Any student found guilty of an Honor System violation shall be subject to one or more of the following sanctions:

Honor Probation

Honor Probation is a written warning that indicates that a subsequent determination of an honors violation may result in a sanction of Suspension and/or Expulsion.

Other Relevant Sanction

The Honor Council may assign other relevant sanctions, including, but not limited to, restitution, community service, special projects, and special educational requirements. A student who fails to complete these sanctions, fails to provide documentation of completion of the sanctions, or who commits an honor violation while completing these sanctions, shall be required to appear before an Honor Council. At that time, the student shall be considered under the recommendation for a subsequent violation.

Assignment of Grade on a Test/Paper/Assignment

A grade of "0" can be assigned for a test/paper/assignment. The grade shall be factored into the course grade.

Assignment of Course Grade

A course grade of 'F' can be assigned for the course in which the accused committed the violation. Grades assigned by the Honor System may not be voided by withdrawal from a course, withdrawal from the University, by use of the Repeat Course Option, or through the Grade Appeal Procedure. A transcript notation shall be placed for this sanction. This sanction is a University disciplinary action that may be reported to external agencies upon request.

Suspension

Suspension is a separation from the University for a specified period of time, not to exceed two years. After the suspension has been served, a student may be permitted to resume classes. A transcript notation shall be placed for this sanction. This sanction is a University disciplinary action that may be reported to external agencies upon request.

Expulsion

Expulsion is a separation from the University for an unspecified period of time.

After five years, a student who has been expelled may petition the Honor Council for permission to make application for readmission to the University. An expelled student who is permitted to apply shall meet all other University admission requirements and will be judged competitively with other applicants. A transcript notation shall be placed for this sanction.

This sanction is a University disciplinary action that may be reported to external agencies upon request.

Revocation

When a violation invalidates a major piece of work required for a degree, then the sanction may include a recommendation to the University President for rejection of a thesis or dissertation or revocation of a degree or certificate. A transcript notation shall be placed for this sanction. This sanction is a University disciplinary action that will be reported to external agencies upon request.

Section V: Rights and Responsibilities Arising From Possible Violations

Accused
In all cases, the accused shall be accorded and informed of the following rights:

- » To a status of good standing at the University and a presumption of innocence until otherwise determined by the Honor System based upon clear and convincing evidence to support a finding of guilt;
- » To remain silent at any meeting or hearing;
- » To refrain from admitting self guilt at any time;
- » To a reasonable time frame, at least seven days after receiving notification of the possible violation excluding weekends and official University holidays, within which to prepare a response to the possible violation;
- » To request that the case be referred to an Honor Council hearing after an initial investigation and determination;
- » To appeal, upon request within the specified time frame, any decision until final determination by the President, and;
- » To procure and to utilize an advisor (not an attorney).

Accused and the Accuser

In all cases, the accused and the accuser shall be accorded and informed of the following rights and responsibilities:

Rights

- » To obtain a current copy of the Honor System;
- » To obtain a list of Honor Council members;
- » To a reasonable written notice of facts and information underlying the possible violation, including but not limited to, a statement of the possible violation, the accuser's identity, and the sanctions to which the accused may be subject if found guilty;
- » To obtain, present, question, and refute evidence utilized as part of an investigation or determination;
- » To a meeting or hearing at which both the accuser and the accused may be represented and the accuracy of the possible violation determined;
- » To an investigation of a possible violation, to be conducted promptly, insofar as possible, and in a manner that minimizes public disclosure of either's identity;
- » To a reasonable written notice of an Honor Council hearing, if arranged, that would be held no sooner than five days, excluding weekends, holidays, and official University holidays, and no later than twenty days, excluding weekends and official University holidays, from the date of receipt of written notification of the hearing;
- » The right to a closed hearing, if requested, except for observers to be chosen by the accuser, the accused, the Honor System Administrator, or the Executive Board;
- » To request a reasonable delay, for cause, before or after an Honor Council hearing is scheduled,
- » To appeal, upon request within the specified time frame, the pre-hearing determination and/or the sanction, and;
- » To participate in a meeting, upon request, with the Academic Integrity Officer or the Chair of the Honor Council hearing to discuss the rationale behind the determination and/or sanction.

Responsibilities

- » To read and to respond promptly to all communication regarding the Honor System;
- » To make truthful statements during an investigation, meeting or hearing;
- » To refrain from harassing, pressuring or intimidating the accuser, the accused and other relevant parties involved in the case, and;

- » To report any harassment, pressure or intimidation arising from an Honor System case.

Section VI: Executive Board

The Executive Board shall be comprised of four graduate/professional students, four undergraduate students, six faculty members, and the Honor System Administrator. Faculty and students will be drawn from the Honor Council membership. The Executive Board shall serve for one year and may be re-appointed. The Executive Board responsibilities shall include, but are not limited to, assisting with orienting Honor Council members to the Honor System, including issues of confidentiality and review of procedures, surveying each accuser and accused from the previous year to determine their level of satisfaction with the Honor System, and reviewing annually the Honor System procedures and recommending changes if needed.

Section VII: Honor System Administrator

The Provost and Vice President for Academic Affairs shall designate an Honor System Administrator and an alternate Administrator. In the absence of the Administrator, the alternate will serve. The Administrator and alternate shall be responsible for, but not be limited to:

- » Orienting Honor Council members to the Honor System;
- » Assigning the Academic Integrity Officer to investigate possible violations;
- » As needed, assigning an investigator other than the Academic Integrity Office to investigate possible violations. This may be at the request of the accused or accuser if there appears a bias or conflict of interest or to ensure that an investigation and determination is completed within the timeframe specified by this document;
- » Coordinating Executive Board meetings and Honor Council hearings;
- » Providing direction when there are questions regarding policy and procedures;
- » Reviewing findings and determinations regarding policy and procedures;
- » Maintaining case records;
- » Submitting annually to the University community a report on honor violations and sanctions, omitting any identifying information from the cases, and;
- » Responding to requests for information, when permissible by law or by the relevant parties, from internal and external sources.

Section VIII: Academic Integrity Officer

Under the direction of the Honor System Administrator or alternate Administrator, an Academic Integrity Officer will have responsibility for:

- » Investigating all Honor System allegations;
- » Completing the investigation and issuing a determination within 30 calendar days of being assigned a case;
- » Assigning sanctions or referring the case to the Honor System;
- » Presenting the facts in regard to the investigation, determination, and evidence at Honor System hearings, and;
- » Preparing and keeping a deidentified record of pertinent facts on each case.

Section IX: Honor Council

Honor Council members shall be current VCU students and faculty who are elected, selected, or appointed. Faculty appointments will take into account the diversity of the VCU faculty and input from the Faculty Senate. Student appointments will take into account the diversity of the student body and input from the Student Government Associations. In order to serve, students must be in good academic and disciplinary standing, not have a pending honors violation and not have been found guilty previously of an honors violation. All Honor Council members shall receive training prior to acting officially in any Honor System capacity.

Section X: Procedure

Filing of possible violation: If a member of the VCU community identifies a possible violation, an initial description of the possible violation must be filed in writing with the Honor System Administrator within 30 calendar days of discovery.

Discovery occurs only when the accuser possesses sufficient proof of a possible violation. At any point after a case has been filed, it may be withdrawn. A possible violation that is filed after the 30-day deadline will not be considered.

The accused, the accuser and the course instructor shall be notified in writing via VCU e-mail, the U.S. Postal Service and/or other appropriate means of communication that a notice of a possible violation has been filed and that an investigation will occur. The accused and the accuser shall each be assigned and/or shall select an Honor Council member who may serve as an advisor. Additionally, the accused and the accuser each have the right to select someone other than an Honor Council member, not an attorney, to be an advisor. The accused and the accuser will each be encouraged to meet with an advisor to review the Honor System and his/her rights and responsibilities. The Academic Integrity Officer shall also inform the accused and accuser of all rights and responsibilities. The accused shall be informed that the University will not issue a degree to any student accused of a possible violation of the Honor System until a case has been investigated and adjudicated completely, including appeals.

Investigation of possible violation: The Academic Integrity Officer will undertake an investigation and issue a determination. The investigation may include, but is not limited to, meeting with and taking statements from the accuser and the accused, seeking information from other students, faculty, or staff, reviewing the accused's transcript, exams, papers, and other relevant material, and conducting other actions as appropriate. All parties involved in the investigation shall maintain confidentiality regarding information and all documents shall be maintained in a secure file.

Determination of possible violation: Within 30 calendar days of being assigned a case the Academic Integrity Officer shall complete an investigation and issue a determination. The 30-day deadline can be extended by the Honor System Administrator in special circumstances when parties required for completion of the investigation are unavailable during that time period. The determination shall include a finding as to whether the student is innocent or guilty of an honor violation and, if found guilty, assign a sanction. The accused, the accuser and the course instructor shall be notified of the determination within five days, excluding weekends and University holidays.

A case will be referred to the Honor Council if the accused is on Honor Probation, there are multiple possible violations or if the Academic Integrity Officer determines that the possible violation could warrant a sanction of Suspension, Expulsion or Revocation. In these cases, an Honor Council hearing shall be convened to determine whether the student is innocent or guilty of an honor violation and, if found guilty, assign a sanction.

If it is determined that the accused has not violated the Honor System, and there is no appeal by the accused or the accuser, the case shall be finalized. All documents related to the case shall be returned to the original sources and/or destroyed. The accused, the accuser and the course instructor shall be notified in writing of the determination within five days, excluding weekends and University holidays.

If it is determined that the accused has violated the Honor System, and there is no appeal by the accused or the accuser, the case shall be finalized. The accused, the accuser and the course instructor shall be notified in writing of the determination within five days, excluding weekends and University holidays. Sanctions assigned by the Honor System shall go into effect when the case becomes final.

Appeals of Academic Integrity Officer Determination: The accused and the accuser have the right to request that the determination of the Academic Integrity Officer be appealed to the Honor Council. The request must be filed with the Honor System Administrator within five days of receipt of the determination notification, excluding weekends and University holidays. Upon receipt of an appeal, an Honor Council hearing shall be convened.

Section XI: Hearings

An Honor Council hearing panel shall consist of five members: three students, two faculty, and one non-voting Chair. An Executive Board student member shall serve as the non-voting Chair. The Administrator or alternate shall attend the hearing to assist the Chair. The required number of Honor Council members must be present in order to hold the hearing.

The three student members shall be of the same classification as the accused (i.e., undergraduate or graduate/professional). One of the student members shall be, if possible, from the accused's

school. Honor Council members shall disqualify themselves from a hearing in which they have a conflict of interest with either the accuser or the accused. In these instances, an alternate member shall be assigned.

Honor Council hearings shall be flexible enough to provide for the consideration of all information. If the accused does not appear for a hearing either through refusal to attend, failure to locate following a good-faith attempt to do so, or by withdrawal from the University, the hearing shall proceed without the accused.

The following general format used for Honor Council hearings shall include, but is not limited to:

- » Introduction of Honor Council members and participants in the case;
- » Statement of the date, time, and location of the hearing;
- » Brief summary of the possible violation;
- » Reminder to the accused and the accuser of all afforded rights and responsibilities;
- » Reminder to the accused that it is an honor violation to make knowingly false statements to the Honor Council;
- » Reminder that the accused is considered not in violation of the Honor System unless there is clear and convincing evidence. Clear and convincing evidence requires that the evidence presented by the accuser must convince the Honor Council that it is substantially more likely than not that the accused has violated the Honor System;
- » Reminder that the University community considers violations of the Honor System to be serious infractions;
- » Reminder that the Honor System exists to protect honest students and alumni from those who gain, or seek to gain, an unfair advantage in an academic setting;
- » Reminder that the hearing, but not the deliberations, is being recorded;
- » Questions by the Honor Council, accused or accuser at any time;
- » Presentation of evidence and witnesses by the accuser;
- » Presentation of the investigation, the determination, and evidence by the Academic Integrity Officer;
- » Presentation of evidence or witnesses by the accused or accused's advisor;
- » Closing statement by the accuser, and;
- » Closing statement by the accused or accused's advisor.

Section XII: Honor Council Deliberations

After the hearing, the Honor Council goes into closed-session deliberations. The Administrator or designee shall not be present for the deliberations. The purposes of the deliberations are to apply the standard of clear and convincing evidence to determine if the accused is guilty of violating the Honor System and, if there has been a violation, to assess a sanction. If there are multiple possible violations, the members shall determine if the accused is guilty on each possible violation. Members will state their opinions on each possible violation. Four of the five members must concur to determine that the accused is in violation of the Honor System. When there is a determination that a violation has been committed, there shall be a discussion of the sanction.

Members shall state their opinions and rationale regarding the sanction. Three of the five voting members must concur to determine the sanction. The Chair shall notify the Administrator or designee of the Honor Council's determination. The decision shall be to the accused, the accuser, the course instructor, and the dean of the accused's school within five days, excluding weekends and University holidays.

Section XIII: Appeal of Honor Council Finding

If the accused is determined by an Honor Council hearing to have violated the Honor System, the accused may request, within five days of receipt of notification, excluding weekends and University holidays, that the case be sent to the University Appeal Board. A University Appeal Board hearing shall be convened and all parties shall be notified. The Chair shall represent the Honor Council before the Appeal Board and the accused and accuser may be accompanied by an advisor, not a lawyer serving as legal counsel, who may participate in the appeal hearing.

In considering an appeal, the University Appeal Board shall consider only the following issues:

- » Whether the Honor Council's process was conducted fairly and in accordance with prescribed procedures;

- » Whether there is new evidence or relevant information not available at the time of the Honor Council hearing that, if consequential, may result in a remanding of the case to an Honor Council;
- » Whether the original decision was supported by substantial evidence;
- » Whether the Honor System was improperly interpreted or misapplied by the Honor Council, or;
- » Whether the sanction imposed was proportionate to the gravity of the violation.

The University Appeal Board can recommend dismissal of some or all of the possible violation, assignment of the same or different sanction, remanding the case to the Honor Council, and/or affirm the Honor Council's decision. The University Appeal Board cannot recommend imposition of a higher sanction than was assigned by the Honor Council. The University Appeal Board's recommendation and the case material shall be submitted to the President, or designee, for review and action. The decision of the President is final. If the President upholds the finding of guilt and the sanction, the sanction shall take effect retroactive to the initial determination of being in violation of the Honor System.

Section XIV: Records

All Honor System records shall be maintained with sufficient safeguards to ensure confidentiality. An annual summary report of all cases, with all identifying information removed, shall be made available to the VCU Board of Visitors. The summary report may be made available upon request to internal or external sources at the University's discretion. With respect for confidentiality and regardless of the finding of guilt or innocence, the Academic Integrity Officer or the Honor System Administrator shall prepare and keep a record of pertinent facts on each case. Deidentified cases and composite data will serve the purpose of honor education for the University community.

