

Contents

History of the College	4
Rights and Responsibilities	5
Overview	5
Rights, Privileges and Immunities	5
Rights and Responsibilities of Citizenship	8
Responsibility of College to Preserve Rights	9
Adoption, Amendment, and Interpretation of this Document	10
Student Life Policies	13
General Policies	13
Address of Record.....	13
Missing Person and Confidential Information Form	13
Discrimination and Harassment	13
Religious Accommodations	14
Campus Policies	14
Public Performances/Use of College Name or College Marks	14
Posters, Banners, Signs, and Decorations	15
Inspection and Search of Buildings, Student Living Quarters, Offices, Lockers or Other Facilities.....	15
Smoking	16
Motor Vehicles, Bicycles and Pedestrians	16
Possession and Use of Motorized Vehicles	16
Possession and Use of Bicycles.....	16
Parking	17
Pedestrians	17
Health Policies	17
Health History and Immunization Record	17
Reportable Diseases	18
Medical and Emotional Emergencies	18
Technology Policies	19
Student Intellectual Property Rights	19
Social Networking Website Policy	19
Web Page Requirements	19
Student Code of Conduct	21
General	21
Introduction	21
Authority of the President	21
Jurisdiction	21
Code of Conduct Policies.....	22
Conduct Affecting Persons.....	22
Attempting or Causing Injury or Unwanted Contact	22
Conduct Infringing on Others.....	22
Disruptive Conduct.....	22
Endangering Health or Safety	23
Harassment or Threats	23
Hazing	23
Sexual Harassment	23
Sexual Misconduct	24
Weapons, Firearms, Fireworks, Explosives, and Combustibles.....	24
Conduct Affecting Property	25
Damage to Personal and/or College Property	25
Fires/Emergency Equipment	25
Possession of Property without Authorization	26
Conduct Affecting the College Community.....	26

Breaching Campus Safety or Security.....	26
Computing Resources.....	26
Failure to Comply with Directions.....	27
Responsibility for Violations of Guests.....	27
Alcohol/ Drug Violations.....	28
Alcoholic Beverage Policy.....	28
Drug Policy.....	29
Amnesty Policy.....	29
Violations of Local, State, or Federal Law.....	29
Administration of Student Life Policies.....	31
I. Basic Policy.....	31
II. Student Conduct Authorities.....	31
Case Administrators.....	31
Student Conduct Council.....	31
Appeals Committee.....	32
Appellate Authority.....	32
III. Student Conduct Procedures.....	32
Complaints of Misconduct.....	32
Information Session.....	33
Adjudication Options.....	33
Procedures for Committee Hearing and Administrative Hearing.....	34
Modified Procedures for Alleged Violations of the Sexual Misconduct Policy, Hazing Policy, or Alleged Crimes of Violence.....	37
Special Procedures for Reports Received After the Last Day of a Semester or During the Summer Session.....	38
IV. General Principles.....	39
Objectivity of hearing authorities.....	39
Confidentiality and closed and open hearings.....	39
Failure to appear for appointments.....	40
Failure to appear for a hearing.....	40
Combined or “joint” hearings.....	40
Multiple charges and same conduct.....	40
Multiple charges and single hearing.....	40
Alleged violations of Honor and Student Conduct codes.....	40
Honesty and cooperation.....	41
Access to hearing records.....	41
Withdrawal during process.....	41
Rules of evidence and “second hand” information.....	41
Separation of witnesses.....	41
Support for Charged Party.....	41
Student or Administrative Counsel.....	42
Silent Supporter.....	42
Presence of Legal Counsel.....	42
Written decisions and findings.....	42
V. Appeals of Student Conduct Actions.....	42
Right of Appeal.....	42
Timeline and Form of Appeal.....	43
Grounds for Appeal.....	43
Procedures for Appeal by Charged Party.....	43
Procedures for Appeal by Reporting Party.....	45
Notification and Access to Record.....	45
VI. Sanctions.....	45
Primary Sanctions.....	46
Secondary Sanctions.....	47
Interim Suspension.....	47
VII. Records of Action Taken.....	47
VIII. Special Regulation for Recognized Student Organizations.....	47
Accountability and Jurisdiction.....	47

Procedures	48
Sanctions	48
Appeals	49
Review and Amendments to the Handbook	49
Honor System	50
Section 1: Background	50
Section 2: Infractions	51
Section 3: Rights and Duties	53
Section 4: Administration	55
Section 5: Policies and Procedures for Code Enforcement	56
Section 6: Sanctions	60
Section 7: Post-Verdict Review and Appeal	61
Section 8: Amendment	62
Section 9: Public Notice	62
Housing Contract	63
College Regulations	63
Checking into a Room	63
Checking out of a Room	64
Contract Period	64
Damage/Loss Charges	65
Eligibility	66
Extermination	66
Furnishings/Fixtures	66
Guests/Visitation	67
Custodial Services/Trash Removal	67
Inspections/Room Entry/Searches	67
Insurance	68
Maintenance	68
Prohibited Items in the Residence Halls	68
Rates	69
Refund/Forfeiture Policies	69
Room Changes	69
Room Damage Deposit	69
Room Reservation Deposit	70
Safety and Security	70
Smoke-Free	72
Storage	72
Vacancies	72
Vacation Periods	72
Additional Provisions	73
Policies	73
Air Conditioning	73
Animals/Pets	74
Appliances	74
Capacity Numbers	74
Decorations Policy	74
Discrimination Clause	75
Lockouts	75
Core Changes	75
Lofts	76
Painting Rooms	77
Quiet Hours	77
Self-Determination	77
Functions of Residence Hall Councils	78

History of the College

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

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

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

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

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

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

Student Rights and Responsibilities

I. OVERVIEW

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

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

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

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

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

II. RIGHTS, PRIVILEGES AND IMMUNITIES

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

- A. **Basic Rights:** Among the basic rights are freedom of expression and belief, freedom of association and peaceful assembly, and freedom from personal force and violence, threats of violence and personal abuse.

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

and the sanctions or penalties to be imposed, including, without limitation, the following specific rights:

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

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

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

kept permanently by the institution and do not become a part of the official record, and may challenge any information included in the record which is believed to be inaccurate, inappropriate, or misleading. If an individual challenges any information contained in his/her records, the institution shall undertake to verify such information to the satisfaction of the individual concerned. Such decisions shall be made by the President or his/her designated representative. If the institution's decision is not satisfactory to the individual, the member has the right to place in his/her record a statement challenging the information. Subsequent authorized disclosure of the contents of the record shall indicate such challenge.

- c. *Political and Religious Beliefs*: Records of the political and religious activities or beliefs of members of the College community may not be maintained except for purposes of official recognition of campus organizations as provided in Article I.C.1.c.
- d. *Separation of Academic Records*: To minimize the risk of improper disclosure from records, the academic record shall be maintained separately from other necessary student records. Transcripts of academic records shall contain only data essential for personal identification and information about academic performance and status. All withdrawals, whether voluntary or involuntary, may be recorded on the transcript.

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

III. RIGHTS AND RESPONSIBILITIES OF CITIZENSHIP

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

- A. **Responsibility to Respect the Rights of Others**: Each member of the College community has a responsibility, based upon the special mission of an institution of higher education, to respect the rights of others to function in an atmosphere where freedom to teach, to learn, and to conduct research and publish findings is preserved and respected, an atmosphere which includes, without limitation, the following specific rights:
 - 1. The right of the instructor to academic freedom and impartial consideration for tenure in accord with the principles set forth in the Statement of Academic Freedom and Tenure, adopted jointly in 1940 by the Association of American Colleges and the American Association of University Professors, and with the standards and procedures approved by the Board of Visitors and set forth in the Faculty Handbook.
 - 2. The right of the instructor to determine the specific content of his/her course within established course definitions. Concurrently, the instructor has the responsibility not to depart significantly from his/her area of competence or to divert significant time to materials extraneous to the subject of the course.
 - 3. The right of the student to be evaluated entirely on the basis of academic performance and to discuss freely, inquire, and express opinions inside the classroom. The student has a responsibility to maintain standards of academic performance as set by his/her professors, provided, however, that the student shall have means for

redress against arbitrary, unreasonable, or prejudicial standards of evaluation.

4. The right to pursue normal academic and administrative activities, including the freedom of movement in the performance of such activities.
5. The right to privacy in offices, laboratories, and residence hall rooms and in the keeping of personal papers and effects.
6. The right to hear and study unpopular and controversial views on intellectual and public issues.
7. The right of the student to expect that information about his/her views, beliefs and political associations which an instructor acquires in the course of his/her work as a teacher, advisor or counselor of the student be held in confidence to the extent permitted by law.

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

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

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

IV. RESPONSIBILITY OF COLLEGE TO PRESERVE RIGHTS

The College, through those who administer its affairs, has a special responsibility to ensure that, in pursuance of its functions, the rights of all members of the College community are preserved, including, without limitation, the rights of such persons heretofore specifically enumerated.

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

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

- B. **Validity of Charges:** The College has the right and responsibility to provide procedures for determining the validity of charges that a member of the College community is negligent or irresponsible in the performance of his/her duties.
- C. **Opportunity to be Heard:** The College has the responsibility to ensure that the members of the College community have an opportunity to be heard at appropriate levels of the decision-making process about basic policy matters of direct concern. Clearly defined means should be available to ensure this opportunity.
- D. **Responsive Leadership and Administrative Procedures:** The College has the responsibility to provide and maintain leadership and administrative procedures responsive to the needs and desires of the College community, consistent with high standards of academic excellence, and to the changing goals and responsibilities of institutions of higher education, including the responsibility:
 1. To make, from time to time, a clear statement of its purpose and goals.
 2. To disseminate information relating to the activities of the College, financial or otherwise, subject to the provisions of the Virginia Freedom of Information Act.
 3. To state the reasons for institutional decisions affecting the College community or individual members thereof, except as required by the provisions of Article I, Section E.2a., or by the advice of legal counsel in instances involving possible litigation.
- E. **Protection of Integrity and Prevention of Exploitation:** The College has the right and responsibility to protect its integrity and to prevent its political or financial exploitation by an individual or group by means including, but not limited to, the following:
 1. The College has a right to prohibit individuals and groups who are not members of the College community from using its name, its finances, or its physical facilities.
 2. The College has a right to prohibit members of the College community from using its name, its finances, or its physical facilities for activities not principally for the benefit of the College.
 3. The College has the responsibility to provide for members of the College community the use of meeting rooms, including use for political purposes, provided that such use is not undertaken on a regular basis and used as free headquarters for political campaigns, and the right to prohibit use of its name, its finances, or its office equipment for any political or other purpose.

V. ADOPTION, AMENDMENT, AND INTERPRETATION OF THIS DOCUMENT

This document shall be adopted and may be amended when:

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

Interpretation Procedure

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

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

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

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

In the Statement of Rights and Responsibilities, it is the responsibility of the President or an ‘appropriate College authority designated by him’ to determine when an exception to a specific section of the Statement should be made. The Statement also provides that members of the College community ‘should enjoy the same fundamental rights and privileges...except in those rare cases where . . . the rights or privileges...would be in conflict...with the goals and purposes of the College as an institution of higher education.’

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

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

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

The Statement of Rights and Responsibilities guarantees to members of the university community the “right in his or her dealing with the institution and with members of the College community in the performance of their official duties to nondiscriminatory treatment.” It further states that “each member of the College community has the right to organize his or her own personal life and behavior insofar as it does not violate local, state, or federal law, College regulations or agreement voluntarily entered into and does not interfere with the rights of others.” It is my determination that these words express a right to privacy which extends not only to nondiscriminatory treatment in areas specified by federal law but to nondiscrimination based on sexual orientation as well. The student code of conduct already ensures nondiscriminatory treatment without regard to sexual orientation. In accordance with the resolution of the Faculty Assembly, I am directing that official publications of the university include specific reference to this topic in any enumeration of William and Mary’s nondiscrimination policies. It is also my interpretation that faculty, staff and administration should be extended the same assurances against discrimination based upon sexual orientation as the student body itself. This interpretation will be made a part of the Statement of Rights and Responsibilities.

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

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

Student Life Policies

Authorities and Agencies

The following are policies and regulations that apply to students and their relationship to the College; the use or management of resources; and rights and expectations provided to students. Some of the policies listed below require action by the student, and failure to comply with the responsibilities placed on students by these policies may result in disciplinary action under the Code of Conduct, specifically “Failure to Comply with Directions” (page 27).

General Policies

Address of Record

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

Missing Person Inquiry and Confidential Contact Information Form

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

Discrimination and Harassment

Federal and state laws prohibit discrimination and/or harassment on the basis of race, gender, and other impermissible criteria. These laws affect students, faculty and staff. Information about a student’s rights under federal anti-discrimination and/or harassment statutes may be obtained from the Director of Equal Opportunity, Hornsby House, 221-2615. The following individuals are also available to receive complaints or to provide information regarding compliance with the conditions set forth in this legislation:

Complaints Against Students

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

Complaints Against Faculty

Carl Strikwerda, Dean, Faculty of Arts & Sciences, Ewell Hall 134,
221-2470

Lawrence Pulley, Dean, Business Administration, Tyler 214, 221-2891

John Wells, Dean, Marine Science, Watermen's Hall 230, (804) 684-7103

Virginia McLaughlin, Dean, School of Education, Hugh Jones 212,
221-2314

Davison M. Douglas, Dean, School of Law, Marshall-Wythe 108,
221-3790

Complaints Against Staff

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

(For student regulations concerning sexual harassment see also p. 23).

Religious Accommodations

The College of William and Mary urges its administrators, faculty members, and staff to be sensitive to the religious holidays of organized religions. All persons should be able to participate in the essential practices of their faith without conflict with academic requirements, as long as such practices are in accordance with state and federal regulations and consistent with safety regulations of the College. The College offers the following guidelines:

1. As soon as possible and no later than the end of the drop/add period, each student has the responsibility to inform his or her instructor of religious observances that are likely to conflict directly with classes and other required academic activities. Each student has the responsibility to arrange his or her course schedule to minimize conflicts. It is understood that when scheduling options exist for religious observances, the student has the responsibility to minimize conflicts.
2. Based upon prior agreement between the instructor and student, a student who misses a class meeting because of a scheduling conflict with religious observances should be allowed, whenever possible, to complete without penalty the work missed because of such absences. A student who is absent from a test or presentation because of the observance of a religious holiday should be able to reschedule it without penalty. Absence from a final examination requires that the examination be rescheduled through the established process for rescheduling of final examinations by the Dean of Students. Graduate students should contact the Dean of the School or his or her designee.
3. If a scheduling conflict with a student's planned absence cannot be resolved between the instructor and the student, undergraduates should inform the Dean of Students who will follow the established procedure for a class absence. Graduate students should contact the Dean of the School or his or her designee.
4. Faculty members and administrators in charge of scheduling campus-wide events should avoid conflicts with religious holidays as much as possible.

Campus Policies

Public Performances/Use of College Name or College Marks

No person or group of persons shall represent the College in a public statement or performance of any kind unless prior written approval has been obtained from the Provost. No person or group of persons shall use the College name or marks unless a written license to do so has been obtained prior to such usage.

Posters, Banners, Signs, and Decorations

1. Recognized student organizations, departments and offices of the College, and members of the College community may place posters on kiosks, bulletin boards and other areas designated by the Office of Student Activities. ("Posters" means signs, advertisements, handbills, announcements, and other flat or one-dimensional information devices.)
2. Posters may be placed on campus bulletin boards provided that:
 - They may not exceed 14 inches by 22 inches in size.
 - They must indicate the date (week) of posting. Posters must be removed at the end of two weeks unless an extension is granted.
 - No advertisement offering paid-for research may be posted on campus.

Banners or posters not satisfying these requirements are subject to removal.

3. Banners and signs in excess of 14 inches by 22 inches in size must be approved for size and form by the Assistant Vice President for Student Affairs prior to hanging and may be hung only in certain designated areas with the following provisions:
 - Banners may be posted for no longer than two weeks unless an extension has been granted by the Assistant Vice President for Student Affairs.
 - Signs and banners hung near entryways must not obscure vision or entry and should be securely fastened. Signs must be constructed of material that can withstand adverse weather conditions.
4. Banners or posters may not be posted or hung on trees, poles, walls, doors, windows, or fences without special permission.

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

Routine inspections may be held for the purpose of assuring fire protection, sanitation, safety, or proper maintenance of the College's buildings and other facilities. Any such inspection, except in the case of emergencies, shall be announced at least 48 hours in advance; and a College staff member shall be asked to accompany the inspector. The student's absence shall not prevent the carrying out of such maintenance or safety inspections.

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

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

Smoking

Consistent with the Virginia Clean Indoor Air Act, the College has identified smoking and non-smoking areas in buildings. Smoking is never permitted in classrooms, in residence halls, elevators, indoor service and cashier lines, and public gathering places such as auditoriums, theaters, and meeting rooms. Failure to adhere to this policy may result in disciplinary charges.

Motor Vehicles, Bicycles and Pedestrians

Possession and Use of Motorized Vehicles

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

1. The student does not reside in College-administered housing, OR
2. The student has completed 54 semester hours and has completed at least four regular (fall and spring) semesters, OR
3. The student resides at the Dillard Complex and has completed the equivalent of two semesters, OR
4. The student is also a classified or hourly employee of the College, is registered for less than five (5) credit hours, and is paid from the Student Work Budget, OR
5. The student, although otherwise ineligible, has obtained special permission (designated as “restricted permission”) through the Transportation Appeals Council. Forms are available at Parking Services, or for students with disabilities, in the Office of the Dean of Students. Permission may be granted upon demonstration that a vehicle is indispensable for employment and for continuance at the College, is necessary to reasonably accommodate a disability, or for other essential College-related needs. A student, who brings a motor vehicle to campus without prior special permission, in anticipation of receiving that permission, is in violation of this regulation. Students who would be eligible for a motor vehicle under this regulation may not register a motor vehicle for another student who would not be eligible.

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

College regulations require that all eligible motor vehicles operated on the campus, including motor scooters, be registered by the third day of classes.

The Traffic Advisory Council recommends and reviews regulations governing registration of vehicles as well as parking and traffic on the College campus. College motor vehicle regulations, procedures, and penalties are set forth in the pamphlet, *Motor Vehicle Regulations*. The operation of a motor vehicle on the College campus constitutes implied consent for College parking and traffic violations to be handled through informal disciplinary procedures with final written appeals to the Transportation Appeals Council.

