



Student Organization Conduct Process

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

The University of Virginia's College at Wise's Student Organization Conduct Process is adapted from the Dyad Strategies Model Code of Student Organization Conduct and is used here with permission.

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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 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 the 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. Students who are part of recognized student organizations are responsible for having read and abiding by the provisions of the Code of Conduct and the Student Organization Conduct Process documents.

Student organizations that have lost College recognition may still be subject to the provisions in this code. Individual students who are part of student organizations may be held individually accountable for behaviors also attributed to the student organization. Individuals who are part of a student organization may, through their actions, subject the student organization to disciplinary action under the Code of Conduct. The Code of Conduct applies to behaviors on campus, at sponsored events both on and off campus, and may apply to other off-campus behaviors at the discretion of the Chief Conduct Office or their designee when the off-campus conduct affects a College interest. A college interest is defined to include:

- Any situation where the student organization's conduct may present a danger or threat to the health and safety of individuals; and/or
- any situation that significantly infringes upon the rights, property, or achievements of others or significantly breaches the peace and/or causes social disorder; and/or
- any situation that is detrimental to the educational mission or interests of the College

The Student Organization Conduct Process may be applied to behavior online, via email, or other electronic media. It also applies to the guests of the student organization and the student organization may be held accountable for the misconduct of their guests.

There is no time limit for reporting violations, however, the longer the time between the alleged offense and the report, the more difficult it may become for the College to obtain information and witness statements and to make determinations regarding the alleged violations.

DEFINITIONS

Appellate Officer: The person or body designated by the Assistant Dean of Students or designee to hear appeals of findings associated with the primary hearing or any assigned sanctions. The appeal officer must not have been involved in the primary adjudication of the case.

Advisor: A person selected by a responding party to provide guidance during the investigation, hearing, and resolution process. The advisor must be a student, faculty, or staff member at the College; parents and guardians may not be advisors despite their affiliation with the College. Individuals not affiliated with the College may not be advisors. An advisor may not have any other role in the process and cannot participate in, but may attend, meetings, interviews, or hearings. An advisor can assist by taking notes, providing support, helping organize documentation, or consulting directly with the responding student in a way that does not disrupt the process. An advisor whose presence is deemed disruptive, improper, or improperly interfering with the meeting or proceeding will be required to leave.

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.

Impacted Party: An individual who has been directly affected by a reported or alleged violation of the Code of Conduct. An impacted party may also be a reporting party.

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. This refers to events that happen both on and off campus.

Hearing Officer: The person or body assigned by the Assistant Dean of Students to be the deciding body in a case that results in a hearing. The hearing officer will be the decision-maker. The hearing officer may not be the same as the appeal or appellate officer.

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.

Preponderance of Evidence: The standard of proof that applies to student conduct proceedings and decisions. It means what is more likely than not to be true based on the totality of the available information.

Reporting Party: An individual who reports an allegation of misconduct or violation of the Code of Conduct.

Responding Party: Any student or student organization accused of violating the Code of Conduct and/ or College policy.

Student: A new or re-admitted student will be considered enrolled if the following conditions are met: 1) the student is pre-registered for courses in any term (fall, spring or summer); and 2) the student's attendance in at least one class has been verified. After classes begin, students need to 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. Please 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, and Expedition are considered UVA Wise students.

Student Organization: Any group, club, organization, living group, or team that has been recognized by the College as a student group or is in the process of applying for such recognition.

Student Organization Advisor: Refers to the College recognized advisor(s) for a student organization.

Student Organization Representative: The College will generally direct communication to the student on file with the College as the elected/appointed leader of the organization (president, captain, etc). However, the organization may choose any student member to serve as the representative during the Process. If the individual designated is no longer eligible to serve in that role (e.g withdraws from the College, is no longer a member, etc) or if the organization dissolves prior to or during the investigation/hearing process, the College may designate a representative of their choosing.

Written Notice: Delivery of notification of a charge, violation, hearing date, or outcome to a student's official college email.