All records of Honor System violations and sanctions assessed not involving Suspension or Expulsion shall be kept at least until completion of the academic program in which the student is enrolled at the time of the violation or three academic years following the violation, whichever is longer. A transcript notation that is assigned by the Honor System will remain on the student's transcript. No earlier than five years from the date the sanction was assessed, a student may request removal of transcript notations except those for Suspension, Expulsion or Revocation. All records of violations and sanctions involving Suspension, Expulsion or Revocation shall be maintained permanently by the Provost and Vice President for Academic Affairs, or designee, with sufficient safeguards to ensure confidentiality.

Section XV: Amendments

The Executive Board shall review annually all procedures and may make recommended changes to the Provost and Vice President for Academic Affairs. The Provost and Vice President for Academic Affairs may appoint a committee to conduct a complete review of the Honor System at any time, but at least every five years. The Provost and Vice President for Academic Affairs shall forward all proposed revisions to the Honor System to the University community, including the Faculty Senate and the Monroe Park Campus and MCV Campus Student Government Associations, for review and comment. Final revisions shall be submitted to the University Council for action in accordance with its normal procedures. Revisions as approved by the University Council shall be forwarded to the Board of Visitors for final approval and will become effective as soon as practical following BOV approval.

*Approved by University Council: October 19, 2006
Approved by Board of Visitors: November 16, 2006
Effective: Fall 2007*

GRADE REVIEW PROCEDURE

Undergraduate and graduate students of Virginia Commonwealth University have a right to appeal course grades they consider to have been arbitrarily or capriciously assigned or assigned without regard for the criteria, requirements and procedures of the course stated in the syllabus or guidelines for

assignments. Grades determined by actions under authority of the Virginia Commonwealth University Honor System may not be appealed through this procedure, nor may dismissals that have occurred as a result of correctly derived course grades.

Though the faculty has the responsibility for assigning grades on the basis of academic criteria, such grade designations can sometimes raise conflicts. Thus, while affirming the importance of maintaining standards of excellence and the integrity of the teaching/learning process, the University and its faculty also recognize that, on occasion, grades may be inappropriately assigned. Should such conflicts occur, students have a right to be fairly heard. When discrepancies occur concerning the grading process, the welfare and integrity of both faculty and students are equally important. This document is in no way intended to compromise the work of the faculty.

The faculty member (or members, in the case of a jointly taught course) bear the responsibility for specifying in writing at the beginning of each class section the formal requirements of the course and the weights that will be employed in determining the final course grade. The faculty member(s) shall apply relevant grading criteria uniformly to all members of the class.

Initiating an Appeal

When a student has evidence that a final grade has not been assigned in accordance with the stated criteria, the student shall discuss it first with the faculty member. The faculty member will explain how the final grade was determined. If the student continues to feel that the grade was incorrectly assigned, a written appeal may be submitted to the chair of the department in which the course was taught. Students appealing grades assume the burden of proof. The appeal shall state and support with all available evidence the reasons why the student believes the grade should be changed.

For grades awarded for the fall semester, the written appeal must be submitted no later than 14 calendar days after the beginning of the spring semester. For grades awarded for the spring semester or summer sessions, the written appeal must be submitted no later than 14 days after the first day of the fall semester. For schools that have a summer session or other less common sessions, school policies may specify other deadlines to ensure a timely appeal. Appeals submitted after the deadline will be heard only in exceptional cases, as determined by the appropriate vice-president.

The grade issued by the faculty member shall remain in effect throughout the appeal procedure. With some exceptions, students shall be permitted to register for any course for which they are otherwise qualified and for which a prerequisite is successful completion of the course that is being appealed. If the committee upholds a failing grade in the prerequisite course, the student shall be dropped from the course without financial penalty. If academic suspension then results from the grade which was upheld, it shall be carried out at the end of the grade appeal procedure. In instances in which the failing grade is in a prerequisite course in which safety or well-being of clients, patients or the public is involved, the student shall not be allowed to enroll in the subsequent courses in which safety and well-being may be at issue until and unless the appeal is resolved in the student's favor. In these cases, the student who wishes to appeal is advised to do so as soon as possible and it is the responsibility of the school to move the appeal process expeditiously.

Mediation

The chair of the department shall attempt to mediate an amicable solution within two weeks of receipt of the written appeal. If the complaint is not resolved, the chair shall forward the student's appeal to the dean (or appropriate associate/assistant dean) of the school in which the course was taught. The chair shall also submit to the dean in writing the recommendation made to the two parties regarding the appropriateness of the grade. If the grade being appealed was assigned by the chair of the department, the dean shall assume the mediation responsibility. If the grade being appealed was assigned by the dean, the mediation responsibility will fall to the appropriate vice president.

The Grade Review Committee

The dean shall form a Grade Review Committee and designate the chair. The committee has the option of either raising the grade or leaving the grade unchanged.

The committee shall consist of one non-voting faculty chair, two faculty members, and two students selected by the dean from disciplines whose methods and techniques of teaching and testing are as similar as possible to those of the discipline of the course in question. If the course is multi-disciplinary and the instructor(s) whose grade is being appealed does not belong administratively in the school in which the course was taught, the committee shall have at least one of the faculty members from the instructor's school.

Either party may challenge the committee's membership for cause within a week of being informed of the membership. The dean shall determine if there is sufficient cause to remove the challenged committee member.

The committee shall meet initially to examine the written appeal and the department chair's recommendation. It can require the faculty member(s) to turn over to the committee grade records for that class or section and any tests, papers, and examinations by students of that class which they may possess. The committee may require the student bringing the appeal to turn over all tests, papers, or other evaluations that have been returned and all existing evidence that an improper grade was awarded. The committee shall disregard any claim that a test or paper that has been returned to a student was unjustly graded unless that test or paper is produced for the committee's inspection.

After examining the materials, the committee may, by a majority vote, decline to hear an appeal that it judges to be patently without merit. Otherwise, the committee will authorize its chair to arrange a date for a hearing. The chair of the committee shall meet with each party prior to the hearing to explain the rules and procedures of the hearing.

The Grade Review Hearing

Grade appeal hearings will be open, closed, or partially open (i.e., a few close associates of each party may attend) by agreement of the appealing student and the faculty member(s) and the chair of the committee of the appealing student. In case of disagreement, the committee shall decide. The chair has the option to declare closed an open or partially open hearing in cases of disruption or in order to ensure necessary confidentiality.

Both parties may have with them an advisor of their choice (who may not be an attorney), with whom they may consult but who will not participate in the questioning of witnesses and presentation of evidence unless the opposing party and chair agree to it. The committee shall ask any member of the VCU community whose testimony it deems relevant to be available at an agreed-upon time to give testimony.

Either party may present additional witnesses as long as they remain within their allotted time and their testimony is directly relevant to the course at issue. Performance in other courses is not relevant. Witnesses other than the appealing student and the faculty member(s) shall be excluded from the hearing except when testifying.

A hearing shall begin with the student outlining the reasons for the appeal and all evidence that exists of an improper grade. The faculty member(s) shall then explain the criteria used for the original grade assigned. Each party will have a time period not to exceed two hours in which to present a position.

The committee shall determine in executive session whether the grade was justified according to the course in which the grade was given. If the evidence is that the grade was determined according to the stated objectives, criteria and grading procedures of the course, the committee shall uphold the grade. The committee should also take into account that purposes, methods, requirements and grading criteria differ from course to course and that difference is a legitimate characteristic of a university and its faculty. Further, the grade in some courses may be partly or solely determined by a faculty member's professional judgment, which in itself cannot be overturned without evidence that the judgment was arbitrarily or capriciously rendered. The committee shall consider (a) whether the faculty member(s) articulated the criteria to be used (some criteria may be implicit within the discipline), (b) whether those criteria were actually used to determine the final grade, and (c) whether the results of the evaluation were communicated to the student.

No grade may be changed except by a vote of at least three out of four voting members. When the committee has reached a decision, the committee chair shall submit to the dean in writing the decision and the reasons for it. The dean shall communicate

in writing the decision of the committee to the appealing student, faculty member(s), and the department chair. If the grade has been changed, the dean shall also notify the registrar.

The evidence, proceedings, and the final decision of the committee shall remain confidential. All documents shall be held in a confidential file by the dean for one year. The party from whom a document was obtained may request that it be returned at the end of the year. All documentation not returned shall be destroyed by the dean one year later.

** In instances in which the dean of the school chooses for the appropriate associate/assistant dean to manage the grade appeal, the term "associate/assistant dean" may be substituted for the term "dean" throughout this document.*

Approved by the University Assembly December 3, 1981. Effective February 15, 1982.

Revised September 1996. Effective August 15, 1997.

Please note: Any student who has questions about initiating an appeal using the Grade Review Procedure should call the office of the dean of his/her school or college.

STUDENT CONDUCT IN INSTRUCTIONAL SETTINGS

Policy Statement and Purpose

The University is a community of learners. Students, as well as faculty, have a responsibility for creating and maintaining an environment that supports effective instruction. In order for faculty members (including graduate teaching assistants) to provide and students to receive effective instruction in classrooms, laboratories, studios, online courses, and other learning areas, the University expects students to conduct themselves in an orderly and cooperative manner. Occasionally, faculty members find that they cannot provide effective instruction because of disruptions which may result from such conduct as loud or prolonged side conversations; exaggerated movement of papers, books or other materials; excessive displays of affection; disruptions in online conversations; and unnecessary or repetitive questions or comments which seek to delay the normal instructional process.

Recognizing that part of the University's mission is to provide instruction through classroom and online teaching, the following faculty guidelines are intended to supplement existing University policies and to suggest alternative methods of addressing student conduct in the classroom setting or in online courses or discussions. Because both University instruction and human behavior vary greatly, these guidelines are not intended to be exclusive. Accordingly, faculty members may and should exercise their best judgment in setting standards of conduct for their classes and taking a reasonable approach in responding to any disruptive situation that confronts them.

Procedures

Instructional Setting Management Strategies

A faculty member may wish to include in a course syllabus, and/or describe in an introductory lecture, expected standards for class conduct. The following are some suggested strategies for class management:

1. Indicate that University students are entitled to receive instruction free from interference by other members of the class, a premise which supports an expectation that courtesy and consideration will be extended to one's fellow students and the instructor. A faculty member may also find it useful to specify that particular conduct is likely to be disturbing and thus inappropriate in the instructional setting, e.g., side conversations or leaving one's seat during a lecture.
2. Designate the last row of classroom seats (or some other area) as the available space for late arrivals and early departures. While students are expected to attend classes during assigned times, a faculty member may wish to encourage use of designated seats when variation is necessary. If unusual attendance circumstances exist, students may be encouraged to discuss alternative arrangements with the instructor in advance.
3. Distribute, post, or place in the course syllabus, the section titled "Student Conduct in the Classroom" which appears in the Undergraduate Bulletin.

4. Incorporate on course syllabi a statement that invites students with disabilities to self-identify.
5. Explain procedures that the faculty member intends to follow if class disruption occurs.
6. Designate in the syllabus that participation is a course requirement, and that students may be penalized by a lowering of the participation grade for disruptive behavior (see **Other Considerations**).

Options for Responding to Disruptive Students

1. Discussion with the student: An obvious initial approach in dealing with a disruptive student is discussion with the student about the behavior causing the disruption. This discussion should not be conducted in public. Should a discussion with a student reveal or signal to a faculty member that substance abuse or psychological disturbance may be a factor in the student's behavior, the faculty member may refer the student to the University Counseling Services (UCS). If circumstances warrant, the faculty member may call and arrange an appointment for the student at UCS or accompany the student to the Counseling Center. Faculty members are encouraged to document the date and nature of conversations with students regarding unacceptable class behavior.

Should discussions with a student indicate that disruptive behavior might be related to a disability, faculty may

- a. call the Coordinator for Services for Students with Disabilities;
 - b. refer disruptive students to University Counseling Services and/or the Academic Success Center; and
 - c. refer to *A Handbook on Educational Access: A Faculty Guide to Reasonable Accommodations and Academic Adjustments for Students with Disabilities* for further information.
2. Consultation with departmental chairperson or other resource personnel: if conversation with a disruptive student does not produce a change in behavior, or if an initial disruptive incident is severe, a faculty member may discuss the situation with his or her departmental chairperson. For other assistance in dealing with the student, the faculty member may contact the Assistant Dean of the school or college, Director of the University Counseling Services, or the Dean of Student Affairs. If appropriate, a staff member from one of these offices may attend a class to observe the disruptive behavior in question. Or, in the case of online courses or discussions, be invited to read the e-mails in question.
 3. Provision of written warning: if disruptive class behavior by a student is repetitive or severe, a faculty member may provide a written warning to the student regarding the unacceptable conduct. Generally, a written warning is most effective if it includes the following:

- a. the nature of the unacceptable behavior;
- b. the detrimental impact of the behavior on the class and the instructor;
- c. possible consequences if the behavior continues.

A written warning is not required as a prerequisite to filing formal charges against a student pursuant to the University's Rules and Procedures.

4. Options in the event of extreme disruption: Several options are available to faculty members in the event the nature of the student disruption is so severe as to make continuation of effective instruction impossible under the circumstances. In such instances, a faculty member may:
 - a. direct that a student leave the class for the remainder of the class period. In issuing a directive to leave, the faculty member is the sole judge to whether a student's conduct is sufficiently disruptive to warrant dismissal from the classroom;
 - b. recess the class and contact the University Counseling Services for assistance. This action is generally appropriate if the behavior of the student appears to indicate substance abuse or psychological disturbance;
 - c. recess the class and contact the VCU Campus Police for assistance. This action is generally appropriate if a disruptive student refuses to leave the class

and assistance is required in order to remove the offending student from the classroom;

- d. adjourn the class and seek such assistance as the faculty member deems necessary.
5. In the case of online classes and discussions:
 - a. set expectations for online discussions and enforce them. Delete inappropriate e-mail discussions and notify the student sending that their posting was inappropriate. For issues not directly related to the class but of interest to class members establish an online location, such as the "water cooler" or "parking lot;"
 - b. diffuse inappropriate e-mails privately;
 - c. confront disruptive students directly, either in person or by phone. e-mail is a written record available for grievance;
 - d. direct the student sending inappropriate messages to post assignments to only the faculty member;
 - e. limit the student's access for sending electronic messages to other students.
 6. Submission of formal charges: The University's **Rules and Procedures** apply to all members of the University community, including students. Section III(A) (5) of the document provides that "[n]o person, either singly or in concert with others, shall willfully: a. Disrupt or prevent the peaceful or orderly conduct of classes, lectures, meetings or other university functions, or interfere with the lawful freedom of other persons, including invited speakers, to express their views." If a faculty member believes that a student has violated Section III(A) (5), a charge in this regard may be filed against the student by submitting a written statement to the Dean of Student Affairs of the appropriate campus. Section V of the Rules and Procedures describes in detail the procedures by which a charge under that document is processed and resolved within the University. (Faculty members are reminded that the Rules and Procedures also provide a mechanism for filing charges against students for their behavior on campus, but outside of the classroom.)