Possession and Use of Bicycles

All students are required to register their bicycles with Campus Police. Bicycle registration is free, takes only a few minutes, and can be done 24 hours a day at the Campus Police station. Bicycles must be parked in bicycle racks and should always be locked, even when left for a short period, to reduce the potential for theft. Bicycles found in violation of the registration or parking policies (e.g., locked to stairways or handicap ramps) are subject to being ticketed and immediately impounded at the owner’s expense. Bicycles may not be kept in buildings when school is in session; however, students may store their bicycles in their residence hall rooms during breaks in the school year.

Bicycles may not be parked on campus grounds during the two-week break between graduation and the start of summer school. All bikes parked on campus during this period will be impounded as abandoned and are subject to being sold after a mandated storage period. A storage fee may be assessed for those bikes claimed, and proof of ownership may be required to reclaim a bike. Students who will be returning for summer school after the two-week break may park their bicycles at the Campus Police Department for a period of 21 days. All bicyclists are required to operate their bicycles in accordance with the same law that pertains to motor vehicle operation. If a bicycle is operated at night, it must be equipped with a light on the front and a reflector on the rear.

Parking

Students must park motorized vehicles in those areas designated for student parking. Motorized vehicles, such as motor scooters or motorcycles, may not be parked in College residences. Bicycles must be parked only in designated areas. In addition, the Campus Police reserve the right to remove motorized vehicles and bicycles which are in violation of this regulation; even if such removal requires that the chain or lock used to secure the vehicle is destroyed. Vehicles and bicycles may not be parked on or locked to building ramps. Vehicles impounded may be recovered through the Campus Police Office.

Under no circumstances is the College responsible for any loss of or damage to vehicles. Students assume the risk thereof and must take appropriate steps to protect their property while on campus.

For more detailed information, students should refer to the pamphlet Motor Vehicle Regulations, available at Parking Services.

Pedestrians

Pedestrians have the right-of-way over motor vehicles when crossing streets in crosswalks when exercising due care to insure they are not placing themselves or others in danger. However, jaywalking by pedestrians is not permitted. Jaywalking includes standing, walking, or running in any street which is paralleled by an unobstructed sidewalk other than when crossing the street; and standing, walking, or running in any street in careless or reckless disregard of traffic or of one's own personal safety or in a manner which interferes with the flow of traffic. Where there is no sidewalk, pedestrians should walk on the side of the road facing oncoming traffic.

For information regarding:

- Use of Campus Facilities;
 - Performances, Speakers, and Other Events;
 - Public Speech, Demonstrations, Rallies, and other Public Assemblies;
 - Distribution of Fliers and other Literature;
 - Soliciting and Fund-Raising and Distribution of Goods,
- see the College policy on access to campus and use of facilities available on the Dean of Students website (www.wm.edu/deanofstudents).

Health Policies

Health History and Immunization Record

Virginia State law requires all full-time students enrolling for the first time in a four-year public institution to provide a health history and an official immunization record. The College of William & Mary further requires ALL full-time students (including previously matriculated students) as well as any other student eligible for services as determined by their department to

provide documentation of meeting the same immunization requirements AND a physician documented medical history performed within the twelve months preceding his/her initial enrollment. This form will not be accepted if the physician completing and signing the form is a family member. Previously enrolled students entering a new program as full-time students after an absence from campus of greater than three years must submit a new history and physician documented medical history. If the absence is greater than 10 years, then the immunization requirements will need to be revalidated. This information MUST be submitted on William & Mary's Health Evaluation Form. Students who do not fully comply with these requirements will be referred to the Dean of Students for disciplinary action, have a hold place preventing them from registering for classes or receiving a transcript, denied non-urgent medical care at the Student Health Center, and may be evicted from the residence halls and/or removed from campus (depending on the medical issue).

Reportable Diseases

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

Medical and Emotional Emergencies

The College has a medical/emotional emergency procedure which will be put into effect should a student attempt suicide, make a threat or gesture of suicide, harm or attempt to harm him or herself or others, or undergo severe emotional or psychological distress. Anyone with knowledge of such circumstances should contact the Dean of Students, 221-2510; Residence Life Staff, 221-4314; or Campus Police, 221-4596 to alert the counselor on call.

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

When the College medical/emotional emergency procedures are initiated, a student may not attend classes or activities or return to a residence hall until he or she has been given clearance to do so by the Dean of Students or a designee or the Vice President of Student Affairs or designee. Failure to comply with the provisions of the College medical/emotional emergency procedure may result in disciplinary action through the Code of Conduct. A complete summary of the Medical and Emotional Emergencies Protocol may be obtained from the Office of the Dean of Students.

Technology Policies

Student Intellectual Property Rights

The Commonwealth of Virginia requires that all State colleges and university have patent and copyright policies. These policies define the ownership of patents and copyrights, collectively “intellectual property (IP),” created by State university employees and students. For the purposes of this policy, a student is defined as a person enrolled in courses at the College.

Students can act in two capacities: as students, or as employees. When acting as employees, students can be agents of either the College or an individual College employee (their “principal”). When they act in the capacity of students, they own the IP rights to the contributions to works and inventions accords with the rules of the policy that would apply if their principal had created the works and inventions (for specific examples of how the policy would apply under different circumstances see <http://www.wm.edu/ip/index.php>).

Students who believe the College may own Intellectual Property they have developed must report it by submitting an invention disclosure form found on the website noted above. When the College does not own the intellectual property, the creator of intellectual property has two options:

1. To pursue investment in the intellectual property without the involvement of the College and retain all revenues received; or
2. To seek assistance from the College in finding a commercial licensing partner and share any revenues received.

If the creator desires to seek assistance from the College, the process will be initiated by the submission of a disclosure form completed by the creator to the College. The disclosure form will be accompanied by a written petition to the College requesting assistance in finding a commercial licensing partner. If more than one individual participated in the creation and/or development of the invention or work, the disclosure form will list and be signed by all of the creators. (For additional information contact the Office of Technology Transfer, ext. 1-1751.)

Social Networking Website Policy

Social networking websites such as Facebook.com and MySpace.com are popular means of communication among college students. These sites are considered part of the public domain, and students are encouraged to use them wisely with full knowledge that anything they post may be viewed by the public. The College does not generally monitor these sites for the purpose of finding violations. However, it may consider and investigate any information that is brought to the College’s attention.

Web Page Requirements - Using the College of William and Mary Student Web as a Conduit for Student Web Pages

The College of William and Mary is pleased to offer students an opportunity to post material on the Internet. Developing materials for the Internet is a significant learning opportunity which will help students prepare for the use of technology. Access is also provided in order that students may contribute to the continued operation and development of the Internet as an educational resource. The following requirements attach to the exercise of this privilege:

1. The College has established a computer server on which students and student organizations are extended the privilege of posting pages that (1)

are consistent with the public, non-profit educational mission of the College, (2) meet the technical specifications of the system, and (3) are in compliance with all applicable College regulations and state and federal laws, including those prohibiting obscenity, defamation, or copyright infringement.

The posting of obscene materials is unlawful and users are specifically cautioned against linking to sites that contain such materials, even if the site has other useful content.

The College is a non-commercial user of the Web and student use of the Web through the conduit of the College's Web site must remain non-commercial. No money-making activity may be conducted through the use of the College's Web site.

The College is not responsible or liable for material in violation of these requirements or applicable laws. Students and student organizations are responsible for the content of their postings and for ascertaining the copyright status and obtaining all necessary permissions or licenses for any material used.

2. By posting materials to the Web, students and an officer of each student organization must acknowledge their acceptance of these requirements.
3. Student pages will be linked to the College of William and Mary site through <http://people.wm.edu>. Pages posted at people.wm.edu express the views and opinions of only the page author and have not been reviewed or approved by the College of William and Mary.
4. The terms and conditions governing use of the College's Web site are based on the College policies noted in the Student Handbook which include, but are not limited to, the Honor Code, prohibitions against harassment, violations of law, responsible computer use, and sanctions for failure to comply with College and legal requirements.
5. At the discretion of the instructor and with the instructor's approval, student material produced as a result of class assignments or during independent studies may be posted within a course web site.
6. For more information on how to develop Web pages, go to <http://www.wm.edu/IT>.

Student Code of Conduct

General

Introduction

The achievement of the educational purposes of the College is a responsibility shared by all members of the College community. While the Board of Visitors, the President, and the administrative officers bear the ultimate responsibility and authority, a direct responsibility rests also on students and faculty to maintain on the campus, in the classrooms, and in the residence halls the environment necessary for the pursuit of scholarly activities, respect for the rights of others, and the opportunity for personal growth and development. In the formulation and administration of rules of conduct, students express their responsibility by participation in student government, in Residence Hall Councils, in the Student Conduct Council, and in the Honor Council.

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

Authority of the President

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

Jurisdiction

All students and student organizations are expected to maintain a high standard of conduct both on and off campus. Students and student organizations that violate College rules or regulations are subject to discipline. In general, College discipline shall be limited to conduct which occurs on College property, including adjacent streets and sidewalks, on property owned or controlled by the College, during College sponsored activities, or when the conduct adversely affects the College community or its members.

Questions of jurisdiction shall be decided by the Vice President for Student Affairs or his designee. "Student" means a person currently enrolled at the College, or a person who is accepted for admission or re-admission to the College, or a person who has been enrolled at the College and is eligible to continue enrollment or apply for re-enrollment. "Student Organization" means any group of students that is recognized by the College through the procedures established by the Office of Student Activities.

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

Code of Conduct Policies

The following policies and regulations are specific applications of College General Policy and of public statutes with particular relevance for students and are customarily adjudicated under the College's disciplinary system. This is not an exhaustive list either of College regulations or of applicable local, state, and federal law.

Alcoholic Beverage Policy	28
Attempting or Causing Injury or Unwanted Contact	22
Breaching Campus Safety or Security	26
Computing Resources	26
Conduct Infringing on Others	22
Damage to Personal and/or College Property	25
Disruptive Conduct	22
Drugs	29
Endangering Health or Safety	23
Failure to Comply with Directions	27
Fires/Emergency Equipment	25
Harassment or Threats	23
Hazing	23
Knowingly Abusing a Position of Trust or Responsibility	28
Possession of Property without Authorization	26
Responsibility for Guests	28
Sexual Harassment	23
Sexual Misconduct	24
Violations of Local, State, or Federal Law	30
Weapons, Firearms, Fireworks, Explosives, and Combustibles	24

Conduct Affecting Persons

Attempting or Causing Injury or Unwanted Contact

Attempting to cause or actually causing injury to an individual is prohibited. Causing physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative is prohibited.

Conduct Infringing on Others

Conduct which infringes upon the rights of other individuals is prohibited. Such conduct includes, but is not limited to public drunkenness, public urination, obscenity, nudity, and sexual activity in public places. All pranks and careless or irresponsible behaviors which cause or have the potential for causing personal injuries or damage to College or personal property are unacceptable.

Disruptive Conduct

No member of the College community, students included, may disrupt the normal living and work environments of other members of the College community or the functions or activities of the College (as well as activities conducted on the College's property with its permission).

Some examples of disruptive conduct are: blocking entrances, corridors or exits; unauthorized presence in a building after normal closing hours or after notice the building is being closed; interfering with ongoing educational activities, cultural events, or recreational, extracurricular or athletic programs; interfering with the traffic control of vehicles or pedestrians; interfering with any other effort to protect the health and safety of members of the College community or larger public; failure to comply with a request to move on, leave an area, or stop a course of conduct when the request is made by staff or faculty member of the College, a law enforcement officer or fire fighter in the reasonable and good faith belief that compliance with the request is necessary

for health and safety reasons or to protect College activities and functions; and failure to comply with a curfew imposed by the President to protect the campus health and safety or its property.

Endangering Health or Safety

Conduct which endangers or has the reasonable potential to endanger the health or safety of the student, other members of the College community, or visitors is prohibited.

Harassment or Threats

Personally harassing or threatening another person, including racial or sexual harassment or threats, is prohibited (see below for the College definition of sexual harassment). Conduct that is sufficiently severe, persistent or pervasive enough so as to threaten an individual or limit the ability of an individual to work, study, or participate in the activities of the College is prohibited.

Prohibited conduct also includes, but is not limited to:

- stalking (repeated conduct directed toward another person including following that person or acts that harass that person);
- contacting witnesses or any other party to an incident to intimidate them or to get them to change their testimony; and
- making unwanted obscene, abusive or repetitive telephone calls, telephone messages, electronic mail, instant messages using electronic mail programs, or similar communications with intent to harass.

Hazing

Hazing is any action taken or situation created intentionally, whether on campus or off, by either an individual or a group that causes or is reasonably likely to cause injury, harassment or public humiliation or ridicule of another. It includes any act that endangers the mental or physical health or safety of a student, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. Tradition, intent of such acts, or consent or cooperation of any party will not suffice as a justifiable reason for participation in such acts. Hazing is prohibited.

The Code of Virginia (Section 18.2-56) addresses hazing, which it identifies as a Class I misdemeanor. Guidelines have been established pursuant to Section 23-9.2:3(A) (4) of the Code of Virginia, which outline in detail the College's position and expectations regarding hazing and specific activities that are considered hazing. Copies of these guidelines titled "College of William and Mary Statement on Hazing," are available from the Office of Student Activities located in the Campus Center, Room 203.

Sexual Harassment

Sexual harassment is prohibited at The College of William and Mary and in its programs, activities, and functions. For the purpose of College policy, sexual harassment is defined as unwelcome 1) sexual advances, or 2) requests for sexual favors, or 3) other behavior of a sexual nature where:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or participation in a College sponsored program or activity, or
- Submission to or rejection of such conduct by an individual is or may be used as the basis for academic, employment or other College decision affecting that individual, or
- Such conduct unreasonably interferes with an individual's academic and/or work performance, participation in College sponsored programs or activities, or creates an intimidating, hostile or offensive working, educational, or residential environment provided by the College.

Conduct alleged to be sexual harassment will be evaluated by considering the totality of the particular circumstances, including the nature, frequency, intensity, location, context and duration of the questioned behavior. Unwelcome conduct of a sexual nature can form the basis of a sexual harassment claim if a reasonable person, similarly situated, would consider it so unreasonable, severe or pervasive as to interfere with academic, educational, or employment performance or participation in a College program or activity or residential environment.

Sexual harassment can occur when one person has power or authority over another; however, it may also occur between individuals of equal status or rank within the College. Sexual harassment may occur between males and females and between persons of the same sex. Harassment between individuals of different genders does not constitute sexual harassment where the difference in gender is the sole reason for the complainant's identifying the conduct as "sexual in nature."

It is a violation of College policy for any member of the College community to make an intentionally false accusation of sexual harassment. Students, faculty, staff or guests who believe that they have been subjected to harassment by a student at the College should follow the procedures beginning on page 13. Members of the College community who believe that they have been subjected to harassment by a member of the faculty (instructional, administrative or professional) or classified employee should refer to page 14 or contact the Director of Equal Opportunity at (757) 221-2615.

Sexual Misconduct

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

Sexual contact without the person's consent includes, but is not limited to, any intentional touching, either directly or through the clothing, of the person's genitals, breasts, thighs, or buttocks. It also includes touching or fondling of a person when the party is forced to do so against his or her will. Violation of this section is punishable under College policy by sanctions ranging from probation to dismissal.

Sodomy, object penetration, or sexual intercourse without consent (whether by acquaintance or stranger), is prohibited and is punishable under College policy by either indefinite suspension or permanent dismissal.

Because of the serious nature of acts of sexual misconduct, the student conduct procedures have been modified to insure that such cases are pursued with sensitivity as well as fairness. See p. 37 for information about these procedures. College regulations specifically prohibit the harassment, abuse, threat or intimidation of any witnesses or party to an incident (see Harassment, page 23). As a matter of policy, the institution encourages the reporting party in these cases to also pursue appropriate remedies in the state judicial system.

Weapons, Firearms, Fireworks, Explosives, and Combustibles

Weapons, firearms, fireworks, and explosives are prohibited on campus. Gasoline (other than that used legally in motor vehicles) and all other combustible liquids are also prohibited. The possession of fireworks or the exploding of fireworks in the residence halls or elsewhere on the campus is prohibited.

Toy, counterfeit, replica, or blank-firing firearms or other weapons are prohibited on campus. Pellet, paint, and bb guns are also prohibited. The College reserves the right to confiscate weapons, fireworks, and any instruments, toys, or other things which reasonably appear to be weapons or other prohibited items listed above, to hold those items for appropriate disposition, and to refer the possessor for disciplinary action.

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

Self-Defense Items

Mace, pepper spray, and other such items are intended for self-defense purposes. Use in other ways would constitute a violation of College regulations.

Conduct Affecting Property

Damage to Personal and/or College Property

No student shall attempt to or actually misuse, damage, or destroy any property of the College or another.

Fires/Emergency Equipment

Fire represents a danger to the William and Mary community. As such, students are expected to abide by regulations designed to prevent fires on the College’s property.

1. Under no circumstances may fires be ignited in student rooms.
2. Fires may not be started in campus buildings or elsewhere on the campus unless they are confined to fireplaces approved by the College’s Fire Safety Officer. This prohibition shall include burning of personal or organizational property.
3. Fires in the College woods are prohibited except when a special permit has been granted.
4. No student shall intentionally cause a fire through negligence or careless or irresponsible behavior.
5. Tampering with fire safety equipment or alarm systems is also prohibited. (See Housing Contract, page 63)
6. Entering or failing to evacuate a building when a fire drill is conducted or when an alarm is sounded is prohibited.
7. For reasons of safety, any fire equipment is to be used only for the purposes intended in its installation. Any tampering with fire extinguishers, fire alarm systems, smoke detectors or other fire equipment is a violation of this regulation.
8. In addition, tampering with or damaging emergency or safety equipment including emergency telephones or safety lights is a violation.
9. Falsely summoning emergency help, including non-emergent use of the College’s fire alarm, is a violation.

Violation of this regulation may result in the removal of the student from College housing in addition to other sanctions.

Possession of Property without Authorization

Possession of the property of another, of the College or of another institution without proper authorization is a violation of this policy.

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

Conduct Affecting the College Community

Breaching Campus Safety or Security

Behavior that breaches or has the reasonable likelihood of breaching campus safety or security is prohibited. Such behavior includes but is not limited to the following:

- unauthorized access to College facilities;
- intentionally damaging door locks;
- unauthorized possession of College keys or access cards;
- duplicating College keys or access cards; or
- propping open of residence hall exterior doors.

For reasons of safety and security, all roofs (except those with specifically approved sun decks or work-study areas), balconies, porches, window ledges, mechanical equipment areas, and steam tunnels of College buildings are closed to all but authorized employees.

