



Student Organization Conduct Process

Applies to all officially recognized student organizations.

DIVISION OF STUDENT AFFAIRS
THE UNIVERSITY OF VIRGINIA'S COLLEGE AT WISE

Last revised June 8, 2021

TABLE OF CONTENTS

Introduction	3
Definitions	3-4
Authority	4-5
Scope	5
Amnesty	5-6
Student Organization Responsibility	6-7
Violations	7
Reporting Misconduct	7-8
Interim Measures	8
Review & Investigation	8-9
Notice of Charges & Hearing	9
Conduct Hearing	9-14
Administrative Settlements	
Hearings	
Administrative Resolutions	
Conduct Board Hearings	
Rights of Student Organizations in Student Conduct Hearings	
Expectations of Students in Student Conduct Hearings	
Hearing Procedures	
Sanctions	
Appeals Process	
Resource Directory	15-16

INTRODUCTION

The University of Virginia's College at Wise (the "College") recognizes that the availability of a wide range of opportunities for students enhances their collegiate environment and experiences. Student organizations play a vital role in campus life at the College, leading to a stronger school spirit and enhanced leadership development, and a more satisfied, well-rounded student body.

The College is committed to maintaining a safe and healthy living and learning environment for students, faculty and staff. Student organization behavior that is not consistent with the College's Student Code of Conduct and/or other policies, procedures, or federal and state laws, is addressed through the Student Organization & Greek Life Conduct Process (the "Process"). The Process is designed to be educational in nature and supports the purpose and mission of the College.

The College fully recognizes and values the rights of all students and individuals to engage in healthy expression of ideas and opinions, and to freely express views in accordance with the expectations set forth in the Student Code of Conduct. This right must not interfere with the same rights and freedoms of others as they participate in the programs and opportunities of the College. Additional expectations for student organizations are outlined in the Student Organization Handbook, published annually, and College and University of Virginia rules, regulations and policies.

DEFINITIONS

- A. **Advisor:** Any one person chosen by an affected/reporting student, student organization representative, or witness to provide guidance throughout the conduct process. Examples of advisors include, but are not limited to organization advisors, alumni, faculty, staff, and attorneys.
- B. **Day:** Any weekday (Monday through Friday) in which the College is in regular operation. This includes weekdays when the College is in operation but classes are not in session.
- C. **Hearing:** An informal or formal proceeding, conducted by a hearing body in accordance with this Process, following which outcomes of "responsible" or "not responsible" are made with regard to alleged conduct violations and sanctions are assigned as appropriate.
- D. **On-Campus:** All land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College.
- E. **Event:** Any gathering consisting of prospective, new, active, recently active, or alumni members (or any combination thereof) that a reasonable observer would associate with the student organization, or a function that is sponsored, financed, or endorsed by the

student organization, or that includes advanced planning on behalf of the student organization.

- F. **Policy:** The written statements governing the College as found in, but not limited to, the University of Virginia Board of Visitors regulations, the UVA Wise College Board regulations, policies adopted by the Chancellor or Senior Staff, the Student Code of Conduct, the Student Handbook, the College Catalog, Student Organization Handbook, Sexual Violence and Interpersonal Misconduct Policy, and/or other written requirements issued by departments.
- G. **Preponderance of Evidence:** The standard of evidence upon which a determination of “responsible” or “not responsible” is made, and is used in adjudicating all student organization cases under this Process. It means that the information, as a whole, demonstrates it is more likely than not that the fact sought to be proved is true.
- H. **Affected/Reporting Individual:** Any individual who has been directly affected by or reported an alleged violation(s) of the Student Code of Conduct. The affected/reporting individual is the individual who is affected and files a report or on whose behalf a report is filed.
- I. **Student Organization:** Refers to a student organization that has been approved and chartered by the Student Government Association and registered with the Office of Student Activities to function at the College.
- J. **Responding Student Organization:** Refers to a student organization that is alleged to have violated a College or University regulation, policy, Student Code of Conduct, or applicable law.
- K. **Student:** A new or re-admitted student will be considered enrolled if the student is pre-registered for courses in any term (fall, spring or summer).