Other Considerations

1. Based on the assumption that the course grade should be a reflection of the student's mastery of the subject matter in the course, the faculty member may not penalize disruptive behavior by lowering the course grade, unless class conduct has been identified on the syllabus as a course requirement.
2. Although a student's behavior may cause a temporary disruption in a class, this does not justify action on the part of the instructor that is retaliatory or vindictive in nature.

ATTENDANCE REGULATIONS

The instructional program at VCU is based upon a series of class meetings involving lectures, discussions, field experiences, special readings, and reporting assignments. Therefore, it is important for each student to be in attendance on a regular basis. A student who misses a class session is responsible for completing all material covered or assignments made during the absence.

Instructors must clearly inform the student in writing of the attendance requirements for each course and the corresponding consequences of poor attendance. Though the attendance requirements may vary widely from one course to another, students must abide by these requirements. Students cannot enroll in two courses that meet concurrently without written approval from the chairman of each department involved.

Students having attendance problems should contact the instructor to explain the reasons for non-attendance and to discuss the feasibility of continuing in the course. If the student has fallen so far behind that the successful completion of the course is impossible, the student should withdraw from the course before the end of the first eight weeks of classes.

Note: University refund policy does not provide for tuition refunds, if applicable, after the fourth week of classes.

If the student continues to miss class and does not officially withdraw from the course, the instructor may withdraw the student for non-attendance with a mark of "W" before the end of the first eight weeks of classes or may assign a full academic grade. Withdrawals are not permitted after the end of the first eight weeks of classes. For classes that do not conform to the semester

calendar, the final withdrawal date occurs when one-half of the course has been completed. Withdrawal dates for summer session classes are published in the *Summer Schedule of Classes*.

Religious Observances: It is the policy of VCU to accord students, on an individual basis, the opportunity to observe their traditional religious holidays. Students desiring to observe a religious holiday of special importance must provide advance written notification to each instructor by the end of the second week of classes. Instructors are encouraged to avoid scheduling on these dates one-time-only activities that cannot be replicated. Faculty members are expected to make reasonable accommodations to students who are absent because of religious observance through such strategies as providing alternative assignments or examinations or granting permission for audio or video recordings and the like.

UNIVERSITY GUIDELINES ON PROHIBITION OF SEXUAL HARASSMENT

Purpose

Virginia Commonwealth University strictly prohibits acts of sexual harassment against any member of the University community. Acts of either verbal or physical sexual harassment will not be tolerated and will subject the person who commits such acts to disciplinary action under these guidelines and, possibly, other University policies and procedures. In addition, such acts could subject the violator to sanctions under federal and state laws and policies, including Titles VII and IX of the federal civil rights laws.

Upon receipt of a complaint of sexual harassment, the University will take action appropriate to the charge presented by the complaint. Such action may take the form of investigation, counseling, informal meetings and/or resolution and/or formal discipline. Any administrator or supervisor who is made aware of a charge, or circumstance which may give rise to a charge of sexual harassment should refer the matter in accordance with the procedures set forth in these guidelines.

Definition of Sexual Harassment:

Sexual harassment is defined as unwelcome acts of a sexual nature including sexual advances, requests for sexual favors and/or other verbal or physical conduct, including written communications, of an intimidating, hostile or offensive nature, or action taken in retaliation for the reporting of such behavior, when:

1. Submission to such conduct, either explicitly or implicitly, is made a term or condition of an individual's employment or academic status; or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment, promotion, transfer, selection for training, performance or academic evaluation decisions; or
3. Such conduct has the purpose or effect of creating an intimidating, hostile or offensive working or educational environment or substantially interferes with an employee's work performance or a student's academic performance.

Verbal sexual harassment may include, but is not limited to: (1) sexual innuendo, comments and sexual remarks about clothing, body, or sexual activities; (2) humor and jokes about sex that denigrate women or men in general; (3) sexual propositions, invitations, or other pressure for sex; (4) implied or overt threats of a sexual nature; and, (5) making gestures of a sexual nature.

Physical sexual harassment may include, but is not limited to: (1) unwelcome touching, patting, pinching, brushing against the body, attempted or actual kissing or fondling, and any other inappropriate and/or unwelcome touching or feeling; (2) coerced sexual intercourse or other sexual acts or misconduct; and, (3) sexual assault.

Other types of sexual harassment may include displaying sexually suggestive photographs or literature in the workplace or academic environment and making degrading insults about men or women in general.

Application:

These guidelines govern and apply to the conduct of all Virginia Commonwealth University faculty, staff, administrators (hereinafter collectively referred to as "University employees") and students. Complaints of sexual harassment by a student against a University employee or by a University employee against a student must be filed

under these guidelines. Complaints by one student against another student must be filed under the VCU Student Sexual Misconduct Policy. (Copies are available from the Division of Student Affairs.) The Guidelines on Prohibition of Sexual Harassment apply to conduct on University premises, including the Monroe Park Campus and the Medical College of Virginia Campus and any and all other facilities owned, controlled or otherwise being used by the University. This document also governs and applies to all programs offered by the University and to the conduct of University employees and students in any location where the conduct and behavior significantly impacts the University or its personnel. Questions regarding the applicability of these guidelines should be referred to the Director of EEO/AA Services.

All University employees will be responsible for complying with the terms of these guidelines. Administrators and supervisors are responsible for informing employees, including faculty, staff, and students of the existence of these guidelines.

Resolution Procedures:

Any faculty, staff, administrator or student who feels that he or she has been the victim of sexual harassment is encouraged to report the incident(s) of sexual harassment and/or pursue recourse through established University procedures or under these guidelines.

Informal complaints of sexual harassment filed under these guidelines may be verbal or in writing. Formal complaints must be submitted in writing. All such complaints should be directed to the Director of the Office of Equal Employment Opportunity/Affirmative Action Services ("EEO/AA Services"), Room 114, Ginter House, 901 W. Franklin St., P.O. Box 843022, Richmond, VA 23284-3022. Individuals desiring additional information or requiring special accommodation should call (804) 828-1347, Fax: (804) 828-7201 or VOICE TDD: (804) 828-1420.

Complaints of sexual harassment should be filed as soon as possible following the event or occurrence giving rise to the complaint to ensure a complete investigation and prompt resolution of the problem. A complaint filed more than two years after an incident or event generally will not be considered to have been filed in a timely fashion.

Complaints generally will be handled expeditiously. However, the Director of the Office of EEO/AA Services may permit limited delays under certain circumstances (e.g., medical problems, holidays and the like). It should be noted that filing a complaint with the Director of EEO/AA Services does not affect the time frame in which one must file a complaint with any applicable federal or state agency to comply with the rules for timely filing with such federal or state agency.

Any administrator, supervisor, or other University official to whom a complaint of sexual harassment is made or who otherwise is made aware of incidents which might constitute sexual harassment, as defined in these guidelines, should refer such matters to the Office of EEO/AA Services.

Informal Resolution Procedures:

- (a) **Problem-Solving:** The Office of EEO/AA Services and the Office of the Dean of Student Affairs have professional staff who are available to faculty, staff, and students for information, consultation and advice regarding problem behavior and potential complaints.
- (b) **Informal Complaint Process:** University employees, students, guests or visitors to the University community who feel that they may have been the victim of acts of sexual harassment may file a verbal or written complaint with the Office of EEO/AA Services. Upon receipt of such a complaint, the Office of EEO/AA Services, within ten (10) working days of receiving the complaint, will undertake preliminary fact-finding efforts to determine the extent to which further investigative efforts may be warranted. Under appropriate circumstances, the charge or complaint may be referred to an investigator or an investigative team for further investigation. The investigator or investigative team will meet with the accuser, the accused and such other persons who may be deemed necessary. Additional consultation may be pursued with the appropriate dean, administrator or other University official. An attempt will be made to complete the investigation and/or consultative process within an additional thirty (30) working days.

The primary goal or objective of the informal complaint process is to resolve the conflict. Resolution at the informal level may include an agreement in which one or more of the parties involved agree(s) to accept disciplinary action in the form of a warning, censure, probation, or such other action as may be warranted by the circumstances of each case, administered by the appropriate supervisor or administrator.

To the extent the parties are able to achieve a satisfactory resolution of the problem or issue through the informal resolution process, the complaint will be considered resolved. If a mutually satisfactory resolution cannot be achieved, the complaint either will be advanced to the formal complaint process or concluded upon the request of the accusing party. The fact that a complaint of sexual harassment may be concluded at the request of the accusing party does not preclude the filing of a formal complaint by others, including appropriate university officials.

Formal Resolution Procedures.

(a) Preliminary Findings and Proceedings

In those cases in which a mutually satisfactory resolution of an informal charge or complaint of sexual harassment cannot be achieved, either the accused or the accuser may choose to advance the complaint to the formal complaint or resolution process. In addition, University employees who wish to pursue a formal charge of sexual harassment may do so without first filing an informal complaint.

Formal complaints of sexual harassment must be filed in writing with the Office of EEO/AA Services. Upon receipt of a formal complaint, the Office of EEO/AA Services within ten (10) working days of receiving the complaint will undertake a preliminary fact-finding investigation to determine whether further investigation or proceedings appear to be warranted. In those situations in which the Office of EEO/AA Services determines that the alleged conduct does not fall within the definition of sexual harassment or does not appear to be supported or substantiated, the accuser will be so informed. When the Office of EEO/AA Services determines that there is reasonable evidence to support the complaint, the office will consult with the appropriate dean, administrator, or other university official. Resolution at the formal complaint level may include a warning, censure, probation, public service and/or educational experience, restitution, suspension, or dismissal as may be warranted by the circumstances, administered by the appropriate supervisor or administrator. If the accuser and accused accept the findings of the Office of EEO/AA Services and the action taken to resolve the complaint, the complaint will be considered resolved. If either the accuser or accused rejects the findings of the Office of EEO/AA Services or the action taken to resolve the complaint, the complaint will proceed to the formal hearing process.

(b) Formal Hearing Process

The Office of EEO/AA Services will forward the complaint to the appropriate administrator to receive the charges as provided in Section V.B of the Rules and Procedures. The administrator immediately will refer the charges to the University Hearing Board without additional investigation. The University Hearing Board, in addition to the usual procedures specified in Section V.F for Hearings and Procedural Due Process, will observe the following special procedures for charges of sexual harassment/misconduct:

1. Hearings involving charges of sexual harassment will be closed to the University community and the public, unless both the accused and the accuser agree that others may be present. The number of observers shall be determined by the Chair of the Hearing Board.
2. Hearings and deliberations will be considered confidential in accordance with Section V.F.11 of the University Rules and Procedures document. Any observers allowed to attend must agree to maintain the confidentiality of the proceedings.
3. Evidence of prior disciplinary action involving allegations of sexual misconduct or sexual harassment

of the accused may be considered by the University Hearing Board but the prior sexual activities of either the accused or the accuser which are not relevant to the issue before the Hearing Board, as determined by the Chair, will not be admissible.

(c) Penalties and Sanctions

Persons found by the University Hearing Board to have violated the provisions of the University Guidelines on Prohibition of Sexual Harassment will be subject to the sanctions and penalties set forth in the University Rules and Procedures document. These penalties include censure, probation, public service and/or educational experience, restitution, separation (suspension) and/or dismissal.

In addition, violations of the Guidelines on Prohibition of Sexual Harassment may subject violators to liabilities and sanctions available under federal and state laws.

(d) Appeals

A member of the University community who is found by the University Hearing Board to have violated the University Guidelines on Prohibition of Sexual Harassment may appeal such findings and sanctions to the University Appeal Board in accordance with the procedures specified in the *University Rules and Procedures* document.

Retaliation Prohibited:

The accused, the accuser, and all other parties to a complaint are reminded that it is a violation of the *VCU Rules and Procedures* for any member of the University community to harass or intimidate any person, or to lie in making statements in connection with a charge under the provisions of the guidelines. The Director of EEO/AA Services will investigate any reported acts of harassment or intimidation, including any act of reprisal, interference, restraint, or penalty – overt or covert – against any student or employee who is a party to a complaint under these guidelines.

Frivolous or False Charges:

The accused, the accuser, and all other parties to a complaint are reminded that it is a violation of the *VCU Rules and Procedures* for any member of the University community to file "charges against a member of the University community that are spurious, or that are intended primarily to harass or maliciously defame, or that are designed to intentionally overburden the adjudicatory system." (Rules and Procedures, Section III.A.10)

Records and Release of Information:

The Director of EEO/AA Services shall be responsible for maintaining a complete set of all records and documents in accordance with state and federal requirements. The Director shall have the discretion to release information relative to a charge or subsequent penalties to individuals within the University on a need-to-know basis, and shall include a statement of confidentiality and a request for care in the security of the information.

Consensual Relationships:

Consensual romantic and sexual relationships between employee and student, or between supervisor and supervisee, while not expressly forbidden by Virginia Commonwealth University, are generally discouraged and deemed very unwise. Graduate assistants, resident assistants, tutors, and others professionals responsible for students or employees are also encouraged to exercise care in their relationships with students or employees. An employee who enters into a relationship with a student, or a supervisor with a supervisee, where a professional power differential exists, must realize that a consensual relationship can become sexual harassment when the person with more power refuses to let the person with less power end the relationship.

Approved by the President: May 14, 1997

Effective: Upon approval of the President

STUDENT SEXUAL MISCONDUCT POLICY

Introduction

Membership in a university community carries with it the responsibility for mutual trust and respect and adherence to the standards of conduct established by the community. Standards for

conduct at the university are set forth in the Rules & Procedures and in other policy documents. Accordingly, this statement sets forth the university's policy on student sexual misconduct as applicable to all Virginia Commonwealth University students.

Policy

Virginia Commonwealth University prohibits sexual misconduct by students. Actions which result in charges of sexual misconduct under this policy also may subject a student to civil and/or criminal liability under federal and state laws and policies, including Title IX of the federal civil rights laws.

Definition

Student sexual misconduct is defined as unwelcome acts of a sexual nature committed by a student against another student without consent including, sexual advances, requests for sexual favors and/or other verbal or physical conduct, including written communications of an intimidating, hostile or offensive nature, or action taken in retaliation for the reporting of such behavior.