Computing Resources (Also See Web Page Requirements, page 19);

The following activities are prohibited:

- Transmitting unsolicited messages that constitute obscenity, harassment or threats (as defined in the Student Code of Conduct, page 23);
- Communicating any information concerning any password, identifying code, personal identification number or other confidential information without the permission of the controlling authority of the computer facility to which it belongs;
- Gaining or attempting to gain unauthorized access to, or making unauthorized use of, a computer facility or software. This includes creating, copying, modifying, executing or retransmitting any computer program or instructions with the intent to gain unauthorized access to, or make unauthorized use, of a computer facility or software.
- Creating, copying, modifying, executing or retransmitting any computer program or instructions intended to obscure the true identity of the sender of electronic mail or electronic messages, collectively referred to as “messages,” including, but not limited to, forgery of messages and/or alteration of system and/or user data used to identify the sender of messages;
- Accessing or intentionally destroying software in a computer facility without the permission of the owner of such software or the controlling authority of the facility;
- Making unauthorized copies of licensed software;
- Communicating any credit card number or other financial account number, or any social security number without the permission of its owner;
- Effecting or receiving unauthorized electronic transfer of funds;
- Using the computer facilities in a manner inconsistent with the College’s license agreements or contractual obligations to suppliers or with any published College policy; Using College information systems for commercial gain;
- Illegally using copyrighted software and materials, storing such materials on College information systems, or transmitting such materials over William and Mary network facilities;

- Knowingly engaging in any activity harmful to the College's information systems (e.g., creating or propagating viruses, overloading networks with excessive data, instituting or promulgating chain letters, or instigating unauthorized mass postings of any type);
- Circumventing or subverting any College system or network security measures (see www.wm.edu/IT).

Policy Violation Response

Depending on the nature and severity of the violation, the College may take one or more of the disciplinary actions listed under Administration of Student Life Policies, Section VI. The College may also temporarily deny access to the server and/or may refer the case to the appropriate local, state or federal authority for further disposition. An attempt to violate policy will be considered the same as an actual policy violation. An "attempt" is any act beyond mere preparation carried out with the intent to engage in conduct that is in violation of College policies.

Privacy of Data

Data kept on College servers will not be searched by College authorities for violation of College rules and regulations unless there is a reason to believe that a student is using the College's computer resources in a manner that violates College rules and regulations and unless written authorization to conduct a search of such data has been issued and signed by the Vice President for Student Affairs. Such written authorization shall state the source of the information, the violation, the material to be searched and the name(s) of the person(s) authorized to conduct the search. The foregoing does not apply to searches conducted by local or Campus Police. All such searches are governed by the Code of Virginia.

Failure to Comply with Directions

Failure to comply with a request made by an appropriate College official who identifies him/herself and acts in the reasonable and good faith belief that compliance with the request is necessary for the safety and welfare of the person or persons or others, or to prevent the disruption of any lawful activity carried on by the College, or conducted under the auspices of, or with the permission of, the College on property under the control of the College, constitutes a violation of College regulations for which sanctions ranging from warning to dismissal may be imposed. Such lawful activities include, but are not restricted to, the conduct of classes, laboratories, cultural events, and recreational, extracurricular, and athletic programs; the maintenance and protection of College property and of the property of members of the College community and their guests; the maintenance of vehicular and pedestrian traffic on campus; and the performance of assigned duties by members of the faculty and the staff.

Failure to comply with directions or prohibitions published in the Student Handbook or the William and Mary News, or by the authorized posting of signs, constitutes violation of this regulation. Failing to comply with proper and authorized written instructions from College officials or any published College policies also constitutes a violation of this regulation. In addition, refusal without good cause to appear, testify, or remain when requested before a College Panel or Board Hearing, the Honor Council or any person connected with the disciplinary or honor processes constitutes a violation of this regulation.

Refusal or intentional failure on the part of a student to give identity in situations involving alleged violations of Federal or State law or College

regulations upon the request of a Campus Police officer or other College officials who identify themselves as such is also a violation of this regulation.

Knowingly Abusing a Position of Trust or Responsibility with the College

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

Responsibility for Violations of Guests

All guests are expected to abide by College regulations. Students are responsible for the behavior of their guests and may therefore receive sanctions from warning to dismissal for violations committed by their guests. The student's responsibility also includes restitution for damage to College facilities or other restitution which is necessary.

Alcohol/ Drug Violations

Alcoholic Beverage Policy

The College is interested in the health, safety, and well-being of every member of the community and insists that those who choose to use alcoholic beverages do so in a responsible and legal fashion. College policies are designed to allow responsible use of alcohol by those of legal age. Students are expected to observe all applicable laws and College policies related to purchase, possession, and consumption of alcoholic beverages. Violations of applicable laws and/or College policies pertaining to alcohol subject students and organizations to College disciplinary action and legal penalties.

Through this policy, the College seeks to decrease drinking that poses a high risk of physical, mental, or emotional harm. In the short term, high-risk drinking involves over consumption at one event until one no longer has physical or mental control over oneself. Long-term high-risk drinking is a pattern of behavior where alcohol begins to affect various facets of one's life, including academics, social relationships, and health and personal safety. These types of drinking do not simply affect the drinker but hurt the College community as a whole.

The following general provisions apply to individual possession or use of alcoholic beverages on College property, on property owned or controlled by the College, and at College sponsored events:

1. No person who is less than 21 years of age may purchase, possess, or consume any type of alcoholic beverage.
2. No person may be in a public area in an intoxicated condition.
3. No person may possess an open container of alcohol in a public area, including, but not limited to, hallways, stairwells, and other common areas of residential facilities.
4. No person may provide alcohol to any person who is less than 21 years of age.
5. No person may bring any type of alcoholic beverage into an Alcoholic Beverage Control licensed facility or area, and no person may take alcoholic beverages out of an Alcoholic Beverage Control licensed facility or area.
6. No person who appears to be intoxicated or is intoxicated may be sold or served alcoholic beverages.

7. No person may drive a vehicle under the influence of alcohol or with a blood alcohol level (as shown by a lawfully administered blood or breath test) in excess of that permitted for drivers by Virginia law.
8. No person shall participate in progressive drinking parties.

The following additional provisions also apply to possession or consumption of alcoholic beverages in College residential facilities:

1. Alcohol is not permitted in any individual room in a freshman residence hall unless one of the residents is at least 21 years of age and the alcohol belongs to that resident. Further, alcohol is not permitted in the public areas of freshman residences nor may functions with alcohol be scheduled in freshman residence halls.
2. Empty alcohol containers in residence hall facilities may constitute evidence of alcohol consumption or possession, and may, therefore, be subject to inspection and seizure, and residents may be subject to disciplinary action.
3. Any person who desires to host and have alcohol available at an event in his or her private residence hall room, apartment or lodge must register the event with the Office of Student Activities if the number of individuals present is more than eight over the room, apartment, or lodge occupancy. This means that if it is likely that more than eight people in addition to the number of residents of the room, apartment or lodge will be present, approval for the event must be obtained. At no time may the maximum capacity restrictions of the room, apartment or lodge be exceeded.
4. Common containers of alcohol, including but not limited to, kegs, pony kegs, beer balls, box wines and containers greater than 750 ml., and mixed alcoholic punch are prohibited in any residential facility, whether the containers are empty or full. Special permission may be granted for the use of common container alcohol at special functions approved by the Office of Student Activities.

For “Events Where Alcoholic Beverages are Served” please see Appendix I.

Drug Policy

In accordance with federal and state statutes, the manufacturing, distribution, possession, and use of drugs and/or drug paraphernalia are prohibited. For the purpose of these regulations, drugs include any controlled substance, including marijuana, cocaine, amphetamines, ecstasy, LSD compounds, mescaline, psilocybin (psychedelic mushrooms), DMT, narcotics, opiates, and other hallucinogens, except when taken under and pursuant to a physician’s prescription in accordance with law. The sanctions for manufacturing or providing drugs shall range from suspension to dismissal from the College. The sanctions for possession or use of drugs shall ordinarily range from probation to dismissal from the College. Loss of housing is a typical sanction for drug use in College residences. (See also page 85)

Amnesty from Student Code of Conduct Sanctions in Cases Where Medical Attention is Sought:

Student health and safety are of primary concern at the College of William and Mary. As such, in cases of extreme intoxication as a result of alcohol or other substances, the College encourages individuals to seek medical assistance for themselves or others. If an individual seeks medical attention due to a concern for health or safety as a result of consumption, the Dean of Students Office will not pursue student conduct sanctions against the student for violations of the Alcohol Beverage Policy or Drug Policy of the Code of Conduct. Additionally,

those students who assist in obtaining medical attention for individuals who are intoxicated will not receive sanctions for violations of the Alcohol Beverage Policy or possession of drugs under the Drug Policy of the Code of Conduct. This policy does not grant amnesty to possession with intent to distribute drugs.

In lieu of sanctions under the Student Code of Conduct, the intoxicated student, as well as the referring student(s), will be required to meet with a member of the Dean of Students staff who may issue educational requirements that may include, but are not limited to, alcohol and/or drug education, counseling, and/or a substance abuse assessment. Serious or repeated incidents will prompt a higher degree of concern/response. Failure to complete educational assignments or treatment recommendations issued under this policy normally will result in disciplinary action. The student will be responsible for any costs associated with drug or alcohol education interventions.

The Medical Amnesty Policy does not preclude sanctions due to any other violations of the Code of Conduct (not related to the Alcohol Beverage Policy or Drug Policy). Likewise, the Medical Amnesty Policy does not prevent action by police or other law enforcement personnel.

Application to Student Organizations:

In circumstances where an organization is found to be hosting an event where medical assistance is sought for an intoxicated guest, the organization (depending upon the circumstances) may be held responsible for violations of the Alcohol Policy or Drug Policy. However, the organization's willingness to seek medical assistance for a member or guest will be viewed as a mitigating factor in determining a sanction for any violations of the Alcohol Policy or Drug Policy.

Violations of Local, State, or Federal Law

Violations of local, state, or federal law may also constitute violation of College regulations. Further, conduct leading to arrest, indictment, or conviction for violation of local, state, or federal law may also result in disciplinary action by the College if the President, or his designee, determines that such disciplinary action is necessary for the protection of other members of the College community, for the safeguarding of the educational community, to prevent the disruption of any lawful activity carried on by the College, or conducted under the auspices of, or with the permission of, the College on property under the control of the College. Such activities include, but are not restricted to the conduct of classes, laboratories, cultural events, and recreational, extracurricular, and athletic programs; the maintenance and protection of College property and of the property of members of the College community and their guests; the maintenance of vehicular and pedestrian traffic on campus; and the performance of assigned duties by members of the faculty and staff.

In the event that the President or his designee determines that disciplinary action is necessary for the reasons stated above, the case may be referred for action through the College discipline process, and, if the student is found responsible, a sanction ranging from warning to dismissal may be imposed.

The College reserves the right and responsibility to initiate its own disciplinary proceedings without awaiting court action or the conclusion thereof.

Administration of Student Life Policies

I. Basic Policy

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

II. Student Conduct Authorities

A. Case Administrators

Upon receipt of a complaint of misconduct, the Associate Dean of Students for Student Conduct or designee will assign to a staff member from the Division of Student Affairs the primary responsibility for the investigation and resolution of the complaint. The staff member will hereafter be referred to as the "case administrator." Case administrators include, but are not limited to, the Dean of Students, the Associate Dean of Students, and Area Directors.

B. Student Conduct Council

- 1) **Composition.** The Student Conduct Council is a committee of student, faculty, and administrative members constituted as follows:
 - (a) Undergraduate Students - 15 students (six seniors, five juniors, and four sophomores) selected on an annual basis. Each year the Dean of Students office will coordinate an application/selection process. A committee consisting of the Student Assembly Vice President, the Associate Dean of Students or designee, a faculty member who has served as a member of the Student Conduct Council (all three serving as ex-officio, non-voting members), along with two students who have been Student Conduct Council members, and two Undergraduate Council members will select Student Conduct Council nominees. The Student Assembly Vice President may vote in the event of a tie among the other voting members. Any student who is currently on disciplinary or honor probation or who has previously been suspended or dismissed from the College for non-academic reasons is ineligible for membership on the Council. Undergraduate students may not serve concurrently on Honor Council and Student Conduct Council.
 - (b) Graduate Students - 15 students (three from each of the five graduate schools) selected on an annual basis by a process determined by each of the graduate student governing bodies.
 - (c) Faculty - Eight full-time members of the faculty appointed on an annual basis by the Provost of the College. At least one faculty member will be appointed from each of the five graduate schools.
 - (d) Administrative Staff - Four members of the administrative staff appointed on an annual basis by the Vice President for Student Affairs.

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

C. Appeals Committee

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

D. Appellate Authority

- 1) **Composition.** The Provost or his/her designee.
- 2) **Duties.** The Provost or his/her designee shall serve as the final authority for appeal review.

III. Student Conduct Procedures

A. Complaints of Misconduct

- 1) A complaint of misconduct alleging that a violation of College regulations has occurred may be made against a student or a student organization by a fellow student, by a member of the faculty, administration, or support staff, by a visitor or a guest to the campus community, or by a member of the local community.
- 2) Complaints of misconduct must be in writing and shall be filed with a member of the Campus Police, Residence Life Staff, the Office of the Dean of Students, or, in the case of a complaint against a student organization, the Office of Student Activities. The Campus/Community Incident report form may be downloaded from the Dean of Students website at <http://www.wm.edu/deanofstudents>.
- 3) Complaints should be submitted as soon as possible after the alleged violation of College regulations. If an alleged violation is not reported within four months of the time it becomes known by the complainant, it may be considered untimely unless the appropriate Student Affairs administrator concludes that there has been good cause for the delay and that it is still feasible to hold a fair hearing.

- 4) When a written complaint of misconduct is received, the appropriate Student Affairs administrator shall determine if the alleged violation is unfounded or frivolous. Such allegations shall be dismissed.

B. Information Session

- 1) If the allegation is not dismissed, the student or official representative of the student organization shall be directed to appear for an information session with a case administrator. The information session is an opportunity for the student to receive information about the conduct process, including options for adjudication, and to discuss the report with the case administrator and respond on his or her behalf, or on behalf of a student organization, although a student is not required to make any statement.
- 2) After the information session and any appropriate investigation, the case administrator may dismiss the complaint if unfounded.
- 3) If a student fails to appear at the information session after being properly notified, the case administrator may further investigate and dismiss the complaint if unfounded, place a hold on the student's records (which prevents a student from registering or engaging in other transactions with the College), or prepare written charges and notify the student or representative of the student organization (hereafter referred to as the "charged party") that he is required to appear for a hearing.

C. Adjudication Options

- 1) If a case of alleged misconduct is not dismissed after the information session, the student or student organization, through its official representative, may elect to resolve the case through one of the following three options:
 - (a) **Informal Resolution:** If the student or student organization chooses not to dispute the facts and executes a written waiver of a hearing, the case will be resolved informally and the case administrator shall assess a sanction and appropriately inform the student.
 - (b) **Administrative Hearing:** The student or student organization may elect to resolve the case through a hearing with the case administrator.
 - (c) **Committee Hearing:** The student or student organization may elect to resolve the case through a committee hearing.

If the case administrator determines that a case cannot be resolved through an informal process, the case administrator can mandate that a hearing take place. The type of hearing will still be the choice of the student or student organization (except in cases of Sexual Misconduct- see also Modified Hearing Procedures for Alleged Violations of Sexual Misconduct Policy, Section III.E.)

- 2) **Timeline.** The student or student organization, through its official representative, will have up to two working days to decide upon an adjudication option unless the case administrator grants an extension for good cause. Once made, the election is irreversible. If the charged party does not inform the case administrator of his or her election, the case will be resolved informally with the sanction chosen by the case administrator.
- 3) **Level of Seriousness.** Regardless of the method of adjudication, each case is classified as a "less serious" case or a "more serious" case. Less serious cases are those cases in which the alleged offense

might be punishable by a sanction less than probation with loss of privileges, including, but not limited to, allegations of violation of residence hall regulations. More serious cases are those cases in which the alleged offense might be punishable by a penalty of removal from the College's residence halls, probation with loss of privileges, or suspension or another form of separation from the College. Classification of a case's level of seriousness shall be determined by the case administrator.

- 4) **Appeal.** The right of appeal is assured regardless of the method of adjudication. Upon appeal, the file and material related to the student's previous violations of College regulations, if any, are forwarded to the appropriate appellate authority. Depending upon the method of adjudication, the grounds for appeal may be limited. (See "Appeals of Disciplinary Actions", Section V.).

D. Procedures for Committee Hearing and Administrative Hearing

- 1) **Charges.** If a student or student organization, through its official representative, chooses to resolve a case through a hearing, the case administrator will prepare formal written charges and notify the student.
- 2) **Timeline.** All charges of violations of College regulations will normally be heard within ten working days of when charges are brought except in unusual cases where 1) the Vice President for Student Affairs grants a postponement to the administrative officer case administrator, or 2) the chair of the student conduct committee to which the case has been assigned, or the administrator hearing the case, grants the charged student a postponement, or 3) when a College break makes a hearing impractical. A case may not be heard in fewer than two working days unless the student waives in writing the two-working-day time period.
- 3) **Committee Hearing Procedures**
 - (a) **Types of Committee Hearings**
 1. A Student Panel hears "less serious" cases (as defined in Section III.C.3.) when a student requests a committee hearing.
 2. A Conduct Board hears "more serious" cases (as defined in Section III.C.3.) when a student has requested a committee hearing.
 - (b) **Procedures for Student Panel Hearings**
 1. **Informal and Formal Procedures.** Normally, informal hearing procedures will be used in deciding these "less serious" charges. However, the essential elements of fairness require that the student be provided written notice of the charge or charges, and that the student also be provided, upon timely request, a summary of the principal facts underlying the charge to the knowledge of the case administrator, with opportunity to respond on his or her behalf, and to receive written findings.
 2. **Panel Composition.** Three student members of the Student Conduct Council, at least two of whom will be from the school in which the charged student is enrolled, will normally hear each case. Each three-member board will select one of its members from the school of the charged student as chair. A fourth member, who may not vote or participate in any way in the hearing or deliberations of the Panel other than as record-keeper, will be designated as recorder.