After classes begin, students must be attending classes in order to continue their enrollment status. Students are considered continuously enrolled when they are registered for consecutive fall and spring terms. Note that those who arrive to campus prior to the start of classes for official College functions including, but not limited to student employment, trainings, athletics, band, Expedition, etc., are considered a UVA Wise “students” upon arrival.

- L. **College:** The University of Virginia’s College at Wise, each of the programs and activities under its control and all property owned, leased, used or controlled by the University of Virginia or the College Wise.

AUTHORITY

Students of the College are expected to conduct themselves in a manner befitting a civilized society, both within the College and elsewhere. For student organization conduct which is outside the jurisdiction of the Honor Court, but which tends to discredit or injure the College or any member of the College community, the Chancellor is authorized to provide applicable due

process and, upon determination of a College policy or Student Code of Conduct violation, to impose an appropriate sanction, up to and including expulsion of the organization from campus. This authority has been delegated by the Chancellor to the Assistant Director of Conduct & Responsibility and the Student Conduct Board.

SCOPE

The College may address any alleged misconduct of any student organization through this Process. Recognizing that this Process adjudicates behavior that is inappropriate by the organization as a whole, individual students may be charged separately through the College's Student Conduct System for individual conduct or actions.

This Process will apply to student organization conduct that occurs on College premises, at College-sponsored events or activities, and off-campus when it impacts the College Community (student, faculty, staff) programs or activities, as determined by the Assistant Director of Conduct & Responsibility. Factors that will be considered when determining whether to address off campus behavior include, but are not limited to, whether the incident is documented by a verifiable source, impacts the College community, or endangers the health or safety of a student, faculty, staff members, or others.

This Process will be initiated for alleged misconduct that potentially violates either law or College policy without regard to pending civil or criminal charges, arrest or prosecution. Proceedings under this Process may proceed prior to, concurrently with, or following any related legal or criminal proceedings. Determinations made or sanctions imposed as a result of this Process will not be subject to determination or modification because of the outcome of any related criminal or civil proceeding.

The College reserves the right to publish any decisions made under this Process as it relates to student organization behavior or misconduct, consistent with applicable privacy laws and policies.

AMNESTY

The College's highest priority is the physical and mental health and safety of students and members of the College community. An element of promoting safety, is ensuring that there are clear and responsible methods of reporting incidents of misconduct. To remove or reduce any barriers to reporting misconduct, the Student Conduct Office may, in its discretion, not charge an affected/reporting student with a Student Code of Conduct violation originating from the same incident if reported by that student in good faith to a College official, law enforcement, or otherwise determined during the course of the investigation.

No student seeking assistance for themselves or others as a result of a hazing incident, intoxication, or medical emergency from alcohol or other drug use will be charged with a violation of the student code of conduct, provided that:

1. The student calls local or College law enforcement for medical assistance;
2. The student cooperates fully with College, law enforcement, and medical personnel;
3. That student remains at the scene with the person in need until assistance has arrived.

STUDENT ORGANIZATION RESPONSIBILITY

A student organization may be held responsible for the actions of those affiliated with the organization, including but not limited to:

- One or more of its members (active or inactive)
- New members
- Former members
- Alumni
- Guests
- Contractors
- Agents, if acting on behalf of, in the interest of, or as affiliates of the organization

Every student organization has the responsibility to take all reasonable steps to prevent violations of College policies and federal and state laws. All student organizations are expected to educate their members regarding their risk management policy, as well as all applicable College policies and federal and state law.

The College, in determining whether a student organization may be held collectively responsible for individual actions of its members, guests, contractors, or agents, will review and evaluate all of the available factors and circumstances of the incident. There is no minimum number of student organization members who must be involved or present in an incident to assign responsibility to the student organization.