Student sexual misconduct may include, but is not limited to: (1) unwelcome touching – either of the victim or when the victim is forced to touch another person's body, directly or through clothing – such as patting, pinching, brushing against the body, attempted or actual kissing or fondling, and any other inappropriate and/or unwelcome touching or feeling; (2) coerced sexual intercourse (e.g., rape, attempted rape, sodomy, or other sexual acts or misconduct); (3) unwelcome sexual propositions, invitations, or other pressure for sex; (4) implied or overt threats of a sexual nature; (5) making gestures of a sexual nature; (6) unwelcome sexual remarks about clothing, body, or sexual activities; and humor and jokes about sex that denigrate women or men in general.

Acts of physical student sexual misconduct are commonly considered to constitute a form of sexual assault when occurring without consent. To constitute lack of consent, the acts must be committed either by threat, force, intimidation, or through the use of the victim's physical or mental inability (of which the accused was aware or should have been aware) to understand the situation, the consequences of his/her choices, or to express his/her desires.

Application

This policy governs the conduct of all Virginia Commonwealth University students on University premises; that is, on the campuses of VCU and other property or facilities owned, controlled, or otherwise being used by the University. This policy also governs and applies to all programs offered by the University and to the conduct of students in any location where the conduct and behavior significantly impacts the University, its personnel and students.

Resolution Procedures

Any student who feels that he or she has been the victim of student sexual misconduct is encouraged to report the incident and pursue recourse through this Policy.

Informal complaints of student sexual misconduct filed under the Policy may be verbal or in writing. Formal complaints must be submitted in writing. All complaints should be submitted to the appropriate Dean of Student Affairs on the campus where the infraction occurred:

- » Monroe Park Campus: Associate Vice Provost and Dean of Student Affairs, 901 Floyd Avenue or call (804) 828-8940;
- » MCV Campus: Dean of Student Affairs for the MCV Campus, Bear Hall, or call (804) 828-0525.

Individuals desiring special accommodation should call VOICE TDD: (804) 828-0100. Complaints of student sexual misconduct should be filed as soon as possible following the event or occurrence giving rise to the complaint to insure a complete investigation and prompt resolution of the problem. A complaint filed more than two years after an incident or event generally will not be considered to have been filed in a timely fashion. Complaints will generally be handled expeditiously; however, certain circumstances (e.g., illness, travel, holidays, etc.) may cause delays.

Any administrator, supervisor, or other University official to whom a complaint of student sexual misconduct is made or who otherwise is made aware of incidents which might constitute student sexual misconduct, as defined in this Policy, should refer such matters to the appropriate Dean of Student Affairs.

Informal Resolution Procedures

- (a) **Problem-Solving:** The Sexual Assault Program Coordinator (1300 W. Broad St., Suite 2200, (804) 828-2085) is available to students and staff for information, consultation and advice regarding student behavior and potential complaints.
- (b) **Informal Complaint Process:** Any student who feels that he or she may have been the victim of acts of student sexual misconduct may file a verbal or written complaint with the appropriate Dean of Student Affairs. Within ten (10) working days of receiving the complaint, the Dean of Student Affairs will undertake an investigation. Additional staff members may assist in the investigation and will meet with the accuser and such other persons who may be deemed necessary, including the accused. An attempt will be made to complete the investigation and/or consultative process within an additional thirty (30) working days. The primary goal or objective of the informal complaint process is to resolve the conflict.

In addition, resolution at the informal complaint process level may include an agreement in which one or more of the parties involved agrees to accept discipline in the form of a warning, censure, probation, or other such disciplinary action as may be warranted by the circumstances of each case, administered by the Dean of Student Affairs. To the extent the parties are able to achieve a satisfactory resolution of the complaint through the informal resolution process, the complaint will be considered resolved. The accused and accuser will receive written notification of the outcome and disposition of the complaint. In those cases in which a mutually satisfactory resolution of an informal complaint of student sexual misconduct cannot be achieved, either the accused or the accuser may request in writing to advance the complaint to the formal complaint or resolution process. The fact that a complaint of sexual misconduct may be concluded at the request of the accusing party does not preclude the filing of a formal complaint by others, including appropriate University officials. In addition, students who wish to pursue a formal complaint of student sexual misconduct may do so without first filing an informal complaint.

Formal Resolution Procedures

Formal complaints of sexual harassment must be filed in writing with the appropriate Dean of Student Affairs. Upon receipt of a formal complaint, the Dean of Student Affairs within ten (10) working days of receiving the complaint will undertake a preliminary fact-finding investigation to determine whether further investigation or proceedings appear to be warranted. In those situations in which the Dean of Student Affairs determines that the alleged conduct does not fall within the definition of sexual harassment or does not appear to be supported or substantiated, the accuser will be so informed. When the Dean of Student Affairs determines that there is reasonable evidence to support the complaint, the Dean of Student Affairs will conduct an investigation as described above.

In instances where a formal complaint of student sexual misconduct is made without first filing an informal complaint, the Dean of Student Affairs will, upon completing an investigation, consult with other appropriate university officials. Formal complaints may be resolved through actions such as a warning, censure, probation, public service and/or educational experience, restitution, suspension, or dismissal as may be warranted by the circumstances and administered by the Dean of Student Affairs or other appropriate university official. If the accuser and the accused accept the action taken to resolve the complaint, the complaint will be considered resolved. The accused and accuser will receive written notification of the outcome and disposition of the complaint. If either the accuser or the accused rejects the action taken to resolve the complaint, upon written request of either party, the complaint will proceed to the formal hearing process.

The Dean of Student Affairs will forward the complaint to the administrator designated to receive charges against students as provided in Section V.B of the Rules and Procedures. The administrator will immediately refer the charges to the University Hearing Board without additional investigation. The University Hearing Board, in addition to the usual procedures specified in Section V.F for Hearings and Procedural Due Process, will observe the following special procedures for charges of student sexual misconduct:

1. The past sexual conduct of either the accused or accuser is not admissible in a hearing or appeal conducted under the Rules & Procedures.
2. Hearings related to charges of student sexual misconduct will be closed, unless both the accused and the accuser agree to admitting observers. If the accused and the accuser agree that observers may be admitted, each may select up to four observers. No hearings of charges related to student sexual misconduct will be open to the University community.
3. All members of the University Hearing Board are required to hold all information regarding hearings and deliberations confidential in accordance with Section V.F.11. of the Rules & Procedures. In addition, all other persons present at the hearing will be required to sign a statement indicating that each agrees to hold in confidence all statements and evidence presented at the hearing.
4. Any violation of the provisions of the Rules & Procedures, or the additional procedures set forth in paragraphs one through three above, shall subject a student to additional charges. It should be noted that conduct that "harasses or intimidates any person" (including witnesses to a hearing) or "causes physical injury or threatens any person with force or violence" is prohibited by Section III.A. of the Rules & Procedures.

Penalties

A formal complaint of student sexual misconduct which is referred to the University Hearing Board will be handled in accordance with the provisions of the Rules & Procedures, and persons found guilty of such charges will be subject to the penalties as provided therein, including censure, probation, public service and/or educational experience, separation and dismissal, interim suspension, and restitution. Actions which result in charges of student sexual misconduct under this policy may also subject a student to civil and/or criminal liability under state law, in addition to the sanctions provided by the Rules & Procedures.

Appeals

Any student who is found by the University Hearing Board to have violated the VCU Student Sexual Misconduct Policy may appeal such findings and sanctions to the University Appeal Board in accordance with the procedures specified in the University Rules & Procedures document.

Frivolous or False Charges

The accused, the accuser, and all other parties to a complaint are reminded that it is a violation of the VCU Rules & Procedures for any member of the University community to "bring charges against a member of the University community that are spurious, or that are intended primarily to harass or maliciously defame, or that are designed to intentionally overburden the adjudicatory system."

Retaliation Prohibited

The accused, the accuser, and all other parties to a complaint are reminded that it is a violation of the VCU Rules & Procedures for any member of the University community to harass or intimidate any person, or to lie in making statements in connection with a charge under the provisions of this policy. The Dean of Student Affairs will investigate any reported acts of harassment or intimidation, including any act of reprisal, interference, restraint, or penalty – overt or covert – against any student or employee who is a party to a complaint under this policy.

Consensual Relationships

Consenting romantic and sexual relationships between employee and student, or between supervisor and supervisee, while not expressly forbidden by Virginia Commonwealth University, are generally discouraged and deemed very unwise. Graduate assistants, resident assistants, tutors and other professionals responsible for students or employees are also encouraged to exercise care in their relationships with students or employees. An employee who enters into a relationship with a student, or a supervisor with a supervisee, where a professional power differential exists, must realize that a consensual relationship can become sexual harassment when the person with more power refuses to let the person with less power end the relationship.

Records and Release of Information

The appropriate Dean of Student Affairs will be responsible for collecting all records and documents from all personnel involved in a complaint to be either destroyed or included in a complete set of all records to be maintained by the Dean of Student Affairs. For any complaint which is adjudicated through the formal hearing process with the University Hearing Board, all records shall be maintained in accordance with the provisions established in the VCU Rules & Procedures.

Approved by University Council: February 9, 1994

As Amended by the Student Affairs Committee of the Board of Visitors: May 19, 1994

Approved by the Board of Visitors: May 20, 1994

Revised and revisions approved by the Board of Visitors: January 22, 1998

EMPLOYEE-STUDENT CONSENSUAL RELATIONSHIPS

Policy Statement And Purpose

Virginia Commonwealth University is committed to maintaining learning and work environments as free as possible from conflict of interest, exploitation, and favoritism. Therefore, employees, whether faculty or staff, shall not engage in consensual relations with students whenever the employee has a "position of authority" with respect to the student in such matters as teaching or in otherwise evaluating, supervising, or advising a student as part of a school program or employment situation.

In cases where one person uses a position of authority to induce another person to enter into a romantic and/or sexual relationship, the likely harm to the induced person and to the institution is clear. Even in cases where the relationship is deemed "consensual" by the involved parties, significant potential for harm remains when there is an institutional power differential between them. Clear examples of cases of power differential are romantic and/or sexual relationships between an instructor and student, an academic advisor and advisee, or an employer and student worker. Among other things, the existence of such relationships may cast doubt on the objectivity of any supervision and evaluation provided.

This policy is directed specifically to employee-student relationships and recognizes that both employees and students bear responsibility to avoid a conflict of interest. The student-teacher relationship represents a special circumstance because maintaining (or preserving) the integrity of this relationship is of fundamental importance to the central mission of the University. Even allegedly "consensual" relationships that occur in the context of educational supervision and evaluation can give rise to serious ethical concerns and present significant conflicts of interest. It is, therefore, incumbent upon both the employee and the student involved in the relationship to disclose the relationship so that appropriate accommodations can be made to remove the conflict of interest.

WHO SHOULD READ THIS POLICY

All faculty, staff, and students should read this policy.

RELATED DOCUMENTS

Rules and Procedures of Virginia Commonwealth University
 State and Local Government Conflict of Interests Act
 State Policy 1.60, Standards of Conduct
 University Policy on Administrative and Professional Faculty
 University's Prohibition of Sexual Harassment Guidelines
 VCU Promotion and Tenure Policy
 VCU Rules and Procedures

CONTACTS

The Office of the Provost officially interprets this policy and shall revise or eliminate any or all parts as necessary to meet the changing needs of Virginia Commonwealth University. Please direct policy questions to the Office of the Associate Vice Provost for Academic Affairs.

DEFINITIONS

Consensual Relationships

Romantic and sexual relationships willingly undertaken by the parties.

Employee

A person, faculty or staff, who holds a full-time, part-time, permanent, or temporary position at Virginia Commonwealth University. Includes, but is not limited to administrative, professional, instructional, and clinical faculty; adjunct faculty; graduate assistants; postdoctoral fellows; classified staff; and hourly employees.

Faculty

Faculty appointments (full-time and permanent part-time) include: Instructional (teaching and research) Faculty; Administrative and/or Professional Faculty; Collateral and Adjunct Faculty; Special faculty appointments, such as Visiting, Eminent Scholar, Emeriti and Affiliate Faculty; and graduate teaching assistants who are engaged in teaching or advising students.

Position of Authority

References and includes, but is not limited to, situations in which an employee is responsible for teaching, evaluating, supervising, or advising a student as part of a school program or employment situation or is in a position to influence any of these activities or processes.

Student

Any person enrolled full-time or part-time in any program of Virginia Commonwealth University and its various schools.

PROCEDURES

Multiple Roles

There are occasions when an individual, initially classified as student, faculty, or staff in his or her primary role, will take on another role. For example, if a staff member is enrolled in a course, the staff member will be considered a student for purposes of this policy if a consensual relationship develops with the instructor of the course. A graduate student teaching a course is considered a faculty member if a consensual relationship develops with a student in the course.

Acknowledgement of a Consensual Relationship

In the event a consensual relationship exists or develops between an employee having a "position of authority" with respect to a student in the University, despite this policy prohibiting such relationships: a) the employee shall immediately report the relationship in confidence to his or her immediate supervisor; b) the student has the responsibility of reporting the relationship in confidence to the Associate Vice Provost and Dean of Student Affairs or the Associate Dean of Student Affairs; and c) a plan for resolving the conflict of interest must be developed. The supervisor and the Associate Vice Provost and Dean of Student Affairs or Associate Dean of Student Affairs shall make suitable arrangements for the objective evaluation of the student's academic performance and/or work performance for the protection of individual and University interests. To the extent possible, these discussions and the subsequent plans will be held in confidence.

Failure to Report Noncompliance

A faculty or staff member in a "position of authority" over a student with whom a consensual relationship exists, who fails to report him/herself, will be deemed to have created a conflict of interest and to have violated an ethical obligation owed to students, other employees, colleagues, and the University. Similarly, a student who fails to report a consensual relationship with an employee in a "position of authority" may also be subject to sanctions. Credible allegations of a faculty or staff member's failure to report the existence of a relationship between a student and an employee in a "position of authority" with respect to the student obligates the immediate supervisor to conduct a prompt and thorough inquiry to determine whether there is any validity to the allegation. When it is concluded that a prohibited relationship exists, due to the existence of a "position of authority" as between the employee and the student, the immediate supervisor shall undertake a resolution to the conflict of interest and may impose sanctions against the employee.

Sanctions

Persons in violation of this policy shall be subject to sanctions ranging from verbal warnings to termination or expulsion from the

University depending upon the severity of the offense. Should it be determined that disciplinary action is appropriate, the action to be taken shall be determined in the case of:

- » faculty by the Provost and Vice President for Academic Affairs after consultation with the appropriate vice president and/or dean and/or chair,
- » staff by the appropriate Vice President, or the President in the event a Vice President or one reporting directly to the President is involved, and
- » students by the Provost after consultation with the Vice Provost for Student Affairs and Enrollment Services.