3. **Authority of the Panel.** The Panel is empowered to determine responsibility for the charges issued and to assess sanctions if the student is found responsible. Decisions will be reached by majority vote.
 4. **The Case Administrator** will ordinarily present the information relevant to the incident and will recommend sanctions if a finding of responsibility is reached.
 5. **Hearing Records.** The recorder and the chair will summarize the evidence presented and the findings of the Panel including the reasons for the finding and sanction if the student is found responsible. This summary should be filed in the Office of the Dean of Students within two working days of the hearing.
 6. **Case Review and Notification.** The Office of the Dean of Students will return to the Panel any finding and/or sanction that is inconsistent with College policy or practice. The Office of the Dean of Students will notify the student in writing of the decision of the Board within two working days after the Board's summary is filed.
 7. **Appeal.** Appeals of Student Panel decisions will be reviewed by the Dean of Students or designee in accordance with the principles outlined under "Appeals of Student Conduct Actions" (Section V.).
- (c) **Procedures for Conduct Board Hearing**
1. **Board Composition.** Five Student Conduct Council members will comprise a Conduct Board: two students from the academic unit in which the charged student is enrolled, one other student member of the Council, one faculty member from the academic unit in which the student is enrolled, and one administrator. One of the three students will be an elected chair of the Council. In the event an elected chair is unable to preside over a hearing, the Dean of Students will designate a temporary chair for the hearing. If the charged party is a graduate student enrolled in a degree program in two different schools, student members will be appointed to the Board from both schools. A sixth member of the Conduct Board, who may not vote or participate in any way in the hearing or deliberations of the Board other than as record-keeper, will be designated as recorder.
 2. **Recording.** Student Conduct Board proceedings will be recorded via tape or digital media.
 3. **Notification.** The case administrator will schedule a hearing with the Conduct Board and inform the charged party in writing at least four working days in advance of the date, time, and place of the hearing and of the exact charges against the charged party. The case administrator will also provide the charged party with the principal information in support of the charges of which he or she is aware at the time.
 4. **Witnesses.** It is the responsibility of the charged party to secure the presence of witnesses desired at the hearing. If the charged party notifies the Dean of Students in a timely fashion that a critical witness, and one whose testimony will not be duplicative, is refusing to appear at the scheduled hearing, the Dean will examine the matter and assist if appropriate. The charged party may request that disciplinary action be taken against any student witness who refuses

to appear or to testify so long as timely, appropriate, and verifiable notification was provided the witness. This action is authorized by the College regulation “Failure to Comply with Directions.” The case administrator will notify all available witnesses required to support the charges of the date, time, and place of the hearing.

5. **Postponement.** A charged party may request one postponement of the hearing, citing the reasons for the request in a written statement to the case administrator at least two working days in advance of the hearing, if possible. Supporting documentation should be provided where appropriate. The case administrator may grant a postponement for good cause.
6. **Conduct of the Hearing.** The conduct of the hearing is the responsibility of the chair and generally proceeds as follows:
 - The chair introduces the members of the Board and summarizes any special situations pertinent to the case or the hearing.
 - The case administrator will brief the Board on the charges and the nature of the case. The charged party will be asked to accept responsibility or deny responsibility for each charge and will be given the opportunity to make an opening statement.
 - The case administrator will introduce the evidence and question the witnesses present to support the charge.
 - Following the questioning of each witness, the Board and then the charged party will be invited to question the witness.
 - The charged party will then testify, introduce evidence, and present and question witnesses. The student may then be questioned by the Board and the case administrator. Witnesses presented may be questioned by the Board and by the case administrator.
 - At the conclusion of this presentation of evidence, the case administrator and the charged party will be given an opportunity to present summary remarks to the Board.
7. **Determination of Responsibility and Burden of Proof.** The Board will meet in closed session to determine whether or not the charged party has violated the regulation(s) as charged. For a charged party to be found responsible for a violation, at least four of the five Board members must conclude that the evidence in support of the charge is clear and convincing.

Clear and convincing evidence does not require evidence that is beyond a reasonable doubt; rather, it is defined as that degree of proof which will produce a firm belief in the allegation sought to be established. Clear and convincing evidence thus is an intermediate standard requiring more than a preponderance of evidence, but less than the certainty required by evidence that is beyond a reasonable doubt.

8. **Determination of Sanctions.** Once a finding regarding responsibility is reached, the Board reconvenes to notify the charged party and the case administrator of the decision. If the charged party is found responsible, the Board will be briefed by the case administrator on any previous violations of College regulations by the student, any

precedent for similar situations, any additional relevant information concerning the charged party's character and any administration recommendations concerning sanctioning. The charged party will be given an opportunity to make a statement concerning sanctioning, and if desired, to call character witnesses. The number of character witnesses may be limited by the chair and is usually limited to one (1). The Board will again meet in closed session to determine an appropriate sanction and will reconvene and announce its decision. The sanction imposed must be agreed to by four of the five members of the Board. The sanctions imposed are not final until the Dean of Students issues a written decision to the charged student and any appeal procedure is complete.

9. **Hearing Records.** The recorder and the chair will summarize the hearing, the evidence presented, and the findings of the Board and indicate the reasoning for the finding and any sanctions assigned.
10. **Filing with Dean of Students.** The summary, the recording, and all evidence normally will be filed within two working days in the Office of the Dean of Students.
11. **Case Review and Notification.** The Dean of Students or designee will review the case documents and will return to the Conduct Board any finding and/or sanction that is inconsistent with College policy or practice. The Dean of Students will notify the charged party in writing of the finding of the Board and any sanctions assigned within two working days after the Board's summary is filed.
12. **Appeal.** As soon as possible after written confirmation of the results of the hearing, normally within two working days, the Dean of Students or designee will be available to a student found responsible for a violation to discuss the impact of the decision on the charged party and to review the appeal process. See the "Appeals of Student Conduct Actions" (Section V).
13. **Reinstatement Hearing.** When a Board assigns the sanction of indefinite suspension, a similar Board of five persons will be appointed by the Vice President for Student Affairs or designee at the appropriate time to determine whether the charged party has met the conditions necessary for reinstatement.

The Board will be given access to all file materials from the original hearing, may require the charged party to make a personal appearance before the committee, and may solicit other information to reach a decision. The same general procedures employed in the original hearing will be followed with the same rights assured for reinstatement.

4) *Administrative Hearing*

In those instances where a student is charged with a violation of a College regulation and elects to have the charges heard in an administrative hearing, the steps outlined under "Procedures for Student Panel Hearings" or "Procedures for Conduct Board Hearings" above shall be followed with appropriate allowances for the difference in structure.

E. Modified Hearing Procedures for Alleged Violations of the Sexual Misconduct Policy, Hazing Policy, or Alleged Crimes of Violence

1. *Modified Procedures for Sexual Misconduct Cases:*

- a. If a case of alleged sexual misconduct is not resolved informally, the reporting party and the charged party are each entitled to declare their preference for a Conduct Board or administrative

hearing. Each party will be consulted individually about the preferred type of hearing. If the reporting party and the charged party do not select the same type of hearing, the Vice President for Student Affairs, or designee, will determine the type of hearing to be held. The administrator who makes this decision will not hear the case.

- b. If an administrative hearing is selected, the hearing will be conducted by two members of the administrative staff, one male and one female, appointed by the Vice President for Student Affairs or designee.
- c. The reporting party may have present at the hearing a silent supporter of his/her choosing. The supporter will not participate in the hearing process and will be bound by the rules of confidentiality governing the hearing.
- d. The reporting party is permitted, but not required, to be present throughout the hearing. The reporting party may present the case in whole or in part, in lieu of the case administrator. The reporting party and case administrator may not ask repetitive questions of any witness. Upon prior consultation, either the reporting party or the case administrator may make summary comments in the hearing.
- e. The reporting party and the charged party have a right not to have their unrelated past sexual histories discussed in the hearing. The hearing officers or chair of the Conduct Board will make the determination.
- f. The reporting party may choose to be separated from the charged party by a screen during hearing proceedings. This choice must be made at least two working days prior to the hearing.
- g. The reporting party will receive written notification of the outcome of a conduct proceeding and any sanction imposed.
- h. The reporting party will have right of appeal (see Section V).

2. ***Modified Procedures for Crimes of Violence or Hazing:***

If a case of alleged crime(s) of violence or hazing is not resolved informally, the reporting party shall be granted the following additional rights:

- a. The reporting party may have present at the hearing a supporter of his/her choosing. The support person will not participate in the hearing process and will be bound by the rules of confidentiality governing the hearing.
- b. The reporting party may choose to be separated from the charged party by a screen during hearing proceedings. This choice must be made at least two working days prior to the hearing.
- c. In the case of an alleged crime of violence, the reporting party will receive written notification of the final outcome of a conduct proceeding and any sanction imposed as permitted by law.
- d. In the case of an alleged crime of violence, the reporting party will have right of appeal (see Section V).

F. Special Procedures for Reports Received After the Last Day of a Semester or During the Summer Session

When a student or organization is charged with a violation of College regulations after the last day of classes in a semester or during the summer

¹"Reporting party" is defined as one who claims to have been injured by a "crime of violence" as currently defined in Section 16 of Title 18 of the U.S. Code.

session and the individual or organization requests a hearing by committee but the regular student conduct body is unable to meet, one of the following options may be selected by the student or organization:

1. The case may be heard by a special three-member panel consisting of members of the faculty, the Student Affairs staff, and the student body (if practical). This special committee will be appointed by the Dean of Students or designee, and the customary hearing procedures will be observed. Other than an informal resolution and an administrative hearing, this is the only option available to a student completing degree requirements in the term in which the charge originates.
2. The case may be deferred until the beginning of the following semester provided that such a deferral, in the opinion of the Dean of Students or designee, would not preclude a fair hearing due to the loss of evidence or unavailability of witnesses. A hold may be placed on the records of a student whose case is deferred pending the resolution of the matter.

When a student is alleged to have violated College regulations after the last day of classes in a semester, including during Commencement, and he or she is scheduled to graduate, the College may hold the degree of the charged student pending the resolution of the matter.

IV. General Principles

A) Hearing Authorities

Objectivity of hearing authorities. Administrative officers, panel or board members may disqualify themselves when unable to function fairly and objectively under these procedures. Similarly, a charged party or a reporting party may request that an administrator or panel or board member be disqualified for bias. Any such request regarding an administrator must be timely, in writing, and set forth the factual basis for the request. The Vice President for Student Affairs will decide whether an administrator should be disqualified. The chair of the panel or board whose member is challenged will decide such challenges unless the member challenged is the chair. In such instances, the decision on disqualification will be decided by majority vote of the panel or board.

Confidentiality and closed and open hearings. Because the College considers the evidence, findings, and sanction confidential in disciplinary matters relating to individuals (but imposes no such restriction on the charged party), the conduct proceeding is normally considered confidential and it and any related proceeding is closed. However, upon the request of the charged party at least two working days in advance, when approved by the committee or administrator hearing the case and by the Vice President for Student Affairs, and when all parties sign a privacy waiver, an open hearing may be held. In the event, however, that the presence of others interferes with the orderly conduct of the hearing, the chair of the committee or the administrator handling the case may decide to close the hearing. In cases involving an alleged crime of violence (as defined in Section 16 of Title 18 of the U.S. Code), the reporting party is not required to keep confidential the name of the charged party, the charge or the outcome of the conduct proceeding. When such proceedings are closed, the reporting party shall not reveal the names of the witnesses or panel members involved.

B) Failure to Appear

Failure to appear for appointments. If a charged party fails to make an appointment with the case administrator within three working days after being notified, fails to appear for an appointment, or otherwise fails to respond to a written direction to appear after being properly notified, a charge of Failure to Comply may be brought, and/or a hold may be placed on the student's records. In addition, disciplinary charges for alleged violations may be issued in writing and a resolution date set without the student's consultation.

Notification. Proper notification will consist of an email sent to the charged party's official William and Mary email account, written notice delivered to the charged party through Campus Mail or U.S. Mail to an address in the Registrar's records, or a letter delivered personally by the College staff. College Staff includes, but is not limited to, Head Residents and Resident Assistants. In general, correspondence will be sent to the charged party's local or on-campus address when classes are in session and to the charged party's home address when classes are not in session. Students are responsible for maintaining updated records with the Registrar's Office and, in the case of undergraduates, for checking their college station unit mailboxes frequently.

Failure to appear for a hearing. If a charged party refuses to appear or to make him/herself available for a hearing without demonstrating justification for postponement (as determined by the chair of the scheduled committee or administrator handling the case) after having received proper notice of the date, time, and place of the hearing, the charged party will be deemed to have waived the right to appear, and the hearing may be held as scheduled. Absence of the charged party in such circumstances will not constitute sufficient grounds for an appeal.

C) Combined or Multiple Violations

Combined or "joint" hearings. In cases where more than one student is charged with misconduct for the same incident, the appropriate administrator or committee may hold a single hearing on the matter, but findings must be determined for each individual student charged in the incident.

Multiple charges and same conduct. A student should not be charged with two offenses for the same conduct unless the student's conduct violates two clearly distinguishable provisions in the Student Code of Conduct.

Multiple charges and single hearing. When a student is accused of more than one charge of misconduct, the allegations may be adjudicated at one time if they stem from the same incident or if they are based on a pattern of behavior close enough in time or related sufficiently by their nature to be reasonably resolved in a single proceeding. Questions about the use of a single proceeding to resolve multiple charges will be decided by the Vice President for Student Affairs.

Alleged violations of honor and student conduct codes. Should an incident result in an allegation that a student has violated both the Honor Code and the College's general rules of conduct, the Vice President for Student Affairs will decide whether the allegation will be heard within the Student Conduct System, or by the Honor Council. The system selected by

the Vice President will be empowered to review all the charges and reach a final disposition. There will be no simultaneous or subsequent exploration of the same charges by either body individually.

D) Student Rights and Responsibilities During Procedure

Honesty and cooperation. Students involved in disciplinary proceedings as the charged party or witnesses are expected to cooperate and to be honest and complete in their answers. Failure to do so may be considered a violation of College regulations and/or of the Honor Code, although a student may choose not to answer a question that may incriminate him or her, and if so, must so state.

Access to hearing records. The student's conduct record is the property of the College. A student found responsible for a violation of College regulations or a reporting party who elects to pursue an appeal may have access by appointment during normal working hours to the materials in his or her case file. The student also may have access to listen to copies of the recordings, if any, in the presence of an administrator, a Student Conduct Council member or Honor Council member. The student may have legal counsel or one other clearly-identified silent supporter present.

Withdrawal during process. The charged party who withdraws from the College after oral or written notification that a disciplinary complaint is under investigation will be notified that a hold may be placed on his or her record, and a student who withdraws from the College after notification, either orally or in writing, that disciplinary charges are pending will be notified that his or her transcript will carry the notation, "Withdrew While Disciplinary Charges Pending." Before such a notation is placed on the transcript, the student will be given an opportunity to meet with the Dean of Students or designee to discuss the action. The notation on the transcript will be deleted if the case is resolved. Readmission to the College will normally be prohibited unless the charge(s) has been resolved.

E) Adjudication Procedures

Rules of evidence and "second hand" information. College proceedings are not courtrooms, and they do not follow the formal rules of evidence. For example, information that does not come from a first-hand source may be considered in College proceedings if the chair of the hearing body or the administrator handling the case determines that the information is reliable, although a finding of responsibility may not be premised solely on such information. College proceedings are not courtrooms, and they do not follow the formal rules of evidence. For example, information that does not come from a first-hand source may be considered in College proceedings if the chair of the hearing body or the administrator handling the case determines that the information is reliable, although a finding of responsibility may not be premised solely on such information. Lie detector/polygraph evidence is not permissible.

Separation of witnesses. The chair of the panel may, at his/her discretion, separate (during the course of a hearing) witnesses who will give testimony in a given case. If separated, no witness who has already provided testimony may have contact with a witness who has not yet testified. Witnesses for the College and the charged student may be separated, as necessary, to preserve the independence of witness testimony.

Support for Charged Party

Student or Administrative Counsel. In “less serious” cases as defined in Section III.C.3., the charged party may elect to be represented by a student of his or her choosing. In case deemed to be “more serious” as defined in Section III.C.3., the charged party may petition the Vice President for Student Affairs (or designee) to appoint an administrative staff member to serve this role in place of a student counsel. A counsel may not give testimony during the hearing.

Silent Supporter. The charged party may also elect to have one silent supporter present. No student shall be required to have student or legal counsel or a silent supporter.

The supporter may not participate in the proceedings or serve as a witness. The supporter may be legal counsel.

Presence of Legal Counsel. The student must provide the case administrator at least two working days’ notice of the anticipated presence of legal counsel. Legal counsel may not participate in the proceedings unless the chair or administrator hearing the matter determines, when requested by the charged party, that the hearing exposes him/her to potential criminal action outside of the College’s conduct process. The chair/administrator’s determination regarding whether legal counsel is permitted to participate in the hearing is final, and legal counsel shall participate only to the extent authorized. Under no circumstances shall the attorney be permitted to question witnesses or other parties to the proceeding, or to serve as a witness. In the event a charged party decides to have legal counsel serve as his or her supporter during the conduct process, the College reserves the right to have its own legal counsel or advisor present.

The charged student must inform the hearing administrator at least two working days prior to the hearing regarding the presence of a silent supporter.

No student shall be required to have student or legal counsel or a silent supporter. A supporter may not serve as a witness.

F) Post Hearing Procedures

Written decisions and findings. Except in the instance of a warning, charged parties will be notified in writing of the decision in his/her case and the findings on which it was based. If the decision imposes some separation from the College, the student will not take part in any College function except scheduled classes while the appeal is pending. (See “Appeals of Student Conduct Actions”, Section V.)

V. Appeals of Student Conduct Actions

A) Right of Appeal

Only the student found responsible for a conduct violation has the right of appeal, except in disciplinary cases involving “crimes of violence,” as currently defined in Section 16 of Title 18 of the U.S. Code. In cases involving “crimes of violence,” the reporting party also has the right to appeal the outcome of a conduct proceeding. The term “crime of violence” means (a) an offense that has as an element the use, attempted

use, or threatened use of physical force against the person or property of another, or (b) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

B) Timeline and Form of Appeal

- 1) A student found responsible for a conduct violation who wishes to appeal a conduct action must do so within five working days following written notification of the decision.
- 2) A reporting party who wishes to appeal a conduct action on a crime of violence (as defined in Section III. E. must do so within five working days following written notification of the decision.
- 3) All appeals must be in writing and must clearly cite the grounds for the appeal and the evidence supporting it.

C) Grounds for Appeal

1) *Informal Resolutions*

Grounds for appeal of informal resolutions are limited to excessive or inappropriate penalty.

2) *Administrative or Committee Hearings*

Grounds for appeal by the charged student, except in appeals of informal resolutions, are limited to the following:

- Procedural irregularity severe enough to have denied the student a fair hearing. Procedural deviations will not be sufficient to sustain an appeal unless they are found to be severe enough to have denied the student a fair hearing.
- Discrimination in the hearing, on the basis of race, gender, age, sexual orientation, religion, handicap, or national origin, which causes an unfair hearing.
- Lack of clear and convincing evidence to support the decision.
- New material evidence, which is not merely corroborative or repetitive, unknown by the student at the time of the hearing and pertinent to the case.
- An excessive or inappropriate sanction.