Following an investigation into alleged student organization misconduct, a student organization may be found responsible and sanction(s) implemented when factors, including, but not limited to the following are determined:

- Members of the student organization (active or inactive), new members, alumni, former members, agents, contractors or guests act together to violate the College's Student Code of Conduct, College policies, or federal or state law(s);
- Student organization officers or members are present at a student organization sponsored, co-sponsored, financed, or otherwise supported event or activity; or
- Leadership of the student organization members (i.e. executive board members, etc.) had knowledge or should have had knowledge of the event or activity, or planned conduct that violates the Student Code of Conduct, College policies, or federal or state law(s);

- An event or conduct violation of the Student Code of Conduct, College policies, and/or federal or state law(s) occurred on premises and/or transportation owned, operated, controlled, or rented by the student organization;
- A pattern of individual violation(s) occurred or continues to occur without adequate response on the part of the student organization, or its leadership;
- The investigation into alleged misconduct on behalf of a student organization is interfered or obstructed, including conduct proceedings, by members of the student organization.

VIOLATIONS

Student organizations are expected to abide by the Student Code of Conduct, all College policies, and federal or state laws, and are expected to be accountable for the behavior of student organization members. Failure to read, familiarize or understand a College policy is not an excuse for violating any provision of the Student Code of Conduct, College policy, or federal or state law. The following represents a list of College documents and policies with which student organization members should be familiar. This list includes, but is not limited to:

- UVA Wise Student Code of Conduct
- UVA Wise Student Handbook
- UVA Wise College Catalog
- UVA Wise Student Organization Handbook
- UVA Wise Guide to Campus Living
- UVA Wise Sexual Misconduct & Interpersonal Violence Policy

REPORTING MISCONDUCT

Any person who experiences student organization misconduct or is aware of misconduct, may file a report through the following offices:

Joshua Justice, Dean of Students & Chief Housing Officer

Division of Student Affairs—Cantrell Hall

1 College Avenue, Wise, VA 24293

Office: 276-376-4517 | Cell: 276-393-9530 | Email: jvj6e@uvawise.edu

Julie Scott, Director of the C. Bascom Slemp Student Center

C. Bascom Slemp Student Center-3rd Floor

1 College Avenue, Wise, VA 24293

Office: 276-376-1000 | Email: jba4f@uvawise.edu

Beau Boggs, Interim Chief of Police and Director of Public Safety

UVA Wise Campus Police Department—Cantrell Hall

1 College Avenue, Wise, VA 24293

Office: 276-328-0190 | After hours non-emergencies: 276-328-3756 | Emergencies: 911

In addition, an individual does not have to be a member of the College community to file a report under this Process. Reports also may be accepted through alternate reporting mechanisms at the discretion of the Dean of Students & Chief Housing Officer, including but not limited to written or verbal communication, published information, or referral from another College office or department. Reports also may be received from other law enforcement agencies or local officials.

Reports can be submitted anonymously through *Be Wise. Report It.*, the College's online system for reporting. Faculty can submit reports online through the student conduct reporting form on the MyUVAWise portal.

For reports involving sexual misconduct or interpersonal violence, the reporting process can be found in the College's Sexual Misconduct & Interpersonal Violence Policy. If a report alleges sexual misconduct or interpersonal violence and is reported to an individual above, the individual will report the matter to the Title IX Coordinator & Director of Compliance & Inclusion, as outlined in the College's Sexual Misconduct & Interpersonal Violence Policy. The Title IX Coordinator will evaluate the report pursuant to the policy before it will be referred to the Student Conduct Office for review for violations of this policy.

INTERIM MEASURES

The College may take interim measures at any point during an investigation. Interim measures are designed to eliminate misconduct, prevent its recurrence and remedy its effects. These measures may include, but are not limited to, no contact orders, suspension of student organization activities (e.g. meetings, events, etc.), suspension of social activities (i.e. social events sponsored by the organization or co-sponsored with another group), suspension of recruitment activities or new member processes, notice of alleged misconduct and pending investigation to a national organization, increased security requirements at events, or emotional and other support. An interim suspension of the organization (i.e. an order ceasing all organization activities) also may be imposed until resolution of a case.