False Allegations

Persons who knowingly make false allegations that an improper relationship exists shall be subject to comparable sanctions.

Resource for Assistance

Staff in the Offices of the Vice Provost for Academic and Faculty Affairs, Associate Vice Provost and Dean of Student Affairs, Associate Dean of Student Affairs, and Human Resources are available to assist any party covered by this policy.

Approved by the Board of Visitors on November 16, 2006

PROCEDURE FOR REGISTERING STUDENT ORGANIZATIONS ON THE MONROE PARK CAMPUS OF VIRGINIA COMMONWEALTH UNIVERSITY

1.0 Purpose

Establish procedures for Registering Student Organizations on the Monroe Park Campus of Virginia Commonwealth University.

2.0 Procedures

2.1 Registration for New and Reactivated Student Organizations

2.1.1 Students desiring to establish a new organization or Reactivate the registration of an organization at the university must complete and submit to USC&A a Student Organization Registration Form.

2.1.2 Student Organization Registration Forms will be accepted any time during the Fall and Spring Semesters of the Academic year.

2.1.3 Registration for a new organization or registration reactivation grants the organization provisional status for a period of time not to exceed three months (excluding summer and winter breaks). At the end of this time, the organization must submit an Organization Activities Semester Report to the Associate Director for Student Activities or designee. The report should contain information about the organization's activities and any changes in purpose that may have occurred during the provisional period.

2.1.4 Men's and women's social fraternities and sororities must agree to follow all procedures contained in the "Special Provisions for Men's and Women's Fraternities and Sororities."

2.2 Annual Registration for Active Organizations

2.2.1 In order for registration to remain in effect, an organization must complete, in full, and submit a Student Organization Registration Form between the first Monday of August and by 5 p.m. on the Friday of the fourth week of classes in fall semester of each year.

2.2.2 Organizations that submit Registration Forms that are incomplete, list officers and members that do not meet the established Enrollment and GPA requirements or contain incorrect information will not be accepted by USC&A.

2.2.3 Organizations that do not resubmit the forms with correct information by the established deadline date will not receive Active status. (See Classification and Status Definitions for Registered Student Organizations on the Monroe Park Campus)

2.2.4 Men's and women's social fraternities and sororities must agree to follow all procedures contained in the "Special Provisions for Men's and Women's Fraternities and Sororities."

SPECIAL PROVISIONS FOR THE REGISTRATION OF MEN'S AND WOMEN'S FRATERNITIES AND OTHER SIMILAR ORGANIZATIONS

1.0 Purpose

- 1.1. Official registration of men's and women's fraternities will be conferred by the University Student Commons and Activities (USC&A) which will as part of the process of registering all student organizations on the Monroe Park Campus.

2.0 Procedures

Fraternities must also meet the following conditions:

- 2.1. Fraternities must meet all the conditions for the registration of a student organization as defined in the Procedures and Information for Registered Student Organizations on the Monroe Park Campus of Virginia Commonwealth University.
- 2.2. Each fraternity is expected to maintain membership in one of the established campus governing councils, as applicable: Panhellenic Council, Interfraternity Council, and National Pan-Hellenic Council
 - 2.2.1. If a national organization does not fall under the provision of these governing councils, they may be under the administrative guidance of the Greek Council at VCU until an appropriate governing body is formed.
- 2.3. Each fraternity seeking registration must be in good standing with its (inter)national organization. All local fraternities may be required, as a condition of registration, to adopt standards equivalent to those of the (inter)national organizations.
- 2.4. Each fraternity seeking official University recognition must place a copy of its (inter)national and local governing documents on file with USC&A. These documents will be kept in confidence to the extent permitted by law. Groups previously identified to the University by their (inter)national organizations as being strictly prohibited from filing their constitutive documents will provide them for review at the time of seeking Official Recognition, and will make them available to the University upon request at any future time. The governing documents shall include (if they exist):
 - National Constitution and Bylaws
 - National Standing Rules and Policies
 - Local chapter Bylaws, Operating Procedures, and Chapter Code of Conduct
 - Local Articles of Incorporation (if they exist)Copies of the above documents, when revised, are to be promptly filed.
- 2.5. Each fraternity must adhere to the provisions of its governing documents.
- 2.6. Each fraternity will meet at least once a semester with a university designee to discuss chapter issues.
- 2.7. Each fraternity will follow the Chapter Excellence Document submissions.
- 2.8. The fraternity's facility (chapter house, residence, chapter room, lodge, or meeting area), if any, must be safe and provide a healthy living environment, including, but not limited to, adequate refuse collection, property upkeep and maintenance, and satisfaction of building, zoning, and safety codes as required by local fire, health, and governmental agencies. This provision includes, but is not limited to, the requirement that appropriate government agencies (e.g., Fire Department, Department of Health Services) are asked to perform regular inspections on an annual basis and certify that each facility complies with applicable laws and regulations under their respective jurisdictions.
 - 2.8.1. Each fraternity must annually file a current certificate of liability insurance coverage with USC&A. Organizations which do not have continuous year round coverage must file a certificate of insurance showing proof of liability coverage on an event-by-event basis.

- 2.9. Each fraternity is expected to conduct its business practices in a lawful and ethical manner, maintaining fair personnel practices and conducting its fiscal affairs in accordance with generally accepted practices.
- 2.10. Each fraternity shall establish, maintain, and comply with a well-defined code of conduct, and shall ensure that all of its members have a working understanding of the code of conduct. The fraternity shall have an internal judicial system to enforce this code. The University must receive an annual copy of this code of conduct if it is not clearly included in the organization's constitution/bylaws.
- 2.11. Each fraternity shall establish and maintain a program for the academic advancement of each of its members and shall designate a person to maintain accurate membership rosters, receive chapter grade reports, and act as a liaison to USC&A.
- 2.12. The University may periodically require fraternities to demonstrate that the provisions of this document have been met. However, the University assumes no responsibility or liability for enforcing compliance, which is the sole responsibility of each fraternity.

3.0 Applicable University services

- 3.1. Fraternities which agree to and abide by the aforementioned provisions and regulations for official recognition, and are in good standing (i.e., not subject to any sanction imposed by their (inter)national organization, campus governing council or USC&A which restricts eligibility), are eligible to receive the following services from the University:
 - 3.1.1. Advice and counsel, as well as referrals and resources, will be offered in the areas of chapter development and programming, leadership development, personal safety and risk management, alcohol and substance use and abuse, sexual assault and abuse, stress management, eating disorders, etc.
 - 3.1.2. Additional assistance and counsel may be available in the areas of chapter governance; judicial concerns; interpreting University policies, procedures and regulations; providing information on state and municipal law as they relate to membership activities (e.g., hazing); educational and social programming; general fiscal matters; emergency preparedness; etc.
 - 3.1.3. The University will provide, upon request and within applicable University policy and law, such services as maintaining membership records, computing fraternity grade point averages and standings, as well as placing holds on the records of financially delinquent chapter members.
 - 3.1.4. The governing councils shall be permitted to develop and maintain a system for adjudicating violations of University policies and procedures by fraternities under the direction of the University Student Commons and Activities staff responsible for student organization judicial action. All activity and decisions of the fraternity judicial committees shall be subject to review and final authority of the University judicial system for student organizations.

4.0 Definitions

- 4.1. Fraternity – an organization which operates under the provisions of Title IX of the educational Amendments and IRS Code Title 26, 501.c.3 and which it permitted to exclusively admit men. (Note: some women's organizations are legally a "fraternity" but for VCU purposes fraternity refers to men's organizations.)
- 4.2. Sorority – an organization which operates under the provisions of Title IX of the educational Amendments and admit women.
- 4.3. Local Fraternity or Sorority – an organization which operates under the provisions of Title IX of the educational Amendments and IRS Code 501.c.3 but which does not belong to a national or international governing organization.
- 4.4. Risk Management – For the purposes of this document and interpretations of policies, practices and judicial action, the definition of risk management and its component elements

shall be that of the Fraternity Insurance Purchasers Group (FIPG), Inc. and the most recent version of the FIPG, Inc. Risk Management Policy.

5.0 References

- 5.1. Procedures and Information for Registered Student Organizations on the Monroe Park Campus of Virginia Commonwealth University
- 5.2. Rights and Responsibilities of Registered Student Organizations on the Monroe Park Campus of Virginia Commonwealth University

6.0 Approvals and Revisions

SAAC Approval: April 27, 2001

POLICY STATEMENT ON HAZING

Hazing is prohibited by law in the Commonwealth of Virginia and by Virginia Commonwealth University. Hazing is activity which is physically or mentally abusive, potentially dangerous, humiliating or demeaning, or which interferes with academic achievement and the human rights of the individual.

Branding and Tattooing

The University prohibits branding and tattooing in University facilities and on University grounds. The University does not encourage the practices of branding and tattooing.

Sanctions

The Dean of Student Affairs or designee will conduct an investigation and determine sanctions when notified that an organization has violated University regulations or local, state and federal statutes. The organization will be contacted and informed that an investigation is being conducted. Organizations may receive one of the following sanctions:

1. **Censure:** A letter of warning shall be sent to the current president of the organization and a copy placed in the permanent file of the organization.
2. **Suspension:** The organization shall lose the privilege of using University space for social and fund-raising activities and be denied use of student activity fees for a period of time determined by the Dean or designee.
3. **Cancellation:** The organization shall no longer be registered at Virginia Commonwealth University. The length of cancellation shall also be determined by the Dean or designee.

The exact nature of the sanction imposed on the organization shall be based on the severity of the violations. All sanctions can be appealed as described in the document in *Rights and Responsibilities of Registered Student Organizations*, available from the Student Activities Center, Commons Lower Level.

For more information about hazing behaviors, call the Coordinator for Greek Affairs and Volunteer Services, (804) 828-3648.

POSTING MATERIALS POLICY

Virginia Commonwealth University recognizes the rights of all individuals to freedom of expression. This policy establishes procedures for the posting of advertising and all other types of printed matter on the Monroe Park Campus of Virginia Commonwealth University.

All printed materials are to be posted on bulletin boards. There are two basic types of bulletin boards on the Monroe Park Campus:

I. Official Bulletin Boards

This type of bulletin board includes all boards which are specifically marked as belonging to a University department or office. All University departments and offices who maintain a bulletin board are required to label the bulletin board with a prominent sign indicating "Official Notices Only – Department of (office)."

No printed materials of any type may be posted on an official bulletin board without the permission of the department or office that controls the board. The department or office will be responsible for posting appropriate materials on the bulletin board and for removing outdated materials on a regular basis.

II. General Use Bulletin Boards

This type of bulletin board includes all bulletin boards not specifically identified and marked as belonging to a University department or office and will be identified by a label indicating "General Use."

General Use bulletin boards are open for the posting of printed materials by any member of the University community and the general public without prior approval. All printed materials must conform to all applicable local, state, and federal laws.

University housekeeping personnel will clear all General Use bulletin boards on the first working Monday of each month. Persons desiring to post materials on General Use bulletin boards should take note of this date as all materials will be cleared from boards at that time.

III. Posting in Other Areas

A. Prohibited Areas

No posters, flyers, or printed materials of any type may be posted on the walls, windows, doors, stairwells, or any location on the interior or exterior of all campus buildings. General Use bulletin boards are the only location for posting of materials in campus buildings. University housekeeping personnel will be instructed to immediately remove and destroy all improperly posted materials.

Similarly, no posting of any type of printed materials is permitted on trees, utility poles, sign posts, building exteriors, or any other structure on the campus. Any materials which are posted in such areas will be removed and destroyed by University groundskeepers.

B. Banners

Arrangements to hang banners in the Commons may be made with the director of Commons & Activities.

C. University Student Commons and Monroe Park Campus Recreational Sports facilities

There are special restrictions applicable to posting of all types of printed materials in the University Student Commons building, the Siegel Center, and the Cary Street Recreational Complex. Information related to posting of materials in the Commons is available at the Commons Reservations Office. Information related to posting materials in the recreational sports facilities is available from the Recreational Sports offices in the Siegel Center.

D. University Residence Halls

There are special restrictions applicable to the posting of all types of printed materials in the residence halls. Information related to posting materials in the residence halls is available through the director of Residence Education in the Housing Office.

IV. Violations

Students and non-students who violate the provisions of this policy will be subject to the provisions of the Rules and Procedures of Virginia Commonwealth University.

Approved May 9, 1983.

GUIDELINES FOR DEMONSTRATIONS ON THE CAMPUSES OF VIRGINIA COMMONWEALTH UNIVERSITY

Background

The Virginia Commonwealth University Rules and Procedures document reflects the University's position on free expression and demonstrations in part in Section III as follows:

"Free inquiry and free expression are indispensable to the objectives of an institution of higher education. To this end, peaceful, reasonable, and lawful picketing and other orderly demonstrations in approved areas shall not be subject to interference by the members of the University community. Nor shall any member of the University community be subject to limitation or penalty solely because of the lawful exercise of these freedoms. However, those involved in picketing and demonstrations may not engage in conduct that violates the rights of any member of the University community."

Application

It is assumed that most demonstrations that occur on the campuses of Virginia Commonwealth University will be organized

and conducted by students at the University. However, it is recognized that non-students may, from time to time, desire to come on the campuses to demonstrate or participate in a demonstration being organized by students. These guidelines are applicable to all persons, both students and non-students, who demonstrate on the campuses of Virginia Commonwealth University.

The campuses of Virginia Commonwealth University are very different in their composition in that there are several spaces on the Monroe Park Campus where demonstrations could be held without causing undue interference to classes and the normal operations of the campus. There are fewer such locations on the MCV Campus, which is located in the midst of downtown Richmond. Thus, these guidelines will vary somewhat for the respective campuses in order to accommodate differences in physical spaces and the locations of the campuses within the City of Richmond.

Demonstration Categories

There are two types of demonstrations: those which are scheduled and planned in advance and those which are more spontaneous and are not scheduled in advance.

Demonstrations in progress may fall into one of four categories:

1. Orderly – There is no impact on normal university operations and classes.
2. Inconvenience – There is some inconvenience caused to normal university operations and classes as a result of the presence of the demonstration on the campus; however, operations and classes are able to continue.
3. Disruption – Normal operations and classes are disrupted by the demonstration to the extent that some operations or classes may cease or be cancelled.
4. Destruction – Persons participating in the demonstration are responsible for damage or injury to university property or the property of university students, faculty, or staff members, or cause injury to university students, faculty, staff, or visitors to the University.