3) *Appeals by the Reporting Party*

A party alleging a crime of violence may appeal a sanction(s) on one or more of the following four grounds. The reporting party may appeal a “not guilty” finding on one of the first three grounds.

- New material evidence, which is not merely corroborative or repetitive, unknown to the reporting party at the time of the hearing and pertinent to the case.
- Discrimination in the hearing on the basis of race, gender, age, sexual orientation, religion, handicap, or national origin, which causes an unfair hearing.
- Procedural irregularity severe enough to have caused an unfair hearing. Procedural or technical deviations will not be sufficient to sustain an appeal unless they are found to be severe enough to have denied the student a fair hearing.
- A sanction which is too lenient or inappropriate.

D) Procedures for Appeal by Charged Party

1) *Appeals of Informal Resolutions*

- a. Appeals of informal resolutions in “less serious” cases follow the procedures outlined under “Appeals of Student Hearing Board Decisions” (see below), conditional on the more limited grounds for appeal of informal resolutions.

- b. Appeals of informal resolutions in “more serious” cases follow the procedures outlined under “Appeals of Conduct Board Decisions” (see below), conditional on the more limited grounds for appeal of informal resolutions.
- 2) ***Appeals of Student Panel Decisions***
- a. Appeals of Student Panel decisions are considered by the Dean of Students or designee.
 - b. The Dean may decide one of the following:
 - There is no basis for the appeal. The appeal then is dismissed, and the original decision stands.
 - An incorrect finding of responsibility was reached. The Dean then will dismiss the case.
 - The sanction administered is unfair or inappropriate. The Dean then determines a sanction that is fair to the facts and circumstances of the case. The Dean is not empowered to increase the level of the sanction.
- 3) ***Appeals of Conduct Board Hearing Decisions***
- a. When an appeal of a Conduct Board decision is filed, the Vice President for Student Affairs will appoint from the Appeals Committee one administrator, one faculty member, and two students (from the academic unit of the charged party) to hear the appeal on its merits, and will designate one of the four as chair for the review.
 - b. The panel is empowered to determine one of the following:
 1. The appeal is without merit. A decision of no merit in an appeal by the charged student is a final action.
 2. The appeal has merit.
 - The finding of responsibility should be reviewed.
 - The sanction should be reviewed.
 - c. If the appeals panel decides that the appeal has merit, then the appeal is considered by the Provost or designee. The Provost or designee may
 - Reverse a finding of responsibility;
 - Order a rehearing before a new board;
 - Modify the sanction to be fair to the facts of the case; and/or
 - Uphold the decision(s) of the original hearing body.
 The Provost or designee may not increase the level of the sanction.
- 4) ***Appeals of Administrative Hearing Decisions***
- a. Appeals of administrative decisions in “less serious” cases follow the procedures outlined under “Appeals of Student Panel Hearing Decisions” (see above).
 - b. Appeals of administrative decisions in “more serious” cases follow the procedures outlined under “Appeals of Conduct Board Hearing Decisions” (see above).
- 5) ***Continued Enrollment During Appeal***
- a. If the sanction being appealed includes suspension or dismissal from the College, the charged student may not take part in any College function except scheduled classes while the appeal is pending without the written permission of the Vice President for Student Affairs. Where appropriate, the Vice President for Student Affairs may also restrict a student from parts of the campus or specific functions or activities during the appeal period.
 - b. In those cases where the committee or administrator (with the concurrence of the Vice President for Student Affairs) determines that the continued presence of the student constitutes a risk to the educational process, to him/herself, or to the safety of others, class attendance may also be prohibited.

E) Procedures for Appeal by the Reporting Party

- 1) Reporting Party appeal decisions are made by an appointed panel of Appeals Committee members utilizing the same procedures prescribed for appeals of Conduct Board decisions.
- 2) In those cases where a reporting party's appeal about a "not guilty" finding is declared to have merit, the results of the first hearing will be void and a new hearing will be held using the method of adjudication originally selected. In those cases where a reporting party appeal about sanction is declared to have merit, the case will be forwarded to the Provost or designee. The Provost or designee may modify the sanction to be fair to the facts of the case or uphold the decision(s) of the original hearing body. The Provost or designee may increase the level of the sanction.

F) Notification and Access to Record

- 1) The individual or committee hearing an appeal will have access to the full record of the case and may invite the appealing party to make a personal appearance to discuss the appeal. In such instances, the case administrator or the chair of the student conduct committee whose decision is being appealed may also be invited to be present to respond to the appeal.
- 2) Written notification of the decision regarding the appeal, including the reasons for the decision, will be provided to the student and the administrator or board as appropriate. A copy of the appeal findings and all correspondence will be made part of the case file in the Office of the Dean of Students.

VI. Sanctions

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

Failure to comply with a sanction issued. A student who fails to fully comply with the terms of a sanction may be charged with Failure to Comply, and/or a hold may be placed on the student's records pending compliance.

A. Primary Sanctions

- ***Permanent Dismissal**** - Involuntary separation of the student from the College without future readmission. The student must leave the campus and is not eligible to participate in classes or any College-sponsored or College-related activities. The sanction of dismissal is permanently noted on the student's transcript.
- ***Indefinite Suspension**** - An involuntary separation from the College during which time the student must leave the campus and is not eligible to participate in classes or any College-sponsored or College-related activities, with a date determined by a committee or administrative officer when the student may petition for reinstatement. In such instances, the student must first satisfy the committee or administrative officer by his/her conduct and record that he/she is in fact entitled to reinstatement. During the period of separation, the student is not permitted on campus without prior

written consent from the Dean of Students or designee. The sanction of indefinite suspension is noted on the student's transcript but is removed if the student is reinstated to good standing at the College.

- ***Suspension**** - An involuntary separation from the College for a period determined by the appropriate committee or administrative officer during which time the student must leave the campus and is not eligible to participate in classes or any College-sponsored or College-related activities. The student is not permitted to return to the campus without prior written consent from the Dean of Students or designee. At the end of the period of suspension, the student is automatically eligible for readmission provided there is no other encumbrance upon his/her return. The sanction of suspension is noted on the student's transcript but is removed once the period of suspension has been completed.
- ***Probation with Loss of Privileges*** - Continued enrollment but exclusion from participation in College, fraternal, and/or other student extracurricular or social activity for a specified period of time. Such probation also constitutes a warning that further misconduct or violation of College regulations during the period of probation will be referred to the appropriate committee or administrative officer and will most likely result in the student's separation from the College.
- ***Probation*** - Continued enrollment but under stated conditions. Probation constitutes a warning that further misconduct or violation of College regulations during the period of probation will be referred to the appropriate committee or administrative officer and may result in the student's separation from the College.
- ***Warning*** - A notation confirming that a minor violation of College policy has occurred and that future violations may result in more severe sanctions. No student may receive more than two warnings in an academic year without more serious action being taken.

B. Secondary Sanctions

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

*These sanctions may be administered even though the student may not currently be on probation, has not previously been placed on probation or has not otherwise been disciplined.

Interim Suspension - The President has empowered the Vice President for Student Affairs to suspend a student pending a full hearing before the appropriate student conduct body or administrator. Such action is authorized when it is necessary to preserve the educational process or the health or safety of the student or of other members of the College community. When the sanction of interim suspension is imposed, the student must leave the campus immediately and may not participate in academic, extracurricular, or other activities of the College except as may be authorized by the Vice President for Student Affairs or designee. During the period of interim suspension, a student is not permitted on the campus without prior written consent from the Vice President for Student Affairs.

After an interim suspension is imposed, the student will be afforded an opportunity to meet with the Vice President for Student Affairs to show why his/her continued presence does not pose a threat sufficient to impose the suspension. When requested, a hearing regarding the interim suspension decision will be scheduled for the student within ten working days or as soon as the student's condition permits. A hearing on the alleged conduct violations will occur as soon as practical following the interim suspension decision. See also "Medical and Emotional Emergencies," page 18.

VII. Records of Action Taken

When a student is found not responsible for a charge and all opportunity for appeal has been exhausted, all statements of charges not related to other pending complaints or charges will be destroyed after two weeks, and there shall be no reference to these proceedings in the student's official educational records.

Sanctions involving any interruption of a student's registration at the College are posted on the student's transcript while the student is ineligible to enroll. Information concerning such sanctions is permanently maintained even though the notation placed on the student's transcript is removed once the student becomes eligible to re-enroll.

Records of cases when the penalty is less than separation from the College will be retained until the student graduates from William and Mary. During the eighth week of the fall and spring semesters, the Dean of Students Office will expunge the warnings for all students who have applied for graduation. Senior students may also petition for the removal of warnings prior to the eighth week of the fall and spring semesters if necessary. All information concerning sanctions less than suspension is removed from the record following graduation except in those instances in the professional schools where the college is regulated by a licensing body to retain the information for professional certification/licensure.

VIII. Special Regulations for Recognized Student Organizations

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

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

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

B. Procedures. In the case of alleged misconduct by a recognized organization, the charged party shall have the right to resolve a matter informally with a case administrator or to have a hearing with a case administrator or with the Student Conduct Board. The same general procedures that apply to individual misconduct will be followed.

C. Sanctions. The sanctions listed below are categorized as primary and secondary. At least one primary sanction and any combination of primary and secondary sanctions may be imposed for any single violation. A due date will be given with any task and/or restitution penalty. All other sanctions are effective immediately upon completion of the appeal or appeal period, unless the Vice President for Student Affairs authorizes an exception.

1) **Primary Sanctions**

- **Termination** - Institutional recognition is removed. The organization is denied all of the privileges associated with College recognition including, but not limited to, the right to reserve space in College facilities or to use College property or resources, the right to receive student activity fee or other funding from College resources, and the right to participate in or sponsor extracurricular or social activities on campus.
- **Suspension** - Institutional recognition is removed for a stated period of time. During the period of suspension, the organization will be denied the use of all College facilities and resources, and may not in any way participate in or sponsor any extracurricular or social activity on campus. At the end of the prescribed period of time, the organization will be allowed to re-form subject to any condition(s) set forth at the time of suspension.
- **Probation with Loss of Privileges** - Continued recognition of the organization but with loss of the right to sponsor or participate in all extracurricular and/or social activities for a stated period of time. The organization is cautioned that further misconduct during the period of probation or violation of the terms of the probation will most likely result in a loss of recognition.
- **Probation** - Continued recognition and operation of the organization but with a warning that further misconduct during the period of probation or a violation of the terms of the probation may result in the organization's loss of institutional recognition. Stated conditions may be attached as terms of continuance during the period of probation.

- **Warning** - Notification confirming that a violation of College regulations has occurred. Warning is a caution that repetition of the behavior or other misconduct may result in a more severe penalty. An organization may not receive more than two warnings for the same conduct in an academic year without more serious action being taken.

Secondary Sanctions

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

D. Appeals. See Section V. of this document, which describes general procedures for appealing student conduct actions.

Review and Amendments to the Handbook

All sections of the Handbook are subject to periodic review and modification. For the most up to date version of these policies, please refer to the Dean of Students Website (www.wm.edu/studentconduct)

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

Honor System

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

SECTION 1: BACKGROUND

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

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

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

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

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

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

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

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

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

Section 1.1 Statement of Purpose

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

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

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

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

Section 1.2 Agreement of Students

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

SECTION 2: INFRACTIONS

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

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

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

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

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

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

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

SECTION 3: RIGHTS AND DUTIES

Section 3.1 Rights of the Accused

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

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

Section 3.2 Duties of the Accused

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

Section 3.3 Rights and Duties of the Accuser

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

Section 3.4 Rights and Duties of Witnesses

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

Section 3.5 Rights and Duties of the Council

1. A right to seek protection from threat, harassment or damage to self or property resulting from participation in the hearing.

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

SECTION 4: ADMINISTRATION

Section 4.1 Separate Jurisdictions

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

Section 4.2 Selection of Honor Council Members

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

Section 4.3 Jurisdiction

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

Section 4.4 Council of Chairs

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

SECTION 5: POLICIES AND PROCEDURES FOR CODE ENFORCEMENT

Section 5.1 Preliminary Matters

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

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

Section 5.2 Reporting A Breach of Honor

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

When any member of the College community believes in good faith that an Honor Code violation may have occurred, he or she shall act in accordance with the following procedures: (1) make a good faith and diligent attempt personally to confront the student involved, inform the student of the nature of the alleged violation, and request an explanation; (2) if the explanation is satisfactory, forget the matter; (3) if the explanation is unsatisfactory or if no explanation is received, personally accuse the student of a violation of the Honor Code and offer that student the option of, within twenty-four hours, resigning from the College or reporting himself or herself to the Chief Justice of the Honor Council with jurisdiction over the matter; (4) within twenty-four hours after the personal accusation, whether the accused student has reported to the Honor Council or resigned from the College, notify the Chief Justice and reduce the charge to writing and submit the written charge to the Chief Justice of the Honor Council with jurisdiction over the matter; (5) following an unsuccessful, good faith and diligent effort personally to confront the accused, promptly notify the Chief Justice of the accusation, and within twenty-four hours, deliver a written accusation of the alleged honor violation to the Chief Justice of the Honor Council with jurisdiction over the accused student.

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

If an accused student chooses to resign from the College, the Office of the Dean of Students shall direct that the student's official records, including his or her transcript shall carry the designation "Resigned under suspicion of violation of the Honor Code." The student may meet with the Vice President for Student Affairs to discuss the issue. If a student chooses to resign from the College the student must certify in writing that he or she will never seek readmission or re-enroll to the program of study in which he or she was enrolled at the time of the alleged offense. If the accused reports to the Chief Justice within twenty-four hours, the Chief Justice shall, upon receipt of the accuser's written accusation, immediately provide to

the accused the following information: (1) a copy of the written accusation, (2) a copy of the Honor Code, (3) a list of all students trained as Student Counsel, who may, if selected by the accused, serve as the accused's Student Counsel, and an explanation that the accused is free to select any student as his or her Student Counsel. The Chief Justice shall then commence an investigation in accordance with these procedures. The accused student's decision to report himself or herself to the Chief Justice, rather than resign from the College, does not infer guilt. Rather, by reporting to the Chief Justice, the accused demonstrates his or her willingness to cooperate with the honor system.

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

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

Section 5.3 Determining Jurisdiction

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

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

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

In the event the conduct which gives rise to the Honor Code charge is also alleged to violate the College's code of conduct, only one proceeding shall occur. The Vice President for Student Affairs will determine in which forum, the Student Conduct System or the Honor System, the charges would be most appropriately adjudicated. The decision of the Vice President for Student Affairs shall be final and may not be appealed.

Section 5.4 Investigations Of Alleged Honor Code Violations

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

The investigators shall meet with the accused, the accuser, and all material witnesses. They shall seek to gather all relevant evidence and shall prepare a written report detailing all facts and evidence discovered during their investigation.

The written report shall not contain their opinions on ultimate issues of guilt or innocence, or of witness credibility or reliability of evidence. Both the accused and the accuser shall have the option of submitting a written statement to be included in the investigators' report.

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

Section 5.5 Sufficient Evidence Hearing

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

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

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

Section 5.6 Hearings on Honor Code Offenses

As soon as possible following the sufficient evidence determination, the Chief Justice shall meet with the accused and his or her Student Counsel, if the accused has chosen one, and, if not previously provided, shall provide the following: (1) a copy of this Honor Code; (2) a copy of the written accusation; (3) written notice of the date, time and location of the hearing; (4) copies of all documentary evidence and a written summary of the substance of non-documentary evidence gathered by the investigating committee; and (5) an explanation of the standards and procedures that will be followed at the hearing.

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

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

Hearings shall be conducted before a panel of six Honor Council justices, appointed by the Chief Justice of the Honor Council with jurisdiction over the matter. All

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

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

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

Section 5.7 Conduct of the Hearing

1. The presiding judge shall remind all participants that the proceedings are confidential, unless the accused has requested an open hearing.
2. The presiding judge shall ascertain that the proceedings are being recorded.
3. The presiding judge shall read the written charge and instruct the hearing panel members that the accused is presumed to be innocent and must be found "not guilty" unless his or her guilt is established beyond a reasonable doubt.
4. The presiding judge shall admonish all witnesses that they are bound to testify fully and truthfully, and shall secure from each witness an affirmation that he or she will so testify.
5. The Investigators shall be permitted to present the evidence.
6. The accused and/or his or her Student Counsel shall be permitted to present their case.
7. Upon completion of presentation of evidence, the presiding judge shall instruct the six hearing panel members as to the relevant code section(s) and shall remind the panel that the accused is to be found "not-guilty" unless five of the six panel members determine that the accused is guilty beyond a reasonable doubt. The presiding judge shall explain to the hearing panel that reasonable doubt is doubt which an ordinary student might entertain, not imagined doubt or doubt which a student might create in order to avoid the unpleasant duty of finding guilt. The hearing panel shall then promptly convene in private to determine the guilt or innocence of the accused. The presiding judge shall not be present for, or in any way participate in, the panel's deliberations. No recording or record of

the panel's deliberations may be made. The accused shall be found "not guilty" of the charge unless at least five of the six members of the hearing panel find that the accused's guilt of the charge is supported beyond a reasonable doubt. When the panel has made its determination, the presiding judge shall immediately inform the accused of the verdict.

8. If the accused is found "guilty" of the charge, the hearing panel shall reconvene to determine the appropriate recommended sanction. The sanction hearing shall be held as soon as possible following a determination of guilt. Ordinarily, the sanction hearing shall be held within two full working days of the determination of guilt. With the permission of the accused, the hearing may be postponed by the presiding judge in the interest of fairness. In no case, however, shall the sanction hearing be postponed more than seven days after the date of the determination of guilt.
9. A separate sanction hearing is provided to allow the accused to argue without equivocation, if he or she desires, for no sanction or for mitigation. The sanction hearing is not intended to be a forum for the reassessment of the guilt or innocence of the accused. The sanction hearing is to be used solely as a means to determine the appropriate sanction, if any. The presiding judge should limit the introduction of evidence relating to guilt or innocence, unless introduced to show state of mind or some other legitimate purpose related to sanction.
10. After all evidence has been presented, the panel shall convene in private to deliberate over the sanction. No other person shall be present while the panel deliberates, and the deliberation shall not be recorded.

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

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

SECTION 6: SANCTIONS

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

1. Warning.*
2. Recommendation that the student receive a specific grade, including a failing grade, in an assignment or a course, provided, however, that the Honor Council's recommendation is not binding on the faculty.
3. Task/service participation.*

4. Restitution.
5. Loss or restriction of privileges.*
6. Probation with or without specific conditions.*
7. Probation with or without specific conditions and with loss of privileges.*
8. Other reasonably constructed sanctions.