VIOLATIONS

The behaviors listed in the Code of Conduct are specifically applied to the behaviors of the student organization by virtue of the conduct of the members of the student organization. Student organizations are expected to abide by all College policies and federal, or state laws, and are expected to be accountable for the behavior of the members of the organization. Failure to read or familiarize College policy is not an acceptable reason for violating any policy. As stated, the individual students who are members of the student organization are still subject as individuals to the Code of Conduct and may be held individually accountable for the behaviors also attributed to the organization. The following is 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 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 and Interpersonal Violence Policy

PROCEDURES

Notice to the College

The College may receive notification of an allegation or potential violation of policy in a number of ways, including, but not limited to:

- Filing of a [report](#) with the appropriate College department or official, including self-reporting
- A responsible employee is made aware of or observes any potential violation of policy
- A responsible employee is aware of a climate or culture that may indicate a probability of violations of policy

Self-Reporting and Amnesty

Student organizations leaders and members are encouraged to immediately report any policy violations committed by members of the organization to the Student Affairs office or to Campus Police. A report should provide a detailed description of the events, including names of involved individuals and witnesses, and include any actions taken by the organization. To report to the Student Affairs office [this form](#) can be used or reports can be made in-person to an administrator in the Student Affairs office. Reports involving sexual misconduct or interpersonal violence can be found in the College's Sexual Misconduct & Interpersonal Violence Policy. Reports of this nature will be directed to the Associate Vice Chancellor for Diversity, Equity, and Inclusion, as outlined in the College's Sexual Misconduct & Interpersonal Violence Policy. If information discovered in the investigation suggests the incident was aided, abetted, sanctioned, or organized by the student organization the investigation process will include the student organization, not just the individuals implicated. Actions of members (active or inactive), new members, former members or alumni, guests, contractors, and agents (if acting on behalf of, in the interest of, or as affiliates of the organization) may all be considered in the course of the investigation of a student organization.

An individual does not have to be a member of the College community to file a report under this Process. Reports may be received from other law enforcement agencies, community members, or local officials.

Students who make a complaint under this policy or who participate in the investigation related to this policy will not be charged with other minor policy violations per the Amnesty guidelines provided in the Student Handbook.

REVIEW AND INVESTIGATION

The investigation process is designed to be timely, thorough, and impartial and provide a fair and reliable gathering of the facts. The investigation may include interviews with the reporting party, impacted parties, the responding party, and relevant witnesses. The investigative record is a compilation of the relevant information gathered during the investigation. In the event of a hearing, the investigative record becomes part of the hearing record.

Individuals who decline or fail to participate in a meeting or interview, provide evidence, or suggest witnesses, waive their right to do so upon the issuance of the investigative record or report.

The investigator will gather relevant materials including documents, communications, electronic records, and media as appropriate. The investigator has the discretion to determine the relevance of any requested materials and what materials to seek to obtain.

The investigator may redact information as necessary that would allow witnesses to be personally identified when the investigator determines it necessary. Any exclusions or redactions will be noted and will become part of the investigative record. Excluded or redacted information will not be considered by the hearing officer or body. An investigator is permitted to be the hearing officer for allegations that move to the hearing phase.

In completing the investigation, the investigator may:

- Make contact (if possible) with the individuals who submitted the initial information
- Interview any individuals with relevant information.
- Request relevant information from student organization members (i.e. screenshots/screen recordings of text messages, videos, and pictures) and note whether or not the student organization members were compliant in sharing the requested information.
- Provide relevant information at any point during the investigation to the Assistant Dean of Students (if the investigator is not the Assistant Dean of Students) related to interim measures.
- Require members of the student organization or select members of the student organization to participate in an interview and may restrict communication between student organization members during the interview process.

In cases where it is determined that certain continued operations of a student organization constitute a reasonable threat of harm to individuals, damage to College premises, or disruption to the educational mission of the College, the Chief Conduct Officer or their designee

may issue interim measures up to and including an interim suspension of all student organization activities pending the final decision of the matter. The College may take interim measures at any point during an investigation. Interim measures are designed to eliminate the misconduct, prevent its recurrence, and remedy its effects.