Planned Demonstrations

A representative from the registered student organization, ad hoc student group, or non-student group should contact the Assigned University Official* to discuss a date, time, and location for the demonstration. The Assigned University Official or designee will continue to serve as a staff liaison with the representative(s) from the group desiring to have a demonstration until the demonstration has been held. This liaison staff member will:

- a. Schedule a date, space, and time for the demonstration. Preferred outdoor locations for demonstrations on the Monroe Park Campus are the Commons Plaza, Shafer Court (unless classes are in session in the Hibbs Building), and the plaza between the Hibbs Building and the W.E. Singleton Center for the Performing Arts. Preferred outdoor locations for demonstrations on the MCV Campus are the grassy areas around the residence halls and the Larrick Student Center. Demonstrations on property under the jurisdiction of the City of Richmond, such as sidewalks and Monroe Park, must meet the requirements of the City and are under the jurisdiction of the Richmond Police Department.
- b. Review, as appropriate for each campus, all applicable provisions of the “Guidelines for Non-Instructional Use of Space on the Monroe Park Campus of Virginia Commonwealth University,” or “Guidelines for Non-Instructional Use of Space on the MCV Campus of Virginia Commonwealth University,” including applicable costs for space, police coverage, use of alcohol, use of loudspeakers, etc.
- c. Inform the Vice Provost for Student Affairs, VCU Police, and the Assistant Vice President for University Relations of the plans for a demonstration.
- d. Be present at the time of the demonstration to monitor the demonstration.
- e. Contact the demonstration leader during the event if problems arise:
 - » If the demonstration ceases to be orderly, the demonstration leader will be informed by the staff liaison that the VCU Police will be called to the scene if the disorderly behavior does not cease.
 - » If the demonstration causes inconvenience, the demonstration leader will be informed by the staff

liaison that the VCU Police will be called to end the demonstration if the behavior causing the inconvenience does not cease.

- » If the demonstration causes disruption, the demonstration leader will be informed by the staff liaison that those persons responsible for the disruption will be subject to arrest by the VCU Police.
 - » If the demonstration causes destruction, the demonstration leader will be informed by the staff liaison that those persons responsible for the destruction will be subject to arrest by the VCU Police.
- f. Bring charges against individuals and student organizations under applicable University policies and procedures in the event a demonstration causes disruption or destruction.

Demonstrations Not Scheduled in Advance

Although all student organizations, ad hoc student groups, or non-student groups are urged to contact the Assigned University Official to discuss a date, time, and location in advance of the demonstration, it is recognized that there will be rare occasions when this does not occur.

Demonstrations on property under the jurisdiction of the City of Richmond, such as sidewalks and Monroe Park, must meet the requirements of the City and are under the jurisdiction of the Richmond Police Department. Any spontaneous or unscheduled demonstration which occurs on the campuses of Virginia Commonwealth University is subject to the following:

- a. The Assigned University Official or designee will, upon learning of the presence of a spontaneous demonstration, report to the scene of the demonstration and make contact with the apparent leader of the demonstration or with a representative group from the demonstration. The VCU Police, the Vice Provost for Student Affairs, and the Assistant Vice President for University Relations will be notified of the presence of the demonstration by the Assigned University Official or designee.
- b. If the demonstration is not in one of the preferred locations (See item “a” under Planned Demonstrations above), the group participating in the demonstration will be asked by the Assigned University Official to move to one of these locations. If the group refuses to move, the demonstrators may be allowed to continue at the location, providing the demonstration is being conducted within the intent of the definition of “Orderly” as described above under Demonstration Categories.
- c. The Assigned University Official will monitor the demonstration.
- d. The Assigned University Official will contact the demonstration leader during the demonstration if problems arise:
 - » If the demonstration ceases to be orderly, the demonstration leader will be informed by the Assigned University Official that the VCU Police will be called to the scene if the disorderly behavior does not cease.
 - » If the demonstration causes inconvenience, the demonstration leader will be informed by the Assigned University Official that the VCU Police will be called to end the demonstration if the behavior causing the inconvenience does not cease.
 - » If the demonstration causes disruption, the demonstration leader will be informed by the staff liaison that those persons responsible for the disruption will be subject to arrest by the VCU Police.
 - » If the demonstration causes destruction, the demonstration leader will be informed by the Assigned University Official that those persons responsible for the destruction will be subject to arrest by the VCU Police.
- e. The Assigned University Official will bring charges against individuals and organizations under applicable University policies and procedures in the event a demonstration causes disruption or destruction.

Approved by President’s Council: November 1990

** The Assigned University Official for the Monroe Park Campus is the Director of University Student Commons and Activities, located in*

the University Student Commons. The Assigned University Official for the MCV Campus is the Dean of Student Affairs for the MCV Campus, located in Bear Hall.

VCU ALCOHOL AND DRUG POLICY

Policy Statement and Purpose

In accordance with the federal Drug Free Workplace Act of 1988, the federal Drug Free Schools and Communities Act of 1989, and the Commonwealth of Virginia's Policy on Alcohol and Other Drugs, it is the policy of Virginia Commonwealth University that the unlawful or unauthorized manufacture, distribution, dispensation, possession or use of alcohol and illicit drugs by employees and students on University property or as part of any University activity is prohibited. Any employee or student who violates this policy is subject to disciplinary action up to and including termination of employment, expulsion from the University, referral for prosecution, and/or referral for satisfactory participation in an appropriate evaluation or rehabilitation program.

The purpose of this policy is to protect the health, safety and welfare of members of the University community and the public being served by the University.

DEFINITIONS

Alcohol Any product, including spirits, wine, beer or other containing one-half of one percent or more of alcohol by volume and every consumable liquid or solid containing alcohol. Any product as defined in Code of Virginia Section 4.1-100 of "The Alcoholic Beverage Control Act".

Conviction A finding of guilt (including a plea of guilty or nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility of determining violations of federal or state criminal drug laws, alcoholic beverage control laws, or laws which govern driving while intoxicated.

Criminal Drug Law A criminal law prohibiting the unlawful manufacture, distribution, dispensation, use, or possession of any controlled substance.

Employee Any full- or part-time employee of the University, including, but not limited to, classified, hourly, faculty, health care providers, house staff, adjunct faculty, and student workers.

Illicit Drug Any drug that is illegally in the possession of or is illegally being used by a person.

Student Any person taking one or more classes for any type of academic credit except continuing education units regardless of the length of the student's program of study.

Unauthorized Not officially approved by the University.

University Activity/Function Any official activity or function of the University.

Workplace Any state-owned or -leased property or any site where official duties are being performed by a state employee.

PROCEDURES

I. Application of the Policy

The University is committed to protecting the health, safety and welfare of its members and the public served by the University through both policy enforcement and education. All employees and students are subject to the provisions of this policy.

A. Education

This policy, together with information regarding alcohol and drug counseling, treatment, and rehabilitation programs, descriptions of the health risks associated with alcohol and other commonly abused drugs, and descriptions of applicable legal sanctions under state and federal law for the unlawful possession or distribution of controlled substances, illicit drugs and alcohol, will be distributed at least annually to all employees and students.

B. Policy Enforcement for Employees

1. Pursuant to the Commonwealth of Virginia Policy on Alcohol and Other Drugs, employees are prohibited from engaging in the following acts:
 - a. unlawful or unauthorized manufacture, distribution, dispensation, possession or use of alcohol or illicit drugs in the workplace, on University property or as part of any University activity, or
 - b. reporting to or remaining at work impaired by or under the influence of alcohol or illicit drugs
2. Employees are required to report to their supervisors in writing within five calendar days after conviction that they have been convicted of either of the following actions:
 - a. violation of any criminal drug law, based upon conduct occurring either in or outside the workplace, or
 - b. violation of any alcoholic beverage control law or law which governs driving while intoxicated, based upon conduct occurring in the workplace.
3. Supervisors are required to report such occurrences to Human Resources immediately.
4. Violation of any of the foregoing prohibitions may subject an employee to disciplinary action including, but not limited to, dismissal or suspension, in accordance with the Employee Standards of Conduct, the University's Rules and Procedures, the Promotion and Tenure Policies and Procedures, the University Policy for Administrative and Professional Faculty and Faculty Holding Administrative Appointments, and/or any other applicable University procedure. Convictions for unlawful conduct under local, state, or federal criminal drug laws may result in penalties such as fines, imprisonment, and loss of driver's license.
5. As a result of any violation of this policy, an employee may be referred to an appropriate evaluation or rehabilitation program as a condition of continued employment. Satisfactory participation in any such program shall be determined by the appropriate University department or official after consultation with the individual or organization providing the evaluation or rehabilitation.

C. Policy Enforcement for Students

1. Students are prohibited from the unlawful or unauthorized manufacture, distribution, dispensation, possession, or use of alcohol or illicit drugs on University property or as a part of any University activity. Violation of any of the foregoing prohibitions will subject a student to disciplinary action up to and including expulsion from the University in accordance with the University's Rules and Procedures. Convictions for unlawful conduct under local, state, or federal criminal drug laws may result in penalties such as fines, imprisonment, and loss of driver's license.
2. As a result of any violation of this policy, a student may be referred to an appropriate educational, evaluation or rehabilitation program or offered community service, in lieu of suspension or dismissal. Satisfactory participation in any such program shall be determined by the appropriate University department or official after consultation with the individual or organization providing the evaluation or rehabilitation program, coordinating the community service, and/or conducting the educational program.
3. When students under the age of 21 are found guilty of violating alcoholic beverage and/or controlled substance laws or policies while on campus or at University activities, their parent or guardian will be notified of such violations in accordance with VCU procedures for parental notification.

II. Alcohol and Other Drug Counseling and Treatment Programs Available for VCU Students and Staff

A. Employees – An employee who experiences a problem with alcohol or other drugs may contact a Human Resource Employee Relations Specialist for confidential assistance or referral to appropriate resources (e.g. Employee Assistance Program) or to the University's Employee Health Services physician. An employee may directly contact the Employee Assistance Program if eligible. These resources may also be utilized by a manager.

B. Students – A student who experiences a problem with alcohol or other drugs may contact University Counseling Services or University Student Health Services for confidential counseling, assessment and referral to community services if needed.

III. Alcohol Use at University Functions

A. Authorization

The use of alcohol on University property and/or at University functions must be authorized in accordance with applicable official University procedures, including the Procedures for Consumption and Distribution of Alcohol at University Events and in compliance with ABC laws and regulations.

B. Requirements

1. Only persons 21 years of age or older may be served or sold alcohol on University property or at University functions. All other state and local laws governing alcohol consumption, including regulations of the Virginia Alcoholic Beverage Control Board, must be adhered to on University property and/or at University functions.
2. All other policies that relate to alcohol use and govern specific University departments, buildings or groups must be adhered to on University property and/or at University functions.
3. Caterers or other food service organizations that serve or sell alcoholic beverages on University property or at University functions must be licensed to do so and be properly insured.

UNIVERSITY AND COMMUNITY RESOURCES FOR ALCOHOL AND OTHER DRUGS

UNIVERSITY CONSULTATION AND TREATMENT

A. Employee Health Services – Resource and referral to community resources for faculty and staff: 828-0584.

B. University Counseling Services – Assessment, counseling, and referral services for students experiencing alcohol and other drug use problems. Consultation is available for other members of the University community: 828-6200 (Monroe Park Campus), 828-3964 (MCV Campus).

C. University Student Health Services – Assessment, counseling, and education for students regarding the health effects of substance use and abuse: 828-8828 (fax), 828-1093 (Monroe Park Campus), 828-9220 (MCV Campus).

D. Substance Abuse Services Coordinator – Evaluation, counseling and referral to resources for students, including the Relapse Prevention Program: 828-2086.

E. Human Resources Employee Relations Office – Resource and referral for faculty and staff: 828-1510.

STUDENT ASSISTANCE PROGRAMS

A. Services for Students with Disabilities (Monroe Park Campus), 828-7525.

B. Student Academic Support Services and Services for Students with Disabilities (MCV Campus), 828-9782.

EDUCATIONAL PROGRAMS

Credit and non-credit educational offerings are available to all members of the University community in the area of alcohol and other drug issues.

A. Alcohol/Peer Education Program – Educational programs by students trained in alcohol and other drug use issues and problems through the Office of Health Promotion: 828-9355.

B. Office of Health Promotion – Programs and educational materials about substance abuse issues for students through the University Student Health Services: 828-9355.

C. Alcohol and other Drug Education Programs –

Substance abuse education session combined with a formal substance abuse evaluation and referral for students. Contact the Substance Abuse Services Coordinator at 828-2086.

SELF-HELP ORGANIZATIONS

Groups based on a Twelve-Step Program, offer individual sponsorship, group meetings, and membership to anyone interested in dealing with substance abuse problems. Check local phone listings for help.

A. Alcoholics Anonymous (AA) 355-1212

B. AlAnon Family Groups 353-4885

C. Narcotics Anonymous (NA) 1-888-747-4047

HEALTH EFFECTS OF ALCOHOL AND OTHER DRUGS

Alcohol - Alcohol acts as a central nervous system depressant. Its initial effects include altered perception, judgment, motor coordination and abstract thinking/cognitive impairment. Continued use of alcohol results in physical and psychological dependence marked by increased tolerance, memory blackouts and the experience of withdrawal symptoms. The disease of alcoholism progresses in stages from an individual's unplanned use, to being preoccupied, to failing in controlling alcohol use, on to eventual loss of control and continued use despite negative consequences. Statistics show that alcohol use is involved in a majority of violent behaviors on university campuses including acquaintance rape, vandalism and assaults.

Amphetamines - (street names include "speeders", "black beauties", "uppers"). Users experience euphoria, abundant energy, and decreased need for sleep. Other signs and symptoms may include irregular heartbeat, rapid breathing, irritability, anxiousness, restlessness, panic, paranoia, aggression and impulsive behavior.

Anabolic Steroids - (brand names include Anadrol, Oxandrin, Durabolin, Depo-Testosterone, Equipoise; street names include "roids", "juice"). Health effects may include high blood pressure, blood clotting, cholesterol changes, liver cysts and cancer, kidney cancer, hostility and aggression, acne; in adolescents, premature stoppage of growth; in males, prostate cancer, reduced sperm production, shrunken testicles, breast enlargement; in females, menstrual irregularities, abnormal hair growth.

Cannabis - (street names include "marijuana", "pot", "hashish", "blunt", "herb", "reefer", "ganja", "sinsemilla") The user experiences slowed thinking and reaction time, time distortion, confusion, impaired balance and coordination, and impaired judgment. Long term effects include loss of short-term memory, loss of motivation, increased anxiety, increased upper respiratory illness.