* See Section VI, Sanctions, of the Administration of Student Life Policies section of the Student Handbook for definitions.

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

SECTION 7: POST-VERDICT REVIEW AND APPEAL

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

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

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

Upon receipt of the notice of appeal, the Vice President for Student Affairs shall appoint from the membership of the Appeals Committee a four person appeals panel, composed of one administrator, one faculty member, and two students from the academic unit of the Honor Council which heard the case, who shall not be a member of that academic unit's Honor Council. Should temporary Appeals Committee members be required, the Vice President for Student Affairs is

empowered to make the necessary appointment(s). The appeals panel shall review the appeal and any and all records of the case which it deems advisable, and, within one work week from the time appeal was filed, report its decision to the appellant unless the Vice President for Student Affairs, for good cause, decides to extend the time period. Ordinarily this period will not extend beyond two work weeks (beyond two weeks).

The appeals panel may determine either: (1) the appeal is without merit; or (2) the verdict and/or the sanction should be reviewed. If the panel decides that the appeal is without merit, the decision of the Honor Council, as affirmed or modified by the Dean of Students, is final. If the panel decides that the verdict and/or sanction should be reviewed, the Office of the Provost shall review the record of the case, including the recording of the proceedings and all documentary and tangible evidence, and shall, within one work week, render a final decision. If the Office of the Provost concludes that the verdict has not been established beyond a reasonable doubt, that verdict shall be set aside and no further proceedings may occur. If the Office of the Provost concludes that the verdict or sanction was based in whole or in part on the accused's race, gender, age, sexual orientation, religion, handicap or national origin, or that material procedural error occurred which significantly prejudiced the accused, or that new material, exculpatory evidence has been discovered which, at another hearing, might produce a different result, the Office of the Provost may order the Honor Council to conduct a new hearing with a different council membership. If the Office of the Provost concludes that the sanction imposed is not authorized or is not supported by the circumstances of the case and/or the circumstances of the accused, the Provost may lessen the sanction as appropriate. The action of the Office of the Provost on appeal is final and no further proceedings or appeal shall occur.

SECTION 8: AMENDMENTS

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

SECTION 9: PUBLIC NOTICE

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

Housing Contract

The student's signature on the Residence Life Housing Agreement indicates that the student agrees to and accepts the following terms and conditions:

This is a legally binding contract for a full academic year and is specific to the room indicated on the Residence Hall Housing Agreement. Prior to occupancy, this Agreement must be signed and dated or electronically accepted as evidence of acceptance of the terms, conditions and regulations which are stated in this Contract. At the time of occupancy, if the student is not 18 years old, a parent or legal guardian of the student will be required to cosign the Agreement. When a student properly changes rooms, this contract is transferred to the new space. Failure to pick up a key does NOT release the student from this Contract.

College Regulations

The resident will abide by the regulations of the College set forth in the current edition of the Student Handbook, the regulations set forth in the Housing Contract and Resource Guide and by the regulations established by the Residence Hall Council of the building in which he/she resides. This includes provisions outlined in the Community Agreements established on each living unit. The provisions of this Housing Contract may only be waived or modified in writing by the Assistant Vice President/Director of Residence Life.

The Vice President for Student Affairs, Dean of Students, Assistant Vice President for Student Activities, Assistant Vice President/Director of Residence Life, Associate Directors of Residence Life, Director of Housing Operations, Assistant Director of Residence Life, Area Directors and the staff of residences (Complex Director, Head Residents, Hall Directors, Resident Assistants, Graduate Resident Assistants and Program Advocates) are responsible for enforcing regulations as outlined in the current edition of the Student Handbook.

It is expressly understood that violation of policies in the Student Handbook, Residence Life Resource Guide or of the terms of this Housing Contract by the resident may result in penalties ranging from a warning to the resident being discharged from the College's residence halls to permanent dismissal from the College. The College is under no obligation to house a resident whose Contract has been previously terminated due to a failure to abide by the conditions of this Contract.

Where appropriate for the personal safety of the resident(s) and by adherence to the College judicial process, the College reserves the right to remove a student from his/her residence hall. Students removed from the residence halls for violations of the Contract will still be held to the financial obligations for the Contract period (Fall and Spring). In addition, the College may exclude a student from the residences to protect the public health or the health of the student under the policy and procedure outlined in the Student Handbook.

Checking into a Room

Room Key - Each resident will receive a room key and, where applicable, a front door key or the combination to the front door lock. I.D. card readers are available on all other residence hall buildings. Residents will initial their Room Condition Report (RCR) indicating that they have obtained their key(s) or combination. Residents may not change or add locks (including chain locks, deadbolts, etc.). Duplication of room keys is prohibited.

Room Condition Report - When a student moves into the residence halls, he/she should verify the accuracy of the check-in portion of the RCR. Any damages

or missing items must be noted by a Residence Life staff member at this time to prevent a charge at check-out. The resident's signature on the RCR represents that the conditions recorded at check-in are accurate. This form must be returned to the Area Duty Office within 48 hours of occupancy. After 48 hours, absent the documentation that this form provides, the resident may be held financially responsible for damages or loss to the assigned space, including those damages or losses the resident may claim were present at check-in.

Early Check-In - Residents must abide by the appointed schedule for arrival. Early arrivals will be limited to those student leaders and groups designated essential to College activities in advance of the official Opening. Individual residents who are approved by Residence Life to arrive early will be assessed an additional charge which will be charged to their student account. All early arrivals must abide by all College rules, regulations and policies.

Late Check-In - Spaces will be held only until 5 p.m. on the first day of classes, unless prior written notification of late arrival is received by Residence Life.

Checking out of a Room

Keys - Residents who change rooms, withdraw or otherwise leave College housing must return their keys to a Residence Life staff member or the Duty Office within 48 hours. If a key is lost or not returned by the stated deadline, a \$40 charge per key will be assessed. Unauthorized copies of keys will not be accepted. At final check out, keys must be received by the Area Director by noon on the day following Commencement.

Late Check-Out - Non-graduating residents who are approved by Residence Life to remain beyond the stated deadline will be billed an additional charge.

Withdrawals/Room changes during the semester - Should the resident change rooms, withdraw or be separated from the College or its residences for any reason, the resident will remove all personal belongings from the College premises, vacate the residence and return key(s) within 48 hours. All residents are expected to meet with a Residence Life staff member once they have moved all of their belongings from their room. The staff member will collect the room key and evaluate the condition of the room, noting any damages, missing items or cleaning concerns on the RCR. Residents who fail to check out with a Residence Life staff member are subject to charges for any or all damages/loss to the room. Exceptions to the 48-hour provision may be authorized for good cause by Residence Life.

Withdrawals at the end of the Fall semester - Students who will not continue to live in the same room during the Spring semester are required to remove all their belongings from their room at the end of the Fall semester. The resident must meet with a Residence Life staff member who will collect the room key and evaluate the condition of the room and note any damages, missing items or cleaning concerns on the RCR.

Abandoned Property - The College will not be responsible for damage or loss of any personal property not removed within 48 hours after a student withdraws, separates from the College or after the residence halls close in the Spring. A room-cleaning charge will be assessed against any student who fails to remove his/her items of personal property within 48 hours of withdrawal or separation.

Contract Period

The term of this Contract is for both Fall 2009 and Spring 2010 semesters until 48 hours after completion of a resident's last regularly scheduled exam for non-graduating students and noon on the day following Commencement in May for graduating students.

Release from Housing Contract - The Housing Contract covers an entire academic year (fall and spring semesters) and cannot be broken midyear. If a student enrolls at the College but does not occupy the assigned room, he/she must still pay for the room for the entire academic year. Failure to pick up a room key does not release a currently enrolled student from this contract. A student will only be released from

his/her Housing Contract for the following reasons: If he/she: (1) gets married (a copy of the current marriage certificate is required for verification); (2) is accepted in a William and Mary approved Domestic or Study Abroad program; (3) is academically dismissed; (4) is required to withdraw due to medical reasons; (5) transfers to another institution (copy of acceptance letter to the institution required for verification); or (6) is released by the Contract Release Committee. Refunds will follow the policies set forth in the Undergraduate Program Catalog and may include forfeiture of the Room Reservation Deposit.

Contract Release Committee - Individuals with extraordinary circumstances may seek to be released from their Housing Contract by appealing in writing to the Contract Release Committee. Signing a lease or purchasing a home off campus does not in and of itself constitute “extraordinary circumstances.” Students are strongly encouraged to gain contract release approval prior to making any commitments off campus. Documentation must be received in the Residence Life Office in care of the Contract Release Committee. This Committee will review the written documentation and notify the student by phone and/or e-mail of the Committee’s decision. The Committee will review petitions during the first and third weeks of each month and the decision of the Committee is final.

Special Interest House Allocation - In the event a group loses its Special Interest House allocation, Residence Life reserves the right to reassign individuals to alternative spaces. If loss of Special Interest Housing for the succeeding year occurs after individual Housing Contracts are signed but prior to the annual room selection process, the individual Housing Contract will be canceled so that students will have the option of selecting rooms in the room selection process.

Damage/Loss Charges

Room Damage/Loss - The resident (and roommate(s) where assigned) is responsible for damages to his/her room, as well as damage and/or loss to the furnishings and fixtures the College has provided. The resident agrees to pay for the restoration of the property to its condition at the time of occupancy or for repairs or replacement (except normal wear and tear), unless the identity of others responsible for the damage or loss is established and proven by the resident(s). Resident(s) are responsible for any damage or loss to the premises caused by their guests. This responsibility extends until the resident is officially checked out by a Residence Life staff member. Charges for damages, cleaning, replacement of furniture, etc. shall be divided by the number of students assigned to the room. If one or more roommates assume responsibility for damages, cleaning, replacement of furniture, etc., a written statement signed by the responsible party must be noted on the Closing Agreement, which has been signed by all of the room’s residents and submitted to the Area Director indicating who specifically should be charged. Charges will not be assessed to one roommate based solely on another roommate’s claim of wrongdoing. Students should assure that all windows and doors to the room are locked and secured before their final departure at check-out.

Common Area Damage/Loss - It is understood that the residents are responsible for any damage or loss caused or non-routine cleaning or trash removal required to the common areas of the residence halls and their furnishings, including vending machines and other equipment placed in the residence halls as a convenience to the residents. Common areas include corridors, recreation rooms, kitchens, study rooms, living rooms, laundry rooms, public baths and lounges. When damage occurs, the student(s) will be billed directly for the repairs. Individual Hall Councils have the authority (along with Residence Life Staff) to assess and assign charges for these damages. Common Area Charges that are assigned by the Hall/Apartments Councils will be collected directly by Hall/Apartments Council representatives prior to the end of the semester. Residents are expected to provide payment to the Hall/Apartments Council representative. If at the end of the year charges assigned by the Hall/Apartments Council have not been paid, Residence Life will bill the student

directly with the addition of a \$15 administrative charge. Damages may also result in College judicial action. Those students who are responsible for vandalism or theft may be removed from and/or denied future housing in College residence halls.

Procedures for appealing damage charges - In the event the resident wishes to contest the charges for damages or loss, the following procedure is prescribed:

- (1) Contact in writing the Area Director for the building in which the alleged damage occurred. For Hall/Apartment Council levied damage billing; appeals may be heard by the Hall/Apartment Council or the Hall/Apartment Council's designates prior to the last day of classes in the spring semester. After the last day of classes in the spring semester the Area Director will hear all appeals.
- (2) If the matter is still unresolved, contact in writing the Director of Housing Operations.
- (3) Appeals will be heard by the Appeals Board consisting of three representatives from the Residence Hall Association (RHA). The decision of the Appeals Board is final.
- (4) Charges must be appealed in writing within 30 days of the date of the bill. Bills received during the summer must be appealed in writing before the end of the first full week of fall classes.

Eligibility

Only registered and currently enrolled William and Mary students, including research graduates, are eligible to reside in College housing.

All freshmen students are required to live in College housing. Freshmen student status, as defined by this policy is first-time, full-time college student status for two semesters (i.e., no full-time college experience after high school).

Exceptions to the freshmen residency requirement may be made for:

- (1) freshmen who commute daily within a 30-mile radius from the homes of their parents or legal guardians;
- (2) freshmen who are 21 years of age or older; or
- (3) married freshmen.

Freshmen who transfer to William and Mary before completing two full-time semesters at another college or university will be eligible to reside in campus housing, provided they have been admitted and a housing application is received in Residence Life by the first week in May for the Fall semester and the first week in December for the Spring semester.

The movement of a first year student assigned to a first year student residence to an upper-level residence or off campus is not permitted. The same policy applies to upper-level students requesting a move to first year student buildings.

Part-time students may apply for housing but will only be offered a space after all full-time students have been accommodated. Students currently residing in campus housing who are approved to drop to part-time status will not be required to leave campus housing.

Extermination

Residents must take care in keeping their own rooms and public areas clean to prevent insect infestation. The College is under contract with an exterminator to respond to specific insect and pest problems. This service must be requested through the Facilities Management work order request system by the resident(s). <http://web.wm.edu/facman/FM/FM-WorkOrders.php>.

Furnishings/Fixtures

The following is provided in each room: one bed, mattress (typically 36"x 80"), chest of drawers, closet/wardrobe, desk and chair per student and one recycling container per room. Other furnishings will vary according to the individual

residence hall. College furniture may not be removed from a resident's room or apartment and should not be switched between rooms or with lounge furniture. College furniture from student rooms and public areas may not be taken outside. In addition, window screens shall not be removed unless approved by Residence Life. Students approved for a window air conditioner by the Student Health Center will automatically have their screen removed and stored by Facilities Management.

Guests/Visitation

Guests on the Hall - Guests are expected to abide by all rules and regulations of the College, Residence Life, and individual building's Community Agreements. The resident is responsible for the behavior of his/her guests, including restitution for damage to College facilities.

Guests in the Room - In order to have a guest(s), residents must have the consent of the roommate(s)/apartment mate(s) on each occasion. Extended visits are not permitted, nor is cohabitation (residency with someone other than the officially assigned roommate).

Custodial Services/Trash Removal

Residence Life Custodial Services staff are responsible for routine cleaning of public areas, such as hallways, stairwells, public bathrooms and lounges. Hallways and stairwells must be kept free of personal belongings that could impede the ability of Custodial Services staff to maintain these areas. No custodial services are provided for apartments, Lodges or suite/private bathrooms. Students are expected to maintain their rooms in an orderly and sanitary condition. This includes removal of personal trash (ex: trash bags, pizza boxes, etc.) to a College dumpster and recycling to College approved recycling areas. Residents may be charged a fee for the removal of personal trash from public areas.

Inspections/Room Entry/Searches

Authorized personnel may enter a student room:

- (1) For the purpose of assuring fire protection, life safety, sanitation or scheduled maintenance and use of the College's furnishings, fixtures and facilities. Any such inspections or entry, except in the case of emergencies, shall be announced 48 hours in advance by the posting of a notice in the residence hall or via e-mail notification. The resident's absence will not prevent the carrying out of such maintenance or safety inspections.
- (2) When an occupant has requested repairs or extermination by filing a Work Order Request, authorized maintenance personnel may enter in the resident's absence for the sole purpose of making the repairs or exterminating as requested.
- (3) In order to secure the buildings, Residence Life staff will enter and check all resident rooms during the Thanksgiving and semester breaks. Visible violations of College policy will result in College judicial action.
- (4) If a roommate moves out of a room, a member of the Residence Life staff may enter the room following the completion of the move to inspect for damages and insure space is available for a new occupant.
- (5) To verify that all vacancies are prepared for new occupants for the Spring semester. Judicial action and/or cleaning charges may be imposed on a resident if his/her room is not ready for a new occupant.
- (6) If noise (unattended loud music, alarm clock, etc.) coming from a room where the occupants are not present is causing a disruption to the community.
- (7) To unlock a suite bathroom door if it is reasonable to assume that suitemates will be gone overnight and/or being locked out of the bathroom creates a major inconvenience or presents a safety hazard to locked-out residents.

College policy prohibits staff members from unlocking room doors for anyone other than the occupant(s) (except in those cases outlined in the "Statement of Rights and Responsibilities" found in the Student Handbook).

It is understood and agreed that a resident's room or possessions on campus will not be searched by College authorities for violation of College rules and regulations or applicable law unless there is reasonable administrative cause to believe that a resident is using his/her room for purposes in violation of College rules or regulations, or in violation of this Contract and unless a certificate authorizing the search has been issued and signed by the Vice President of Student Affairs. The certificate shall state the source of information, the violation, the location of the search, the materials to be seized or information sought and the name(s) of the person(s) authorized to conduct the search. The foregoing does not apply to searches conducted by local or William and Mary Police. Such searches are governed by the Code of Virginia.

Insurance

The College is not responsible or liable for any loss or damage to property resulting from fire, theft, casualty or any cause, or for personal injury occurring within the leased premises, except as may be required by Virginia law. It is strongly recommended that personal property insurance be obtained by each student.

Maintenance

While the College will be responsible for the routine maintenance, the resident is responsible for reporting maintenance concerns. The College will provide electrical power, heat and water and maintain these utilities under controllable conditions. Residents must understand that, as a condition of this Contract, the College shall not be responsible or liable for any damage or loss to his/ her personal property while on the premises caused by the cessation or failure of such utilities, no matter the reason. Moreover, the College will not be in breach of this Contract if such utility service is suspended for any reason; provided, if the premises are rendered unsafe or unfit for occupancy, the College will offer alternate housing if it is available on campus or provide a prorated refund of the unused portion of the rent in accordance with the schedule printed in the College Catalog.

Repairs - Requests for repairs should be filed by the resident on the Facilities Management web site (<http://web.wm.edu/facman/FM/FM-WorkOrders.php>). If the repair is not made within a reasonable amount of time, a second request should be submitted by the resident. If the repair is still not made, the Area Director should be notified of the situation and given the opportunity to resolve the problem.

Rent Rebates - If after a reasonable amount of time repairs are not made or sufficient reason for the delay provided, the resident may appeal to the Director of Housing Operations for a rent rebate or other solution. Rebates are granted only in cases where the College has remained unresponsive and the condition of the premises is such that reasonable occupancy and use there of is precluded. The decision of the Director of Housing Operations concerning whether a rebate is granted may be appealed to the Residence Hall Association (RHA) Appeals Board. Once a rebate has been granted, the amount of the rebate may not be appealed.

Prohibited Items in the Residence Halls

Some examples of items not permitted in the residence halls are listed here; however, this list is not necessarily all-inclusive: animals (excluding fish and service animals), non-fused extension cords, outside antennas, bread machines, candles, incense, ceiling fans, chain locks, crock pots, dead-bolt locks, explosives, firearms, fireworks, gasoline and other combustible liquids, hot pots that are not thermostatically controlled, immersion coils, incense, oil lamps, open flames, space heaters, torchiere-style (pole) halogen lamps, waterbeds and weapons. Live cut Christmas trees, as mandated by the State fire code, are not permitted in the residence halls.