REVIEW AND INVESTIGATION

All reported information (either verbal or in writing) will be reviewed by the Assistant Director of Conduct & Responsibility to determine next steps. Interim measures may be imposed. Upon receipt of a report, except for reports that are referred to the Title IX Coordinator, a prompt and thorough investigation will be conducted. Investigations will include a review of the submitted report, and college of other relevant information, such as that gathered through investigation meetings with involved individuals or student organizations. Any involved individuals or groups will be interviewed and asked to share information that they have regarding the incident. Information may include text messages, social media posts, advertisements, emails, photos, etc., and identification of any additional witnesses who may be able to provide direct information regarding the incident.

During the course of the investigation, individuals or student organization representatives may be accompanied by an advisor of their choice, but the advisor may not speak on the individual's behalf. Individuals are highly encouraged to participate in the Process to ensure that as thorough an investigation as possible is conducted; however, an individual may decline to participate in the Process.

At the conclusion of an investigation, the investigator will produce an investigation report and forward to the Assistant Director of Conduct & Responsibility, who will determine next steps, including but not limited to, no action, reprimand and issuance of educational sanctions, or conduct charges and referral to the conduct system.

NOTICE OF CHARGES & HEARING

Following an investigation, should the Assistant Director of Conduct & Responsibility decide that a student organization has violated the Student Code of Conduct, College policy, or federal, state law, charges against that organization may be brought, investigated, and adjudicated through the conduct system. The Assistant Director of Conduct & Responsibility will notify the president (or other student executive) and the advisor of the organization of any charges as well as notice and information regarding the incident. Written notice will be given to any responding student organization and will include:

- sufficient detail to allow a student organization representative to prepare a response (including description of the alleged behavior(s) or misconduct and specific information regarding the Student Code of Conduct, College policy, or federal or state law that was violated)
- date, time, and location of the student conduct hearing

CONDUCT HEARINGS

Following an investigation, should the Assistant Director of Conduct & Responsibility decide that a student organization has violated the Student Code of Conduct, College policy, or federal or state law, charges against that organization may be brought, investigated, and adjudicated through the conduct system.

The Student Conduct System of UVA Wise is comprised of:

a. Administrative Resolution

Administrative resolutions (in lieu of a hearing) may be offered to a student organization for minor offenses. Administrative resolutions will be conducted by the Dean of Students & Chief Housing Officer or designee. The student organization may choose a hearing rather than have an administrative resolution. If a student organization chooses to accept an administrative resolution, there will be no appeal from the resolution.

b. Hearings

Hearings will be arranged to adjudicate all alleged offenses not adjudicated by administrative resolutions. All hearings are closed to the public and only those individuals with a legitimate role in the hearing will be permitted to attend or participate.

The Assistant Director of Conduct & Responsibility will assign each case to a hearing (administrative or Student Conduct Board). Every effort will be made to consider the individual circumstances of each case to determine which type of hearing would best serve the student organization and the College in the student conduct Process. Factors weighed in determining whether a case is heard by an administrative hearing or a Student Conduct Board hearing include, but are not limited to: *need for expediency, severity of the alleged offense(s), sensitivity of the case, and student conduct history of the charged student organization.*

1. Administrative Hearing

- a. Administrative hearings will be provided when, in the judgment of the Assistant Director of Conduct & Responsibility there is a clearly demonstrated need to conduct an administrative hearing. Examples include cases involving alleged misconduct at the beginning or the end of an academic semester when the Student Conduct Board cannot be convened or due to expediency that may need to be exercised as a result of the severity of the alleged offense.
- b. The Dean of Students & Chief Housing Officer, the Assistant Director of Conduct & Responsibility, Vice Chancellor for Student Affairs or their designees may conduct administrative hearings.

2. Student Conduct Board Hearings

The Student Conduct Board shall conduct hearings and be composed of five members. A minimum of three Board members, not including the Assistant Director of Conduct & Responsibility or their designee, is necessary for quorum to conduct a hearing.