Cocaine - (street names include "crack", "rock", "toot", "blow", "nose candy") The user experiences feelings of exhilaration, energy, increased mental alertness, rapid or irregular heart beat, reduced appetite and weight loss. Users often have a stuffy, runny nose and nosebleeds. Immediate effects include dilated pupils, elevated blood pressure, heart rate, respiratory rate and body temperature. Withdrawal symptoms include strong cravings, depression, alterations in sleep patterns. Crack, the free-base use of cocaine, can produce hallucinations, blurred vision, chest pains, convulsions and even death.

GHB - (street names include "Georgia home boy", "grievous bodily harm", "liquid ecstasy") Gammahydroxybutyrate. It can cause electrolyte imbalance, decreased respiration, slow heart rate, vomiting, low blood pressure, confusion, unconsciousness, coma, and death.

Hallucinogens - (street names include "acid", "blotter", "microdot", "magic mushrooms") Lysergic Acid Diethylamide (LSD), mescaline, and psilocybin cause altered states of perception and feeling including delusions, hallucinations and illusions including body and time distortion. Physical effects include

fever, rapid heartbeat, elevated blood pressure, blurred vision, and flushed face. Mood can range from euphoria to panic and depression. Long-term effects of use include depression, constant anxiety, paranoia, chronic personality changes and lingering perceptual changes.

Heroin - (street names include “smack”, “horse”, “dope”, “H”) It is injected, snorted or smoked. The opiate effect diminishes the sense of pain, inducing euphoria, drowsiness, and confusion. Overdose results in death from stopping breathing.

Inhalants - (street names include “poppers”, “snappers”, “whippets”) Solvents (paint thinners, gasoline, glues, butane, propane aerosol propellants, nitrous oxides) produce stimulation, loss of inhibition, slurred speech, and loss of motor coordination. Long-term effects are depression, memory impairment and damage to the liver, the heart and nervous system.

Ketamine - (street names include “Special K”, “cat valiums”, “Vitamin K”) Ketamine can be injected, snorted, or smoked. The user experiences increased heart rate and blood pressure, problems with control of movements, memory loss, numbness and nausea/vomiting. The user is at high risk for slowed breathing that may lead to brain damage or death.

MDMA - (street names include “Ecstasy”, “X”, “E”, “Adam”) Methylenedioxyamphetamine produces mild hallucinogenic effects, amphetamine-like stimulation, and increased touch sensitivity. An increase in display of affection to others may occur. Long-term effects include impaired memory and learning.

PCP - (street names include “angel dust”, “love boat”, “peace pill”, “hog”) Since Phencyclidine is relatively inexpensive, it is often used to enhance the effects of other drugs such as LSD, cannabis or cocaine. PCP users seek an altered state of bizarre perceptions, confusion, disorientation, impaired judgment and often delirium. Behavioral changes may range from hyperactivity to catatonic states.

Please access NIDA (National Institute on Drug Abuse) Web site for further information on these and other substances of abuse at www.drugabuse.gov.

Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance

21 U.S.C. 844(a)

Civil Penalties for possession of “personal use” amounts of certain controlled substances. First conviction: Up to 1 year imprisonment and fined up to \$10,000.

After one prior state or federal drug conviction: At least 15 days in prison and up to two years in prison and fined at least \$2,500 but not more than \$250,000, or both.

After two or more prior drug convictions: At least 90 days in prison and up to three years in prison and fined at least \$5,000 but not more than \$250,000, or both. Special sentencing provisions for possession of crack cocaine: Mandatory five years and up to 20 years in prison and fined up to \$250,000, or both, if:

- (a) First conviction and the amount of crack cocaine possessed exceeds five grams.
- (b) Second conviction and the amount of crack cocaine possessed exceeds three grams.
- (c) Third or subsequent conviction and the amount of crack cocaine possessed exceeds one gram.

21 U.S.C. 862

Provides for forfeiture of personal property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one-year imprisonment. (See special sentencing provisions re: crack cocaine)

21 U.S.C. 881(a)(4)

Provides for forfeiture of vehicles, boats, aircraft or any other conveyance used to transport, conceal or facilitate possession of a controlled substance.

21 U.S.C. 881(a)(7)

Provides for forfeiture of land, houses or buildings used to

commit or to facilitate commitment of a violation of controlled substance laws.

21 U.S.C. 860

Provides enhanced penalties for distributing, or possessing with intent to distribute, or manufacturing a controlled substance in, on, or within 1000 feet of a public university, school, playground and other locations. These include 20 years to life in prison plus \$4,000,000 fine for first offense; and twice any term of supervised release; 30 years to life in prison plus \$8,000,000 fine for second offense. After two or more felony drug convictions, a mandatory term of life imprisonment is imposed. Penalties are enhanced even more if death or personal injury results from the distribution of the substance near schools, public housing, video arcades, and other designated locations.

21 U.S.C. 862

Provides for the denial of Federal benefits to drug traffickers. These include student loans, grants, contracts, and professional and commercial licenses, up to one year for the first offense, up to five years for the second and subsequent offenses.

The foregoing is intended to illustrate and or summarize the likely penalties to result from the commission of a federal drug crime. It is not intended as a substitute for sound, personalized legal advice.

18 U.S.C. 922 (g)

Ineligible to receive or purchase a firearm.

Virginia Laws Pertaining to the Unlawful Possession or Distribution of Controlled Substances, Illicit Drugs and Alcohol

ALCOHOL

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

1. It is unlawful for any person under age 21 to purchase or possess any alcoholic beverage. Violation of the law is a Class 1 misdemeanor, for which the punishment is confinement in jail for up to twelve months and a fine of at least \$500 or a minimum of 50 hours of community service. Additionally, such person's Virginia driver's license may be suspended for a period of not more than one year.
2. It is unlawful for any person to sell alcoholic beverages to persons under the age of 21 years of age. Violation of the law exposes the violator to a Class 1 misdemeanor conviction for which the punishment is confinement in jail for up to twelve months and fine up to \$2,500, either or both.
3. It is unlawful for any person to purchase alcoholic beverages for another when, at the time of the purchase, he knows or has reason to know that the person for whom the alcohol is purchased is under age 21. The criminal sanction for violation of the law is the same as #2 above.
4. It is unlawful for any person to consume alcoholic beverages in unlicensed public places. A violation of the law is a misdemeanor for which the punishment is a fine up to \$250.
5. It is unlawful for any person under the age of 21 to use or attempt to use an altered or fictitious I. D. to purchase alcoholic beverages. Punishment is confinement in jail for up to 12 months and a fine of \$2,500, either or both. Driving privileges shall also be revoked for at least 30 days or up to 1 year.
6. It is unlawful for any person under 21 to operate any motor vehicle after illegally consuming alcohol. Violation of the law is a misdemeanor for which the punishment is loss of driver's license for 6 months and up to \$500 fine.

CONTROLLED SUBSTANCES AND ILLICIT DRUGS

The unlawful possession, distribution, and use of controlled substances and illicit drugs, as defined by the Virginia Drug Control Act, are prohibited in Virginia. Controlled substances are classified under the Act into “schedules”, ranging from Schedule

I through Schedule VI, as defined in sections 54.1-3446 through 54.1-3456 of the Code of Virginia (1950), as amended. As required by the Federal Drug-Free Schools and Communities Act of 1989, the pertinent laws, including sanctions for their violation, are summarized below.

1. Possession of a controlled substance classified in Schedules I or II of the Drug Control Act, upon conviction, exposes the violator to a felony conviction for which the punishment is a term of imprisonment ranging from one to ten years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for up to twelve months and a fine up to \$2,500, either or both.
2. Possession of a controlled substance classified in Schedule III of the Drug Control Act, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to twelve months and a fine up to \$2,500, either or both.
3. Possession of a controlled substance classified in Schedule IV of the Drug Control Act, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to six months and a fine up to \$1,000, either or both.
4. Possession of a controlled substance classified in Schedule V of the Drug Control Act, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is a fine up to \$500.
5. Possession of a controlled substance classified in Schedule VI of the Drug Control Act, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is a fine up to \$250.
6. Possession of a controlled substance classified in Schedules I or II of the Drug Control Act with the intent to sell or otherwise distribute, upon conviction, exposes the violator to a felony conviction for which the punishment is a term of imprisonment from five to forty years and a fine up to \$500,000. Upon a second conviction, the violator must be imprisoned for not less than five years but may suffer life imprisonment, and fined up to \$500,000. For a third or subsequent offense, a mandatory 7-year prison sentence is imposed.
7. Possession of a controlled substance classified in Schedules III, IV, or V of the Drug Control Act with the intent to sell or otherwise distribute, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to twelve months and a fine up to \$2,500, either or both.
8. Conviction for Possession of anabolic steroids carries a mandatory minimum jail term of 6 months. Possession of marijuana, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to thirty days and a fine up to \$500, either or both. Upon a second conviction, punishment is confinement in jail for up to 12 months and a fine up to \$2,500, either or both. For third offense, punishment includes mandatory minimum prison term of 3 years and confinement for up to life, plus a fine of up to \$500,000.
9. Possession of less than one-half ounce of marijuana with intent to sell or other wise distribute, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to 12 months and a fine up to \$2,500, either or both. If the amount of marijuana involved is more than one-half ounce to five pounds, the crime is a felony with a sanction of imprisonment from one to ten years, or in the discretion of the jury or the court trying the case without jury, confinement in jail for up to one year and a fine up to \$2,500, either or both. If the amount of marijuana involved is more than five pounds, the crime is a felony with a sanction of imprisonment from five to thirty years.

Approved by the Board of Visitors on November 16, 2006

VIRGINIA COMMONWEALTH UNIVERSITY HIV/AIDS POLICY

It is the policy of Virginia Commonwealth University (VCU) that persons who are infected with the Human Immunodeficiency Virus (HIV) will not be treated differently solely on the basis

of their infected status except as expressly provided in this policy. This is in keeping with VCU's general policy of non-discrimination.

As an academic arm of society, VCU assumes a leadership role in education, research, and patient care. As a comprehensive, urban, public institution, the University is dedicated to educating citizens, fostering academic inquiry, and serving as a resource center for Virginia. As a health care services provider, the University attempts to meet both patient and community needs and instill in its graduates a commitment to quality health care for all. In addition to its commitment to educate and protect patients, students, and staff, the University recognizes that AIDS as a disease must also be addressed as part of its academic responsibilities in teaching and research. Accordingly, AIDS will receive appropriate emphasis in school curricula to ensure that VCU graduates are prepared to deal effectively with this problem. Basic, clinical, and behavioral research on AIDS, directed toward better understanding of prevention and treatment possibilities, is an important area within the University's overall research activity.

The University's primary response to the spread of the HIV infection is prevention through education. The purpose of the education program is to provide an organized institutional effort to protect the University community from the disease and to provide a safe environment. VCU will seek to educate students, faculty, and staff about HIV, its modes of transmission, and precautions that may be taken to reduce the likelihood of transmission. The University has a responsibility to disseminate accurately and completely the most currently available knowledge about HIV.

Persons who are infected with HIV shall not be treated differently than otherwise qualified persons, except as expressly provided in this policy. Differential treatment may be applied to an infected individual if a University medically based judgment determines that such treatment is necessary to protect the welfare of that individual or other members of the University community. VCU will make reasonable accommodations for any persons affected by HIV to ensure their full participation in the University community. However, the University explicitly reserves the authority set forth in other policies and procedures adopted by this institution. State and University policies that pertain to the protection and dissemination of confidential medical information shall be respected in regard to the release of information on students, patients, or members of the University community who are affected by the virus.

This policy is consistent with the VCU mission statement and guidelines of the Centers for Disease Control and the American College Health Association.

Definition of HIV

Infection with the Human Immunodeficiency Virus is indicated by the presence of antibody to the virus in the bloodstream. The majority of persons with HIV infection will have no symptoms at first. However, after an incubation period of several months to years, the immune system is often compromised to a point where patients begin to develop infections characteristic of the Acquired Immunodeficiency Syndrome (AIDS). All persons with the HIV infection can transmit the virus to others under certain conditions.

Available evidence identifies only three routes of transmission for HIV: 1) transmission of blood and possibly other body fluids through needles, contamination of breaks in skin, contamination of mucosal surfaces, or injection of illicit drugs; 2) sexual transmission (homosexual or heterosexual); and 3) perinatal transmission. Medical evidence supports the conclusion that HIV is not transmitted by casual contact.

Education

VCU accepts its responsibility for educating students, staff, and the community about AIDS and its association with the HIV infection and will provide health education programs where appropriate and necessary. Since this disease cannot be prevented by immunization or cured, the primary means of limiting the spread of HIV infection is through preventive education.

The Employee Health Services will assume primary responsibility for educating faculty and staff about AIDS. The University Student Health Services will assume primary responsibility for providing education about AIDS to students, resident assistants, and other housing personnel. All personnel

will be counseled regarding the need for confidentiality of medical information on any student, patient, faculty, or staff member. Questions about HIV infection generated by students, student support staff, or housing personnel will be directed to the health educator for the University Student Health Services.

The Hospital Epidemiology Department will continue to educate hospital staff and provide consultation services to other University schools and divisions regarding appropriate measures to protect and to ensure a safe environment for employees, students, and patients.

Students

Based on currently available medical information, applicants and students infected with HIV shall not be excluded from enrollment or restricted in their access to University facilities or services unless a medically based judgment by the University Student Health Services determines that restriction is necessary to protect the welfare of the infected individual or the welfare of other members of the University community. There is no evidence to indicate that casual contact with an individual infected with HIV places students at risk of contracting the virus.

Discrimination and harassment against students perceived to be in high risk groups or thought to have HIV infection will be dealt with first by counseling and education. Disciplinary action may be used in accordance with the University's "Rules and Procedures" document when warranted.

The University Student Health Service will provide testing for the antibody to HIV, as well as pre-testing and post-testing counseling for students. The University Counseling Service is available to provide counseling and support for students infected with HIV and their families. The University Student Health Services and the University Counseling Services are available to consult and counsel students and staff regarding interactions with persons infected with HIV.

The University Student Health Services will assume responsibility for providing outpatient care for students with HIV infection who are enrolled in their service. Students with HIV infection will be encouraged to obtain regular medical monitoring either by the University Student Health Services or by another qualified health care professional. If students with HIV infection choose to receive their medical monitoring through a health care professional outside student health, they will be encouraged to identify themselves to student health personnel so that they can be informed about any outbreak of a highly contagious disease (e.g., chicken pox or measles), which might pose a particular danger to them.