Prohibited Items in Student Rooms - The following kitchen appliances are prohibited in student rooms, but may be used in residence hall kitchens: hot plates, toaster ovens, broilers, electric skillet/woks and other portable electric cooking devices.

Rates

The resident agrees to pay the College in advance, on a semester basis, the rent established for the room which is assigned. The initial rate for the assigned space at which the resident is billed for the assigned space (except for clerical error) is guaranteed for the entire academic session unless: (1) the occupancy level of the room changes or (2) the resident changes to another room and the rate for the new room is different. Then a refund or additional payment may be required. These procedures exclude students living in family housing or graduate students living at the Graduate Complex who choose to pay by installments. Room rates will be prorated on a daily basis for students acquiring on-campus housing more than two weeks after the first day of occupancy. Room rates are not based on the presence of air-conditioning.

Refund/Forfeiture Policies

If the resident withdraws from College during the course of the semester, refunds of the room rent will be prorated based on the date the resident officially checks out of the room with the required paperwork completed by a Residence Life staff member. Residents who are required to withdraw by the College because of a failure to meet obligations under the Housing Contract or for other reasons, who are removed from the residences, or who, while remaining enrolled at the College, move out of the residence halls are financially obligated for the remainder of the semester.

Room Changes

Residents may not move from one room to another without prior written consent from Residence Life. Violation of this requirement will result in a \$25 charge (the resident will be required to move back into the original assignment) and is a violation of this Contract which may result in a referral to the Office of the Dean of Students. *See Discrimination Clause.*

Room Change Dates – The room change process begins two weeks after the first day of classes in the Fall and Spring semesters.

General Room Changes - Students interested in changing rooms should go to Residence Life (212 Campus Center) once the room change period begins to complete the Room Change Request Form. Changes are typically approved on a first come, first served basis, but may be made based on the individual circumstances involved. Once a change has been granted, students should complete their move within 48 hours. Exceptions to the 48-hour provision may be authorized for good cause by the Associate Director.

Direct Room Switches - A direct switch is when two residents of the same residence hall area exchange room assignments. Area Directors may approve direct switches during the academic year. Room changes into vacant spaces or into another residence hall area must follow the Open Room Change guidelines. Direct room changes (person for person) over the summer will be honored during the month of June provided that all students involved provide written or e-mail (from the student's William and Mary account) agreement to Residence Life between June and June 30 and there are no vacancies involved. Direct room switches involving special interest housing will require approval from the department. Otherwise, requests for room changes will not be accepted until two weeks after the first day of classes at the beginning of each semester.

End of Fall Semester Room Changes - At the end of the Fall semester, there are a substantial number of room changes. Individuals who change rooms must officially check-out of their old assignment before the halls close for the semester break and will be given instructions at the time they sign the room change approval paperwork.

Room Damage Deposit

As a condition of room occupancy, all students must pay the College a \$75 Room Damage Deposit prior to occupying the room (exceptions are not made for students on scholarships). This \$75 deposit shall be refunded within 30 days of termination of this Contract, if and when the resident will not be residing in a College residence

during the subsequent semester and provided there are no damages to the premises and the student's College account is current. Damage claims upon final departure will be deducted from the \$75 deposit. The resident shall be responsible for all costs of repair/restoration in excess of the \$75 deposit. Damage charges during occupancy will be billed directly to the resident. All bills must be paid by their due date except when a letter of appeal has been filed with the Area Director and/or the Director of Housing Operations according to the procedures set forth in "Damage/Loss Charges."

Failure to pay the Room Damage Deposit, or to clear outstanding bills will be considered a violation of the Housing Contract and may result in (a) ineligibility for participation in the Room Selection Process or special interest housing membership, (b) ineligibility for official check in procedures, i.e., obtaining key, (c) withholding of registration materials/transcripts, (d) disciplinary sanctions, and/or (e) civil suit.

Room Reservation Deposit

The \$200 Room Reservation Deposit will be credited toward the Fall room rent charge due to the College. Failure to pay the deposit by the stated deadline will make the student ineligible to participate in the room selection process. Please note that payment of the deposit is the responsibility of the student. Bills and reminders concerning the Room Reservation Deposit are not sent to parents.

Currently Enrolled Students - To request a room in a College residence for the following academic year, a currently enrolled student must pay a \$200 deposit by the advertised deadline date and sign or electronically accepted a contract with the College at the time of assignment to a room. This \$200 Room Reservation Deposit serves as the student's indication that he/she wishes to reside in College housing. It is NON REFUNDABLE except in the event the resident transfers (must submit copy to Residence Life of acceptance letter), gets married (a copy of the current marriage certificate is required for verification), is academically dropped, is selected to participate in an approved Semester Study Away program, is unable to enroll due to illness, or is eliminated from the Room Selection Process (bumped). A person who is bumped from the Room Selection Process can take one prospective roommate with him/her to move off campus as long as they request a refund together and apply by the stated deadline.

Residence Life MUST be notified before the first day of classes that a resident has transferred, married or will be participating in an approved Semester Study Away program. This notification is necessary to cancel the contract and refund the \$200 deposit. If notification is not received by the first day of classes, the \$200 deposit shall be forfeited and other charges may apply.

Transfer/Returning/New Students - Once a student has received an offer of campus housing, he/she must submit a signed Housing Contract and a \$200 NON-REFUNDABLE deposit to secure the Housing assignment. The \$200 deposit is not required for spring housing assignments.

Safety and Security

General Safety

- (1) The College cannot guarantee the safety and security of the premises. Residents are responsible for their personal security and that of their belongings within College facilities.
- (2) Computerized I.D. access or other security systems are provided in the residence halls for the protection of the residents. While the College is in session, the exterior doors to the residence halls will be controlled to restrict access to residents and guests. Access to residences by non-residents may be restricted to earlier hours, if the Residence Hall Council decides, or if the College determines that this is necessary for safety and security reasons.
- (3) Residents may not engage in any activity which creates a safety risk or which jeopardizes the security of the premises, including but not limited to, the

- propping of exterior doors and the removal of window screens.
- (4) For safety reasons, the roofs, porches, window ledges, unfinished attics and mechanical equipment rooms of all College buildings are restricted areas and may not be accessed.
 - (5) Individuals observed in the hall who are not residents or guests should be reported immediately to a Residence Life staff member or William and Mary Police.

Electrical Safety

- (1) Permanent electrical circuits cannot be altered by occupants or anyone not authorized by the College.
- (2) Appliances, lamps and other electrical equipment with damaged, worn, cracked, or frayed cords and plugs must be replaced.
- (3) All lighting fixtures must use only light bulbs of type and wattage as recommended by the manufacturer. Lamp shades must also meet manufacturer specifications for the specific fixture.
- (4) Electrical cords or other communication cables may not be installed under carpets, hung over nails or run through doorways and windows.
- (5) The following are prohibited in residence hall rooms: multi-plug adapters (the type that are affixed directly to the wall outlet), cube adapters, unfused plug strips or items such as air fresheners that include an outlet on them.
- (6) Grounded relocatable power taps or surge protector strips with heavy duty cords and a "reset" switch will be the only allowable receptacle extensions from wall outlets. Each power tap will be connected directly into a wall receptacle and they shall not be plugged into one another.
- (7) Non-fused extension cords and flexible cords are prohibited in Residence Hall rooms.
- (8) No power cord, of any type, shall be extended through walls, ceilings or floors, or under doors or floor coverings, nor shall any cord be subject to environmental damage or physical impact.
- (9) Any cord that has physical damage or splicing must immediately be removed from service and removed from residence halls.

Fire Safety

- (1) OPEN FLAMES (from any source) and burning materials of any kind are absolutely prohibited in the residence halls.
- (2) The integrity of all ceilings, floors and walls must remain intact and not be disturbed. Also, light fixtures must have proper globe or deflector in place. Any open bulb fixtures are a fire hazard and should be reported.
- (3) Additional wall coverings (e.g. paneling, wallpaper, etc.) cannot be installed by occupants.
- (4) According to Virginia State Fire Code, candles and incense are prohibited in residence halls, even if such items are unlit or being used for decorative purpose only.
- (5) According to Virginia State Fire Code, no more than 10% of a residence hall room's wall surface area may be covered by potentially flammable objects. This includes but is not limited to posters, framed pictures, photos, flags, tapestries or any other decorative objects that are mounted on the wall. Residents in residence hall rooms that approach or surpass this 10% level may be required to remove items as necessary to comply with state fire safety requirements. In addition, wall hangings cannot contact electrical outlets or come closer than 12 inches to the heating unit. All ceiling decorations are prohibited.
- (6) Window decorations other than college furnished shades, drapes or blinds may be used but must carry a recognized fire rating and be constructed of fire retardant material.
- (7) Living areas must be kept uncluttered and access to the doors clear. Hallways and stairways must remain clear and unobstructed.
- (8) At no time may the maximum capacity restrictions of a room, apartment, or lodge be exceeded.

- (9) Residents may make use of the working fireplaces in the following areas:
DuPont, Lettie Pate Whitehead Evans building 800 lounge, Sororities (with the exception of the 2nd floor fireplace in House 1), Lodges, Tazewell and Taliaferro.
- (a) Fires in fireplaces should never be unattended.
 - (b) There should always be a fire extinguisher present in the vicinity when there is an attended fire in the fireplace.
 - (c) The use of chemical fire starters is prohibited.

Smoke-Free

Complying with the requirements of the Commonwealth of Virginia, all residence halls, apartments, and houses are smoke-free. Residents and their guests must refrain from smoking at any time they are physically present in the building, including in private residence rooms.

Storage

Academic Year Storage - The College will not store College furnishings outside the resident's room. Personal belongings in stackable containers may be stored in approved storage areas of selected residences during the academic year at the sole risk of the owner/user. The College is not responsible for any damage, deterioration or loss and makes no representation, express or implied, as to the fitness of the premises. All personal belongings must be removed from these storage areas at the end of the regular academic school year. It is agreed that personal belongings not removed from student rooms or storage areas may be discarded or auctioned by the College at the end of the regular academic year.

Summer Storage - Summer storage is very limited and restricted to the area designated by Residence Life. All stored items must be in stackable containers labeled with name, residence hall address and date of pickup. Refrigerators, bicycles and lofts may be stored but loft frames must be disassembled, securely bundled and labeled. Access to items stored over the summer may not be gained until the official opening of the residences in the fall. No carpets, rugs, mattresses, sofas or chairs (or any other furniture items) may be stored. Absolutely no combustible, flammable or explosive items are permitted in storage areas. The College will discard or auction items not removed from these areas by the publicized date in the Fall semester and the owners may be charged for the removal of such items.

Subletting

Students may not transfer this Contract or sublet the assigned room to another party.

Vacancies

Residence Life reserves the right to fill all vacancies. If a space becomes available in a room because a roommate has not been assigned or a roommate moves out, Residence Life reserves the right to fill the vacancy. If spaces are not needed after October 15 (Fall) or March 6 (Spring), the resident may request to continue to live in the room at an increased rate for the balance of the semester and be assured that the College will not assign someone to that space.

A "double as single" rate shall be charged equal to the cost of the current rate plus the prorated amount of one half the cost of the remaining half of the room.

Residents who engage in conduct designed or intended to dissuade or intimidate other students from moving into a room or who otherwise attempt to manipulate the housing assignment process may be subject to judicial action.

Vacation Periods

The residences, with the exception of graduate housing, are not open for occupancy during the Semester Break. In addition, only selected buildings are open for the Thanksgiving Break (Cabell, Graduate Complex, Special Interest Houses in the Randolph Complex, Lodges, Ludwell, Nicholas, Reves, Tazewell and all Fraternity

and Sorority Houses). Students are encouraged to plan ahead and make alternate arrangements during this time (10 a.m. on Wednesday, November 25 through 9 a.m. on Sunday, November 29). Residence Halls remain open during both Fall and Spring Breaks.

Additional Provisions

If the premises become uninhabitable because of fire, strike, earthquake, accident, flood, riot, emergency, act of God or any reason beyond the control of the College, the College of William and Mary is no longer obligated to provide housing and the student will not be required to pay rent for the time remaining on this Contract. Residence Life will attempt to identify and provide alternate housing for each student affected. A refund of the room rent will be made (in accordance with the schedule printed in the College Catalog) if the student chooses not to accept alternate housing offered by the College or if the College is unable to offer alternate housing. Should any of the conditions described above result in damage or loss to personal property, loss of other items of value, or if there is any other resulting expense, the College will not be responsible.

Nothing in this document proscribes or limits the authority and power of the Board of Visitors of the College of William and Mary to establish policy, rules and regulations, which shall be applicable upon their effective date and operate prospectively unless otherwise stated.

Further, the College reserves the right to make reasonable modifications to this Contract to insure personal safety or protection of property, provided reasonable advance notice is given.

Policies

Air Conditioning

Room rates are not based on the presence of air-conditioning. To help maintain low utility costs, all central air-conditioning in the residences will be turned off on or about October 15 of each year. The following guidelines will be used to determine the exact date of shut-down: three consecutive days of daily temperatures no higher than 68 degrees and/or nighttime temperatures no higher than 50 degrees and a downward or stable trend forecast for seven days. All central air conditioning will be turned off by November 1st regardless of weather. Air conditioning will be turned on in the spring on or about April 15. The following guidelines will be used to determine the exact date of start-up: three consecutive days of daily high temperatures higher than 70 degrees and/or nighttime temperatures no lower than 60 degrees. All air conditioning will be turned on no later than April 20 regardless of weather. The following buildings have central air: Bryan Complex (Bryan, Camm, Dawson, Madison, Stith), DuPont, Graduate Complex, Jamestown North, Jamestown South, Jefferson, Lodges, Ludwell Apartments, Old Dominion, Randolph Complex (Cabell, Giles, Harrison, Page, Pleasants, Preston, Nicholas, Tazewell), Reves and Yates. The Botetourt Complex (Spotswood, Fauquier, Nicholson, Gooch and Dinwiddie) and Taliaferro have air-conditioned lobbies off the first floor. The rest of the residence halls are not air-conditioned.

Window Air Conditioners

- (1) Room air conditioners are not permitted unless a medical exemption is provided by the Student Health Center to Residence Life prior to installation. Students should ask their physician to provide the Student Health Center with medical documentation of need for air conditioning, which must include the medications a student is currently taking.
- (2) Students must provide their own air conditioning unit, which must either be installed or inspected by staff from Facilities Management. Requests to schedule installation/removal of air conditioning units must be submitted in writing.

- (3) Only one air conditioner is allowed per student room. Room units must be wired for 110-120 volts and should not exceed 6,000 BTUs.
- (4) Failure to remove unapproved units may result in College judicial action.
- (5) Air conditioners are not permitted in the first floor of student rooms in Sorority Houses due to the presence of security screens.
- (6) Window size restrictions: Approximate heights of windows in Botetourt Complex are 17 inches, Randolph Complex window height is 20 inches and Fraternity Complex windows are non-standard sizes.

Animals/Pets

To preserve the health and safety of the residents, only fish in bowls or aquariums (no larger than 20 gallons) and service animals are permissible in student rooms or student apartments. In addition, since the College of William and Mary presumes that non-human life has its own intrinsic value; it calls on its students to refrain from activities which might prove needlessly harmful or wantonly cruel to animals.

Appliances

The College's residence halls are of varying design and construction type. The College reserves the right to impose reasonable requirements with respect to the type and use of appliances, equipment and other items students bring into the residence halls. Residents are strongly urged to use appliances that are Energy Star compliant. (See Prohibited Items in Housing Contract Terms and Conditions.) Non-fused extension cords and flexible extension codes are prohibited in Residence Hall rooms.

Refrigerators - Refrigerators no larger than 4.3 cubic feet and Energy Star rated are permitted in residence hall rooms.

Microwave Ovens - Microwave ovens (without convection oven options) are permitted in residence hall rooms.

Other Approved Appliances - Hot air popcorn poppers and Underwriters Laboratory (UL) listed and thermostatically controlled hot pots are permitted.

Appliances in Apartments - Apartments are furnished with refrigerators and stove/oven units. Apartment units with kitchens may be furnished with other kitchen appliances.

Capacity Numbers

Based on fire safety; maximum room, apartment, and lodge capacities are as follows and should never be exceeded.

Single rooms	9
Double rooms	10
Triple rooms	11
Quad rooms	12
Cabell apartments	20
Grad double apartments	15
Grad triple apartments	20*
Grad quad apartments	15
Lodges	28
Ludwell apartments	20
Nicholas apartments	30

* Grad triple apartments have a different capacity level due to apartment square footage.

Decorations Policy

Residents are permitted to decorate rooms, hallways and common areas as long as they adhere to the following policies:

- (1) Smoke detectors, sprinklers, fire alarms and light fixtures must remain uncovered. Residents must not drape or attach decorations to these items.
- (2) Decorations must not obstruct hallways, fire exits, exit signs and access to fire safety equipment.

- (3) Free-standing or table top decorations are permitted. When hanging items in public areas, the use of tape, tacks, nails or staples to attach decorations to walls, ceilings and doors (including room doors) is not permitted. Decorations may be applied to bulletin boards as long as they comply with the other policies listed here.
- (4) All light bulbs and light strings generate enough heat to ignite paper and cloth. Residents must ensure that light bulbs and light strings do not come into contact with anything flammable.
- (5) All lighting to decorate trees or rooms must be UL approved. String lights or light ropes can be used to decorate student rooms. Decorative lights must either be plugged directly into an outlet or into a surge protector. Residents may run decorative light strings in series up to three strings per outlet. The use of string lights in public areas is prohibited unless they are being used on a tree or they are battery powered. No crimping of cords may occur, so don't run cords under doorways or windows.
- (6) For everyone's safety, lights must be turned off when the area is unattended.
- (7) Use of live garland, greenery, wreaths, leaves, twigs, bamboo, branches, hay or sand as decoration is prohibited. Floors must not be covered with any material other than carpet or rugs.
- (8) Artificial trees may be used in residence hall rooms, lounges, lobbies or living room areas; however, live, cut trees are prohibited by state fire code.
- (9) All decorations must be removed after the specific function or, in the case of holidays, prior to residence halls closing for semester break. Decorations left during the semester break in public areas will be removed and discarded and the hall/group responsible for the decorations may be billed.

Discrimination Clause

Room, roommate, and room change assignments are made without regard to race, creed, religion, national origin, political belief, sexual orientation, disability, Vietnam veteran status and all other categories ensured by the Commonwealth and by federal law.