The College will complete the initial investigation in a period of no more than 30 business days, barring any exigent circumstances. In the event exigent circumstances arise that will require a delay beyond 30 business days, the College will notify the student organization of the delay including the reason for the delay and the anticipated timeline for completing the investigation. At the completion of the investigation, a copy of the report will be shared with the student organization representative, the student organization advisor, and any other appropriate parties for review. This report will contain specific language about the violations of the Code of Conduct, College policy, or federal, state, or local law.

This letter will also provide information about a scheduled meeting between the Chief Conduct officer or their designee and the student organization representative, and student organization advisor.

HEARINGS

At this meeting, the student organization representative may choose one of the following options for adjudication:

Informal Resolution

The student organization representative may accept the findings of the investigation and the determinations in the report on behalf of the student organization. If this occurs, the process will move forward with the outcomes presented in this meeting.

Formal Resolution

The student organization representative may not accept the findings of the investigation and the determinations in the report. If this occurs, the student organization representative is agreeing to have the matter resolved either through a hearing. The hearing may either be an administrative hearing or a Student Conduct Board hearing which will be determined at the discretion of the Chief Conduct Officer.

- **Administrative Hearing:** the student organization may have the case heard by a single administrator designated by the College. This administrative process will look similar to the administrative process described in *The Community Standards and Student Conduct System* for individuals.
 - The hearing officer and student organization representative may call and question witnesses as necessary.

- The student organization can submit a statement, in person or in writing, at the hearing and respond to any information provided by witnesses.
- The hearing officer may ask questions of the student organization representative.
- The student organization representative may bring an advisor of their choice. This advisor can, but does not have to be, the advisor of note for the student organization. The advisor may not speak on behalf of the student organization representative, question witnesses, or actively participate in the hearing other than to advise the student organization representative.
- Student Conduct Board Hearing: the student organization may have the case heard by the Student Conduct Board. This process will look similar to the Student Conduct Process described in *The Community Standards and Student Conduct System* for individuals.
 - Introductions of all parties present in the hearing
 - The responding party will be asked to accept responsibility or state they are not responsible for each alleged violation of the Code of Conduct.
 - The available information will be discussed. The reporting party and/or College official serving as the complainant and the responding party will be given the opportunity to call witnesses and each may ask questions of any witnesses.
 - Witnesses, advisors, and the responding party will be dismissed. The Board will meet in closed session to determine responsibility and any resulting sanctions. The Board will use the preponderance of the evidence standard. Decision-making by the Board is done by a simple majority for the finding of responsibility and in the recommendation of sanctions, if applicable.

OUTCOMES

At the conclusion of the resolution process (including the appeal process) if an organization accepts responsibility for the violation(s) or is found responsible for the violation(s) the Chief Conduct Officer may offer an outcome meeting with the student organization representative, the advisor of note for the organization, and other parties as applicable. The outcome meeting will be scheduled within 3 business days of the hearing and can be used to get additional clarification about the outcome or answer any questions about the process.

The Chief Conduct Officer will maintain the outcome letter in the student organization's record for at least seven (7) years. If a student organization loses campus recognition the letter will be maintained indefinitely. If applicable, a copy of the outcome letter may be sent to the international/national governing body or other appropriate organization.

Cases that involve allegations of hazing that were reported to campus authorities or local law enforcement will have their actual findings of violations of the Code of Conduct and other College Policies reported and maintained publicly in compliance with Virginia law.

The Chief Conduct Officer or their designee will oversee the completion of the outcomes. If the student organization misses any deadlines, fails to complete any outcomes, or has subsequent violations, the student organization may be subject to additional disciplinary actions at the discretion of the Assistant Dean of Students.

Any of the following sanctions, or combinations of sanctions, may be imposed for a violation of the College's Student Code of Conduct or College policy. 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.