Information regarding the make up of the Student Conduct Board can be found in the College's Student Handbook.

c. Rights of student organizations in student conduct hearings

- a. Student organizations have the following rights:
 - i. To written notice of all charges against the student organization at least 5 business days prior to a scheduled hearing. UVA Wise email is the official communication method used for conduct communications.

Communications will be sent to both the president (or student executive leader) and the organization advisor.

- ii. To be presumed not responsible until proven responsible
 - iii. To plead responsible or not responsible
 - iv. To refuse to answer questions that tend to be self-incriminating
 - v. To present witnesses and evidence. *Submit names of witnesses to the Assistant Director of Conduct & Responsibility at least 24 hours in advance of the hearing. Witnesses not submitted in that time frame will not be allowed to attend the hearing.*
 - 1. Material witnesses are those possessing direct knowledge of the case under consideration
 - vi. To be accompanied by an advisor of their choice in the hearing. An advisor may have no other role in the hearing (such as witness). An advisor may only provide the student organization assistance and support. An advisor may not speak or otherwise participate in the hearing. Violation of these limitations may result in the removal of the advisor from the hearing. *Submit name of advisor to the Assistant Director of Conduct & Responsibility at least 24 hours in advance of hearing.*
 - vii. Only two students (the president or student executive leader of the organization **and** one other student member of the organization) may represent the organization during the hearing and sit in the hearing. Other members may be called as witnesses provided that their names are submitted in advance as required.
 - viii. To face the accuser (the College may act on behalf of the accuser)
 - ix. To subsequent appeal(s) as outlined in the appeals section of the Student Conduct System.
 - x. To waive any of the above rights, provided it is in writing.
- b. Expectations of Students in Student Conduct Hearings
- Student expectations include:
- i. To give truthful testimony. Providing false information is a violation of the Student Code of Conduct.
 - ii. To inform approved witnesses on the organization's behalf of the date, time and place of the hearing and to ensure that they appear at the hearing.
 - iii. To bring all information pertinent to the case available at the time of the hearing.
 - iv. To appear at any proceedings in which notice was given. Note: The hearing will proceed even if the student representative(s) of the organization choose not to attend.
- c. Hearing Procedures

The hearing procedures for the Student Conduct Board will generally be as follows:

- The chair will introduce self, the other Board members, and the Advisor
- The student organization representative(s) will introduce themselves
- The student organization representatives will be asked to enter a plea (responsible or not responsible) on behalf of the organization for the charges
- The case will be discussed. The complainant and the accused will be given the opportunity to call witnesses and each may ask questions of any witness.
- The Board will meet in closed session to determine responsibility, and any resulting sanctions. The Board will use the preponderance of evidence (i.e., more likely than not) standard.
- The hearing will be reconvened and the student organization representative(s) will be informed of the decision and, when applicable, the right to appeal.
- Within 24 hours of the hearing, the student organization representative, their advisor, and national headquarters (when applicable) will receive a letter stating the outcome of the hearing and any sanctions imposed.

d. Sanctions

Any of the following sanctions, or combinations of sanctions, may be imposed for a violation of the College's Student Code of Conduct, College policy, or federal or state law. All sanctions are noted in the student organization's record and may be published online. Failure to abide by the imposed sanction may result in additional charges.

- i. **Written Reprimand:** Notice in writing that continuation or repetition of inappropriate conduct within a period of time stated in the warning may be cause for more severe disciplinary action.
- ii. **Suspension of Privileges:** Assigned to a student organization for a specified period of time. The student organization is prohibited from reserving and utilizing on-campus meeting space or other privileges of recognition. This may be specific to certain areas or meeting rooms.
- iii. **Disciplinary Probation:** Assigned to a student organization for a specified period of time. While on this status, any further violations may result in suspension or loss of recognition.
- iv. **Social Probation:** Assigned to a student organization for a specified period of time. While on this status there is a moratorium on social events sponsored by or hosted with any other student organization
- v. **Restitution:** Reimbursement for damage to, or misappropriation of, property, damage or harm to any person or the College. Until restitution

is paid, the student organization will be placed on disciplinary probation and will be unable to utilize on campus spaces or services.