Student health care workers are at low risk for acquiring HIV infection while caring for patients. Student health care workers exposed to HIV as a result of an occupational incident will undergo testing according to the current Hospital Infection Control Policy. The Medical College of Virginia Hospitals and all schools and appropriate divisions of VCU will maintain a protocol for prevention of HIV infection. Thus, students will not be transferred or reassigned permanently solely due to their fear of acquiring the infection. Infection control guidelines will continue to provide effective protection for students while not compromising the quality of health care. Precautions used by students for their own protection will also protect against patient-to-patient and student-to-student transmission.

Employer-Employee

It is a shared responsibility of VCU and its employees to maintain a safe working environment for the protection of patients, students, and employees. Employees have an obligation to be aware of current developments in infectious disease protection, comply with the University safety policies and procedures, and share the responsibility for enhancing community awareness and knowledge of HIV.

Based on currently available medical information, persons infected with HIV shall not be excluded from employment or restricted in their access to University facilities or services unless a medically-based judgment by the Employee Health Services determines that restriction is necessary to protect the welfare of the infected individual or the welfare of other members of the VCU community. There is no evidence to indicate that casual contact with an employee infected with HIV places co-workers at risk of contracting the HIV infection.

In the course of employment, employees may learn personal information about their co-workers. It is the responsibility of supervisors to caution their employees about the importance of keeping such information confidential. This privacy requirement is particularly important for matters related to HIV infection.

If an employee expresses concern about working with a co-worker infected with HIV or with a member of a high risk group, the supervisor should arrange for the employee to talk with an expert from Employee Health Services to address and diminish the concern. Since the HIV infection is not transmitted in normal educational or work settings, employees will not be reassigned or transferred permanently solely due to their fear of acquiring the HIV infection.

Employee Health Services and the Department of Human Resources are responsible for providing educational training to employees, calling upon University experts for their services as needed. This education consultation may be provided to the employee, supervisor, and/or work group as deemed necessary. When an employee who is HIV positive chooses to share his or her medical status with his or her supervisor, it is the supervisor's responsibility to comply with University policies regarding confidentiality. The supervisor will be responsible for referring employees who need information regarding HIV infection or medical care to Employee Health Services.

If the working environment has a greater than normal risk of exposure to infectious agents, the infected employee, for his or her own protection, should be encouraged to review the work environment with his or her physician and the Employee Health Services physician. If employees who are infected with HIV require changes in job duties as a result of their illness, this will be coordinated (as in other cases) by Employee Relations and Employee Health Services.

The decision by an infected employee to disclose to Employee Health Services the diagnosis of HIV infection is a personal one. However, University policy encourages employees, particularly health care workers, to disclose their condition to Employee Health Services so that the Employee Health Services physician who is familiar with the work environments at VCU can make recommendations for optimal safety and possible accommodation. An individual's medical status is personal and confidential, and disclosure of such information is subject to the University's policies regarding dissemination of confidential information.

As with other medical conditions, the supervisor may need a physician's statement to provide accommodation arrangements or to certify absences. In the event that the employee is not able to continue working, he or she is eligible for accumulated leave, disability retirement, and other medical leave to the extent provided for by current University and state policy.

Health care workers are at low risk for acquiring HIV infection while caring for patients. The Medical College of Virginia Hospitals (MCVH) maintains a protocol for prevention of HIV infection. Thus, health care workers will not be transferred or reassigned permanently solely due to their fear of acquiring the infection. As new scientific information becomes available, this protocol will be revised and overseen by the Hospital Epidemiology Department. Any new isolation programs will be implemented in phases accompanied by education of personnel. Guidelines will continue to provide effective protection for personnel while not compromising the quality of health care. Precautions used by personnel for their own protection will also protect against patient-to-patient and personnel-to-patient transmission. The MCVH protocols and policies provide specific guidelines for patient care unique to University health care providers. Other University health care professionals should refer to the MCVH protocol when developing program specific guidelines.

Based on the current recommendations of the Centers for Disease Control and the United States Public Health Service, VCU does not recommend routine testing of employees, applicants for employment, or students to screen for the presence of HIV. Employee Health Services will offer HIV counseling and testing or will refer employees to an alternate test site if requested. Health care workers exposed to HIV as a result of an occupational incident will undergo testing according to the current Hospital Infection Control Policy.

Researchers who handle HIV or blood, body fluids, and tissues, and who process or perform tests on these materials in laboratories are at risk for contracting the HIV infection. It is the responsibility

of each laboratory unit to prepare written protocols to be submitted to the Committee on Biosafety for approval prior to the initiation of the work. Approval will be given only to protocols that provide for the protection of all personnel. The committee will monitor protocol compliance on a regular basis. Personnel who work in these laboratories will have periodic inservice training on proper techniques for handling infectious materials.

Media Relations

The University Media Relations Office will respond quickly and openly to media requests for information on AIDS. However, no information on individual patients will be provided to the media without the patient's written consent. The Media Relations Office will identify and make available University and hospital spokespersons and, if necessary, work with designated spokespersons to develop media skills. Every response to the media concerning AIDS should provide an opportunity to educate the media and the public about the disease. VCU, through the Media Relations Office, may offer selected stories to the media, which will highlight the University's mission as an authoritative source of AIDS education, research, and patient care.

Procedure for the Informal Resolution of Complaints about Administrative Decisions Related to Individuals with HIV Infections

There are three ways by which individuals immediately affected by a decision to afford or deny allegedly differential treatment due to an HIV infection can attempt to resolve complaints.

I. Informal Assistance

Both the Department of Human Resources and the Office of the Vice Provost for Student Affairs have professional staff available to assist faculty, staff, or students in solving problems associated with actions or decisions related to HIV infection. VCU Medical Center patients are encouraged to consult with their attending physician regarding such matters.

II. Informal Complaint Process

To request an informal investigation into complaints of inappropriate or unfair behavior by a member of the University community, the complainant must submit the complaint in writing to the appropriate University officer as follows:

- A. For complaints by a University employee, including faculty, the assistant vice-president for human resources.
- B. For complaints by a student, the vice provost for student affairs.
- C. For complaints by an VCU Medical Center patient, the executive director of VCU Medical Center. The informal investigation afforded by this procedure is designed to provide an opportunity for an informal resolution of the complaint. In attempting to mediate such complaints, the University officers identified above or their designees will:
 - D. maintain confidentiality with the exception of communications essential to the mediation process.
 - E. work collaboratively with the appropriate University officer in the administrative unit of the individual toward whom the complaint has been directed.
 - F. have access to the University Advisory Committee on Infectious Diseases for consultation and advice.

If the parties involved, through this informal mediation process, can resolve the issue to each individual's satisfaction, the complaint will be considered concluded. If the mediation process is unsuccessful, the complainant may pursue the complaint through formal grievance procedures. No action taken in an informal process negates the right to file a formal charge or grievance at any time.

III. Formal Grievance Procedures

The employment status or other classification of individuals determines the methods available for processing a formal grievance. Following are procedures available to members of the VCU community as appropriate:

- A. The "Grievance Procedure for State Employees" may be used by non-probationary state classified employees to pursue a complaint against his or her supervisor.
- B. The Faculty Grievance and Appeal Procedure may be used by any full-time faculty member to pursue a complaint against another University faculty member.

- C. The Promotion and Tenure Policies and Procedures may be used by the dean of a school to pursue a complaint against a tenured faculty member.
- D. The Rules and Procedures may be used by a faculty member, student, or employee (hourly, classified, or faculty) to pursue a complaint against any other member of the VCU community.

*Revised document approved by Board of Visitors: May 20, 1988.
Effective Date: May 20, 1988.*

COMPUTER AND NETWORK RESOURCES USE POLICY

Policy Statement and Purpose

Virginia Commonwealth University (VCU or University) provides and maintains computer and network resources to support the education, research, patient care, and work of its faculty, staff, and students. All individuals receiving a University computing account, or using University computer and network resources, are bound by this Computer and Network Resources Use Policy. All users of these resources are expected to act in a responsible, ethical, and legal manner. VCU computer and network resources are conducted in a public forum, and users must respect the rights and privacy of other users, share the resources equitably and follow VCU policies and local, state, and federal laws relating to copyrights, privacy, security, and other statutes regarding electronic media.

Although the University recognizes the role of privacy in higher education, and every attempt will be made to honor that ideal, users must be aware that any communication and electronic storage utilizing University-owned computer and network resources may not remain confidential and may potentially be disclosed under the provisions of the Virginia Freedom of Information Act and other state and federal laws and regulations, as well as University policies and procedures.

The Policy recognizes the responsibilities of faculty and system administrators in taking a leadership role in implementing the Policy and ensuring that the University community honors it.

Procedures

The following shall govern the use of all VCU computer and network resources:

Access to computer and network resources is restricted to authorized individuals as defined by the appropriate organizational unit. Accounts and passwords, when required, are assigned to specific individuals and may not, unless properly authorized by the University, be shared with, or used by, other persons within or outside the University.

Actions that harass, threaten, or otherwise cause harm to individuals are prohibited. Respect for the rights of others is fundamental to ethical behavior at VCU. Actions that threaten or cause harm to other individuals are violations of both VCU policies and of Virginia and federal law. Such actions may be prosecuted through both the University judicial process and, independently, in state or federal court (Va. Code § 2.1-804-805).

Actions that impede, impair or otherwise interfere with the activities of others are prohibited. University computer and network resources are shared, and misuse of a particular resource can have a negative impact on other users. Accordingly, the University may require users to limit or refrain from specific uses. Intentional misuse or damage to resources is prohibited.

Actions which download or post to University computers, or transport across University networks, material that is illegal, proprietary or in violation of University contracts are prohibited.

Actions performed using the University's computer and network resources, regardless of any disclaimers that might be made, ultimately reflect on the University community as a whole. Violations of copyright, licenses, personal privacy, or publishing obscene materials or child pornography may result in civil or criminal legal actions as well as University disciplinary actions (Va. Code § 2.1-804-805).

Use of computer and network resources for commercial purposes, other than University-approved business, is prohibited. Limited personal use of the University's computer and network resources for other purposes is permitted when it does not interfere with the performance of the user's job or other University responsibilities, and otherwise is in accordance with this policy.

However, University-related uses take priority over personal uses when resources are inadequate to meet both demands. Further limits may be imposed upon personal use in accordance with accepted management principles.

Security and Privacy

Virginia Commonwealth University uses various methods to protect the security of its computer and network resources and of its users' accounts. Users, however, should be aware that the University cannot guarantee such security and privacy. Users should also be aware that any electronic communications and data utilizing University-owned computer and network resources potentially may be disclosed under the provisions of the Virginia Freedom of Information Act and other University, state and federal laws and regulations or for appropriate university business needs.

The University assigns to selected staff the responsibility for investigating alleged violations of this policy as well as applicable University, state and federal laws and regulations. The University may monitor electronic activities and inspect data files and communications of individuals.

Violations of this policy shall be addressed and investigated using the VCU Computer and Network Resources Policy Enforcement Procedures, as approved by the University Information Technology Advisory Committee (UITAC).

Note: The VCU Health System has specific regulatory and statutory requirements related to patient confidentiality (See the VCU Health System Policy Manual).

*Initial Policy Approved: 05/20/2002
Last Revised: 01/14/2002*

STUDENT E-MAIL POLICY

Policy Statement and Purpose

Electronic mail or "e-mail" is considered an official method for communication at VCU because it delivers information in a convenient, timely, cost effective, and environmentally aware manner.

This policy ensures that all students have access to this important form of communication. It ensures students can be reached through a standardized channel by faculty and other staff of the University as needed. Mail sent to the VCU e-mail address may include notification of University-related actions, including disciplinary action.

Contacts

Questions or comments about this policy should be directed to the CIO for Technology Services. Changes to this policy will be authorized by the approval of the University Information Technology Advisory Committee (UITAC) with concurrence by the Vice Presidents.

DEFINITIONS

Forwarded E-mail: E-mail sent to an address that is automatically sent via computer code to another e-mail account.

Nickname E-mail Account: An e-mail account, issued by an internet service provider or web-based e-mail service, in which the name of the account is a nickname or is otherwise unrelated to the name of the account owner.

Official E-mail Account: An e-mail account, issued by the University, which is based on a person's first name, middle initial, and last name, and ends in the domain name "vcu.edu".

PROCEDURES

University Use of E-mail

E-mail is an official method for communication at VCU. Students are responsible for the consequences of not reading, in a timely fashion, University-related communications sent to their official VCU student e-mail account.

Application for Student E-mail Accounts

All students are required to obtain an official VCU student e-mail account within one week of the beginning of the first semester of enrollment. Students-both currently enrolled and incoming-may obtain their account over the Web at anytime

by going to the "Academic" section of the "Getting a Computer Account" Web page. A student e-mail account created on the VCU Web is the official e-mail address to which the University will send e-mail communications. This official address will be recorded in the University's electronic directories and records for that student. The official address will end in the domain name "vcu.edu". e-mail addresses that end in "vcu.org" are not official e-mail addresses; students are required to have an e-mail address that ends in "vcu.edu".

Expectations Regarding Student Use of E-mail

Students are expected to check their official VCU e-mail on a frequent and consistent basis in order to remain informed of University-related communications. The University recommends checking e-mail daily.

VCU offices cannot validate that a communication coming by e-mail is from a student unless it comes from a valid VCU address. If students make queries to VCU administrative offices or faculty from "nickname" e-mail accounts (Hotmail, AOL, etc.), they may be asked to resubmit their query using an official VCU account.

Faculty Expectations and Educational Uses of E-mail

Faculty members may require e-mail for course content delivery, class discussion, and instructor conferencing and may specify course-related e-mail policies in their syllabi. Faculty may also require students to confirm their subscription to University-provided mailing lists.

Appropriate Use of Student E-mail

All use of e-mail will be consistent with other University policies and local, state, and federal law, including the VCU Computer and Network Resources Use Policy, VCUnet Security Policy, and the Family Educational Rights and Privacy Act of 1974 (FERPA).

Forwarding E-mail

Students will not be permitted to set automatic forwarding on their VCU e-mail to another non-university e-mail account. Exceptions to this requirement may be authorized for valid academic purposes and when requested by the dean of the student's school and approved by the Assistant Vice President for Technology Services. However, having e-mail lost because of forwarding does not absolve a student from the responsibilities associated with communication sent to his or her official e-mail address. The University is not responsible for the handling of e-mail by outside vendors or systems.

Privacy of E-mail

Virginia Commonwealth University uses various methods to protect the security of its computer and network resources and of its users' accounts. Users should be aware that any electronic communications and data utilizing University-owned computer and network resources potentially may be disclosed under the provisions of the Virginia Freedom of Information Act and other University, state and federal laws and regulations or for appropriate university business needs.

*Responsible Office: Technology Services
Initial Policy Approved: 5/20/2002
Last Revised: 3/24/2005*