Sanctions

- a. **Reprimand:** Notice in writing for a more serious or repeated violation of the Code of Conduct. Continuation or repetition of inappropriate conduct may be cause for more severe disciplinary action. A written reprimand may include additional disciplinary restrictions.
- b. **Disciplinary Probation:** Notice that an organization is no longer in good disciplinary standing with the College until the date set forth in the notice. Disciplinary probation is for serious or repetitive misconduct that does not warrant suspension. Disciplinary probation may be imposed with or without additional restrictions. Disciplinary probation is given on a semesterly basis, not normally surpassing two academic years. While on this status, any further violations may result in suspension or loss of recognition. Disciplinary probation may include additional disciplinary restrictions.
- c. **Suspension:** Suspension of recognition with the College after a specific date and for a specified time period, not to exceed five (5) years. During the 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 College or student activities, cosponsoring or funding events, representing of College in leadership positions or eligibility for awards or honors, use of College facilities or equipment, cannot use or request College funding, 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 successfully meet all the requirements for recognition by Student Affairs and the Student Government Association (i.e. the organization must re-charter).
- d. **Loss of Recognition/Separation from the College:** Loss of recognition or separation from the College permanently. The student organization cannot attempt to reapply for recognition under the same name or any other name. Organizations that have permanently lost recognition will be kept on file in the Community Standards and Student Conduct Office indefinitely.
- e. **Disciplinary Restrictions:**

- a. **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 by any other student organization
- b. **Restitution:** Reimbursement for damage to, or misappropriation of, property, damage, or harm to any person or the College. This amount may be up to the cost to replace or repair the item(s), inclusive of the cost of installation. Until restitution is paid, the student organization will be placed on disciplinary probation and will be unable to utilize on-campus spaces or services.
- c. **Community Restitution:** Assigned service hours and/or participation in educational programs or projects 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.
- d. **Loss of privileges:** Restriction or loss of the benefit of use of College equipment, programs, use of facilities, or extracurricular activities. Additional, specific details will be included in the outcome letters.
- e. **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 Dean of Students for Conduct & Responsibility or the Dean of Students.
- f. **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.

If the student organization dissolves or loses recognition as a result of organizational conduct, or attempts to seek recognition under another name the College reserves the right to deny the request for recognition or withdraw the recognition. This conclusion may be based on multiple factors, including but not limited to: overlapping membership, the similarity of purpose, and the time of the dissolution and request for new recognition.

Continued operation of the student organization after suspension or loss of recognition may result in additional violations causing additional hearings or a change in outcomes or restrictions, up to and including an extension of the suspension beyond the original terms.

A student organization that has completed a period of suspension and has met the conditions for return described in their outcome letter which outside extraordinary circumstances will include rechartering with the Student Government Association (SGA) and approval by the Dean of Students Office.

APPEALS PROCESS

All requests for appeal must be submitted by using the [appeal form](#) within five (5) days of the outcome. No person involved in the original review of the case may serve in the review capacity. The Chief Conduct Officer will assign the appeal to an appellate officer in the appellate officer pool.

The grounds for appeal are as follows:

- New information not available at the time of the hearing has become available and may be relevant to the final decision
- Significant deviation from designated procedures that may have had an adverse effect on the outcome
- the hearing officer, investigator(s), or decision maker(s) had a conflict of interest or bias for or against the complainant of the alleged generally or specific complaint or alleged that affected the outcome of the matter.

An appeal is not a rehearing of the case. The organization's appeal may or may not be granted, and the outcome of the appeal will be completed within 10 business days of the initial receipt of the appeal.

The outcome or denial of appeal is final. An appeal that is granted on the above-mentioned grounds is subject to review, collection of new information or further investigation, the remedy of errors in procedure, or other necessary action decided by the appellate officer.

Once an appeal is decided, the decision is final; further appeals are not permitted.

RESOURCE DIRECTORY

On-Campus

- Dean of Students | 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

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