- vi. **Community Restitution:** Assigned service hours per member in the College community. Note: service hours completed as part of a conduct sanction may not be used or submitted for awards or other required hours.
- vii. **Educational Programming:** Assigned participation in educational programs or planning and hosting an educational program for the College community.
- viii. **Loss of privileges:** Restriction or loss of the benefit of use of College equipment, programs, use of facilities, or extracurricular activities.
- ix. **No Contact Order/Extension of No Contact Order:** A no contact order is an official College directive that serves as notice to an individual(s) that they cannot have physical contact with or proximity to, or direct verbal, electronic, written, or indirect communication intentionally made through another individual with an identified individual for a specified period of time. No contact orders only may be removed prior to the specified period of time at the discretion of the Assistant Director of Conduct & Responsibility and at the written request of all involved individuals.
- x. **Suspension:** Suspension of recognition with the College after a specific date and for a specified time period. During suspension, the student organization will be prohibited from utilizing the support and services afforded a recognized student organization and will be restricted from participating (as a group) in university or student activities, representation of College in leadership positions or eligibility for awards or honors, use of College facilities or equipment, and suspension of social and recruitment activities. To regain recognition at the conclusion of the suspension period, a student organization must demonstrate compliance with any terms of the suspension and meet all the requirements for recognition by the Office of Student Activities and the Student Government Association (i.e. the organization must re-charter).
- xi. **Loss of Recognition/Separation from the College:** Loss of recognition or separation from the College after a specific date and for an indefinite period of time. During which time, the student organization will be prohibited from utilizing the support and services afforded a recognized student organization and privileges as outlined under the “suspension” section. The College may set a designated timeframe during which the organization will not be eligible to apply for recognition. This timeframe may be extended if there are further violations of the College policy by the student organization or its members.

e. Appeals Process

- i. All student conduct hearing decisions may be appealed in writing to the appropriate College official within 48 hours of the decision and must state just cause for the appeal.
 1. Decisions made by the Dean of Student & Chief Housing Officer may be appealed to the Vice Chancellor for Student Affairs.
 2. Decisions made by the Student Conduct Board or the Assistant Director of Conduct & Responsibility may be appealed to the Dean of Students & Chief Housing Officer.
- ii. The student organization may or may not be granted an appeal. If the student organization is granted an appeal, the hearing will be completed within seven (7) business days of receipt of the appeal request.

RESOURCE DIRECTORY

On-Campus

- Dean of Students & Chief Housing Officer | Cantrell Hall | 276-376-4517
- Campus Police | Cantrell Hall | 276-328-COPS (2677) or 911
- Counseling Center | Cantrell Hall | 276-376-1005
- UVA Health Wise Clinic | Cantrell Hall | 276-376-4517
- Title IX Coordinator | Cantrell Hall | 276-870-5065
- Office of Student Activities | Slemple Student Center | 276-376-3430

Off-Campus

- Norton Community Hospital | 100 15th Street NW, Norton, VA 24273 | 276-679-9600
- Town of Wise Police Department | 501 W Main Street, Wise, VA 24293 | 276-328-9369
- Wise County Sheriff's Department | Wise County Justice Center 5605 Patriot Drive, Wise, VA 24293 | 276-328-9647 or 276-328-3566
- Family Crisis Support Services | 701 Kentucky Avenue SE, Norton, VA 24273 | 276-679-7240 or 1-877-348-9647 (Sexual Assault 24-hour Crisis Hotline)
- Virginia State Police | 1207 Norton Road, Wise, VA 24293 | 276-328-0198
- Victim Witness Program | 206 E Main Street #245, Wise, VA 24293 | 276-328-4421
- Wise County Magistrate | 5617 Patriot Drive, Wise, VA 24293 | 276-328-8947