Lockouts

Students locked out of their room should contact a hall staff member for admittance to the room. Students must provide proof of residency (student I.D. number). Students will only be admitted to their assigned rooms. A 7-day loan key is available at the Duty Office if the key is temporarily misplaced.

Replacements for lost or temporarily misplaced keys may also be obtained from the Residence Life office during normal weekday working hours or by calling 1-LOCK on weekends.

Core Changes

If the residents of the room are present during the core change, they may sign for their new key(s) from the locksmith. If residents are not present, a note will be left by the locksmith indicating that the new keys will be available in Residence Life until 5 p.m. the day of the change or after 7 p.m in their area duty office.

Non-Emergency Core Changes – Loaned keys not returned to the duty office by the end of the 7-day period will result in a non-emergency core change. The resident who checked out the loaned key will be charge the \$40 for the core change. Non-emergency core changes are done on Wednesdays except during finals.

Emergency Core Changes – An emergency core change may be requested in their duty office by the student if their original key is lost or stolen and changing the lock can not wait until the next scheduled core change day. The student requesting the emergency core change may be charged the \$40 for the core change.

Lofts

Residents may construct lofts in their rooms. The following rules and regulations will be adhered to concerning construction, use and disassembly of lofts in residence halls:

1. A loft is defined as a free standing platform intended to provide a sleeping surface only. Large structures that cover more than two-thirds of the room or are intended to add a second level to a room are not allowed.
2. Before constructing a loft, a resident must read and sign a “Waiver of Liability” available in area Duty Offices.
3. While the loft is being constructed or dismantled, hallways, doors or window areas must not be blocked with lumber, furniture, fixtures, etc. Doors and windows must never be obstructed.
4. Construction Guidelines:
 - (A) Lofts must be free-standing. Bolts, nails, chains, etc. cannot be sunken, attached or adhered in any way to the walls, floors and/or ceilings to support the loft.
 - (B) Desks, dressers, wardrobes, etc. must not be used to support the loft.
 - (C) Lofts must not be larger than 90” x 48”. Lofts must also be constructed in such a way as to allow 36” clearance between the top of the mattress and an 8’ or 9’ ceiling. In rooms with ceilings over 9’, bunk beds or lofts may not exceed 7’ in height.
 - (D) In a room with more than one loft, no more than two lofts may be attached to each other to increase structural integrity. Lofts may NOT be attached for the purpose of adding a second room level.
 - (E) Lofts must be located and constructed in such a way that they do not interfere with access to windows, air conditioning, heating or plumbing units, smoke detectors or other items requiring periodic maintenance and do not interfere with or obstruct egress from the room in case of emergency.
 - (F) Attached room fixtures (ceiling tiles, lights, electrical outlets or switches, air conditioning/heating covers, smoke detectors, shades, etc.) must not be removed or relocated as a result of loft construction, use or disassembly.
 - (G) A ladder must be permanently attached to the loft and should be used for mounting and dismantling the loft.
5. Residents of the room assume responsibility for any damages resulting from any cutting, sawing, painting or staining done in the residence halls.
6. College beds, mattresses, desks, dressers, chairs, etc. must not be removed from the room.
7. Lofts must be completely dismantled and removed from the room when the occupants vacate the room, either by changing rooms during the year or upon final check-out at the end of the fall or spring semester. At that time, the room should conform to the original room condition with all furniture assembled as it was upon check-in. Failure to dismantle and remove all materials or re-assemble college furnishings will result in assessment of labor and replacement costs to residents of the room.
8. In the case of a mid semester or midyear check-out or room change, lofts belonging to the departing resident of a room may be left standing only if the new occupant of the room agrees to accept the loft and provides the Area Director with a signed “Waiver of Liability” form.
9. Lofts are subject to periodic inspection by the staff from Facilities Management for compliance with the aforementioned guidelines. Residents whose lofts do not meet these guidelines will be required to modify or replace their loft.
10. The following tips can assist in the safe use of lofts:
 - (A) Tighten all bolts regularly.
 - (B) Bed rails should be provided to help prevent falls.
 - (C) Do not decorate lofts with flammable materials. Electrical appliances should be kept and used away from the loft.
 - (D) Clip-on reading lights should be mounted at least 24” away from the mattress or pillow. This has been a common cause of room fires in the past at the College.

Painting Rooms

Student rooms are painted in an off-white color on a rotating schedule. Students may not paint their rooms in any other color, or add murals or border designs to their room walls or ceilings. Students who wish to touch up their walls may pick up the approved off-white, semi-gloss latex paint from Residence Life (212 Campus Center). Students who elect to paint their rooms must comply with the provisions detailed on the Residence Life Paint Request Form available in Residence Life or be subject to a charge for repainting the room. Brushes, rollers, drop cloths, etc. will be provided by the resident.

Quiet Hours

Under the policy of Self-Determination, quiet hours are determined by each community and approved by the Residence Hall Council.

Self-Determination

Principles of Self-Determination

The College's dedication to liberal education is reflected in its policy of residence life known as Self Determination. Each residential unit is viewed as a living learning center whose goal is to enrich each student's educational experience. Under the policy of Self Determination, the residents of each unit, under the guidance of the Residence Life staff, develop rules, guidelines and procedures of governance for living which will allow for both individual freedom and the privacy and personal rights of others in the community.

Student Involvement in Self-Determination

Students in residence halls exercise the responsibility of self governance through the Residence Hall Councils. The residents develop rules and guidelines which pertain to the maintenance of a clean and orderly environment in the residence hall, the maintenance of reasonable quiet, the regulation of conduct which infringes on the rights of other residents or which restricts the use of public areas, the assurance of a reasonable level of safety and security and the regulation of visitation of guests. The policies and procedures adopted by the Residence Hall Councils shall be compatible with the College policy, public laws and the academic objectives of a residential and educational community. The individual's right of privacy and freedom of personal choice and movement; and the educational goals of the College must always be ensured by the guidelines.

Resident's Rights and Responsibilities

- (1) Each resident shall have freedom of movement in or out of his/her residence hall at all times.
- (2) Each visitor to a residence hall must be a welcomed guest of a resident of that hall.
- (3) Residents are responsible for the behavior of any guest(s) visiting.
- (4) Residents must have the consent of the roommate(s)/apartment mates in order to have a guest(s).
- (5) Each student has the right to counsel with a member of the Student Affairs staff concerning problems arising from Self Determination. The staff of the Vice President for Student Affairs has the right to intervene to ensure that the rights of all students are respected.

FUNCTIONS OF RESIDENCE HALL COUNCILS

a. Composition and Organization of Councils

After the first week of classes, but no later than the end of the third week of the academic session, each residence hall or complex shall elect a Residence Hall Council consisting of at least one representative from each floor or section of the hall or complex.

The offices of the Residence Hall Council shall be determined by the council and the officers' duties designated by the same. A combination of the following offices is suggested as a means of developing an effective Hall Council: President, or Chair; Vice President; Secretary; Programming Chairperson; representative to campus wide RHA (Residence Hall Association) and Floor/Unit Representative. The Head Resident, Hall Director or Complex Director for the residence shall serve as advisor to the Council. Following election of all members, each Residence Hall Council shall decide such issues as the following:

- (1) the constitution from the previous year will remain in effect until a new constitution is ratified;
- (2) ratify old rules and guidelines or develop new rules and guidelines;
- (3) determine how frequently meetings will be held;
- (4) set meeting attendance policy;
- (5) determine what constitutes quorum;
- (6) decide what voting percentage is required to pass resolutions; and
- (7) determine how to handle replacement of officers or representatives who resign.
Any member of the Residence Hall Council shall be subject to recall proceedings in accordance with the individual hall council constitution.

b. Events and Activities Function of the Council

The Residence Hall Council has the responsibility for organizing social and educational activities for the residence hall community according to the needs and interests of the residents. The Council has the right to appoint the committees necessary to this function and the right to establish dues, organize fund raising activities and receive contributions as a means of support for its events and activities.

c. Governance Function of the Council

- (1) Exercising the principle of Self Determination, the Residence Hall Council has the responsibility to determine rules and guidelines governing common areas, both those rules and guidelines for residents and the policies for allowing outside groups to use residence hall space. The Council also has the responsibility to clearly outline consequences for failure to abide by established rules and regulations. Until the elected Residence Hall Council is functioning at the beginning of the Fall semester, rules and guidelines developed during the proceeding academic year will be in effect. The Residence Life staff will be responsible for making these policies known.
 - (a) No rule or guideline may be established which is inconsistent with or contrary to the rules, regulations and policies of the College. Rules may be established that are more stringent than the general provisions of the College. In addition, the Residence Hall Council may permit the residents of a floor or section of a residence to elect hours of access or visitation or to establish other regulations more restrictive than those employed by the remainder of the residence hall.
 - (b) All rules and guidelines established by the Residence Hall Council must be approved according to the provisions stated in the respective constitutions.
 - (c) Any rule or guideline shall be subject to a referendum according to the provisions stated in the respective constitutions.
 - (d) All rules and guidelines established by the Residence Hall Council will be reviewed by the Residence Life Staff. Copies of all rules and guidelines shall be posted in the residence hall and also be on file in the Residence Life Office.
- (2) Within the first three weeks of the Fall semester, the Resident Assistant shall assist each living unit (floor, wing, house, etc.) within a residence area in the development of a Community Agreement outlining guidelines for community living and consequences for failure to follow established guidelines. Community Agreements should cover areas such as quiet hours,

visitation regulations, use of unit lounge, kitchen and hallway space, and mutual expectations of unit residents. All residents of a living unit are expected to participate in the development of the Community Agreement and sign the completed agreement. A copy of each Community Agreement shall be posted in the living unit, and a copy kept on file in the Residence Life Office as well.

- (a) The Community Agreement may be amended at any time. Any resident of a living unit may call a unit meeting to discuss modification of the Community Agreement.
 - (b) In the event that conditions outlined in Community Agreements within a residence appear to be in conflict, the Residence Hall Council shall serve as mediator. Representatives of the units in conflict shall bring their grievances to the Hall Council for resolution by the voting members of the Council.
 - (c) In the event that a student fails to follow established guidelines of an individual hall/unit Community Agreement, the Residence Hall Council has the authority to levy charges against the responsible party.
- (3) The Residence Hall Council has the responsibility to investigate damages to common property, furniture and fixtures, to determine culpability, to assess charges to the responsible parties, and to collect from residents or designate Council funds for repair or replacement of damaged property. The Residence Hall Council has the authority to levy charges against users of area property, equipment or furnishings and for damage to or misuse of same.

d. Recommendation of Physical Improvements

The Residence Hall Council has the responsibility to represent the residents of the unit in matters which pertain to needed and desired physical improvements in the residence. The Council may designate funds for the purchase and/or refurbishing of furniture, recreational equipment and other items based on residents' needs and interests. The Residence Hall Council has the authority to establish policies regulating the use of such furniture and equipment.

APPENDIX I.

Events Where Alcoholic Beverages Are Served

A. Events Where Alcoholic Beverages Are Served

ABC Banquet/Special Event License. A license from the Virginia Alcoholic Beverage Control Board may be required for certain events. It is the responsibility of the organizer to check and secure in advance any license. The ABC Board will not accept license applications that do not allow it two weeks for processing. The submission of an application for an ABC license does not guarantee approval.

Campus-wide Events are those that are limited to William and Mary students, faculty, staff, and their invited guests. In Campus-wide Events these restrictions apply:

- A license from the Virginia Department of Alcoholic Beverage Control is required or a licensed third party vendor must be used.
- Alcoholic beverages must not be given away but must be individually sold.
- Beer, wine or wine coolers are the only alcoholic beverages that may be served.
- Admission is restricted to persons who are at least 21 years of age, unless alcoholic beverages are confined to a separate restricted area that has been approved for that purpose or unless approved by the Assistant Vice President for Student Affairs.

Private Events are those to which attendance is limited to an invited group. In Private Events these restrictions apply:

- Prior written approval from the Assistant Vice President for Student Affairs is required.
- Announcement of the event may be by personal invitation only; advertising of the event is not permitted. Advertising includes, but is not limited to, ads, posters, flyers, or electronic messages.
- The percentage of the group's membership, residents, and/or guest list, who are of legal drinking age will be a factor in determining if permission will be granted for the serving of alcohol and/or what quantity of alcohol may be served. A separate area may be required for the consumption of alcohol.

B.Y.O. (Bring Your Own) Events - BYO events, even though the attendees provide the alcohol, must conform to the same guidelines as all other events where alcohol is to be present. The student or organization sponsoring the event will control the collection, servicing and disbursing of alcoholic beverages; a designated serving area will be established and only one drink at a time may be obtained. Tickets or a punch card system must be in place for attendees to obtain beverages from the serving area and hosts must adhere to food and alternate beverage requirements set forth in this policy. Further, BYO events are subject to the same policies (including guest list and identification policies) as apply to all other events with alcohol. Deviations from these regulations must be approved in advance by the Assistant Vice President for Student Affairs.

All Events

Except as otherwise noted, the following apply to all events at which alcoholic beverages are served.

Events that fail to comply with the College's Alcoholic Beverage Policy or state law or with generally accepted rules of safety may be terminated by a member of the Student Affairs staff, law enforcement officers, including agents of the Virginia Alcoholic Beverage Control, or an appropriate fire or safety officer (depending on the circumstances).

The regulations that follow incorporate the requirements of the Virginia Alcoholic Beverage Control Board and additional requirements of the College. The sponsoring individual or organization must responsibly plan and supervise the activity.

Scheduling Events - Functions at which alcohol will be served must be scheduled through the Office of Student Activities, Campus Center 203B. For all events at which alcohol will be served, completed forms must be submitted no later than one week prior to the event. Area Directors must sign completed forms for events to be held in residence halls. Forms for events that are approved must be picked up and displayed at the event. (The Office of Student Activities closes at 5 pm on Monday through Friday.) Failure to pick up the authorization form from the Office of Student Activities and display it at the event constitutes an “unauthorized event.” Such event is subject to termination and the organization subject to disciplinary action. In addition to displaying the authorization form, a notice must also be displayed at all entrances to the event and reading, “Private Function. Members and invited guests only.”

Alcohol may be served and/or consumed only in approved public areas. Alcohol may not be served and/or consumed in public areas that have not been approved through the scheduling process. Approved areas are those for which a special license has been granted directly by the Alcoholic Beverage Control Board or permission has been given by the Assistant Vice President for Student Affairs. Public areas include lobbies, lounges, living rooms, stairwells, stairways, common area bathrooms, hallways of College residence halls (including fraternity and sorority houses), and Campus Center and University Center rooms. Events involving the distribution and/or sale of alcoholic beverages will not be scheduled for outside public areas that are not adequately shielded from public view, to which entry cannot be readily controlled, or which are inappropriate due to their proximity to residential or academic areas.

The College reserves the right to limit the number, frequency, and duration of events as well as the type and amount of alcohol that may be present and/or served at any function. No functions with alcohol will be approved during Alcohol Awareness Week or during the first week of each semester, including the first weekend in the Fall semester (which will vary depending on individual school calendars). Functions with alcohol will not be scheduled after the last day of classes each semester, with the exception of officially scheduled events associated with Commencement. No events with alcohol may be scheduled during reading and exam periods without prior written permission from the Assistant Vice President for Student Affairs.

Progressive Drinking Parties or Drinking Games. Progressive drinking parties or other functions where drinking alcohol is the principal attraction are not permitted.

Types of Alcohol. Approval for events with alcohol means that beer, wine, or wine coolers will be the only alcoholic beverages served and/or consumed at the event. Hard liquor is not permitted except under special circumstances approved in advance by the Assistant Vice President for Student Affairs. Grain alcohol served in any form is strictly prohibited.

Alternative Beverage and Food Items. Non-alcoholic beverages must be visible and available on the same basis as any alcoholic beverages served at approved functions. Appropriate food items such as snacks, fruit, vegetables, cheese, pizza, and/or other solid foods must be available in sufficient quantities throughout functions as long as alcoholic beverages are present, served or sold. Failure to provide adequate alternative non-alcoholic beverages and food may result in termination, delay of the event, and/or disciplinary action.

Guests. Individuals or groups sponsoring social functions are responsible to the College for the actions of all guests in attendance at the event. Except in the case of Campus-wide Events, “open” parties and functions where there are no guest lists are prohibited. Guests are defined as those individuals who are known to the host(s) of the function and have previously been identified as invited guests to the functions. As stated in the Student Handbook, “Responsibility for Guests,” a student is responsible for the behavior of his or her guests and is subject to disciplinary action and/or penalty for their behavior and/or damage.

Guest Lists.

- Except in the case of Campus-wide Events, a sponsoring organization must post completely sober (have refrained from consuming any alcohol) members at the entrance to a function to supervise the admission of guests.
- Guest lists must be approved by the Office of Student Activities by 12 noon on the day of the function or no later than 12 noon on Friday for functions occurring on the weekend.
- The sponsoring organization must submit to the Office of Student Activities a guest list with names of all guests. Guest lists must conform to the format approved by the Assistant Vice President for Student Affairs.
- A maximum of 400 individuals may be included on a guest list for an approved scheduled event. Approval to exceed the maximum 400 person limit must be obtained in advance of the event from the Assistant Vice President for Student Affairs.
- At no time may the number of guests at a function exceed the maximum capacity restrictions for that facility.
- The signed guest list must be turned into the Office of Student Activities on the first business day following the event. Failure to turn in a guest list, prior to or following the event, may result in loss of privileges. The College reserves the right to confirm the accuracy of guest lists by reasonable means.

Identification Cards. A completely sober (have refrained from consuming any alcohol) individual must check to ensure that every guest either has a William and Mary ID card or is accompanied by a William and Mary student with a valid ID. An additional ID that provides proof of legal drinking age is required to consume alcohol. The use of false, altered, or borrowed identification of any type is lying, an infraction of the Honor Code, and is also a criminal offense.

Wrist Bands/Hand Stamps. At functions where alcoholic beverages are served, sold, or consumed, the sponsoring organization must distinguish between those of age and those underage by either a separate drinking area or by use of wrist bands and/or hand stamps.

Time and Duration of Events with Alcohol. Alcoholic beverages may not be sold or served prior to 3 pm Monday through Friday and 12 noon on Saturday and Sunday unless written permission is granted by the Assistant Vice President for Student Affairs.

- The maximum duration of an event with alcohol service is five hours.
- Functions scheduled Sunday through Thursday must conclude by midnight and events scheduled Friday and Saturday must conclude by 2 am unless prior written permission has been granted by the Assistant Vice President for Student Affairs.
- Events in residence halls must conform to the rules and times established by the pertinent hall council but may not exceed the above time limits under any circumstances.

Outdoor Functions. At outdoor functions, alcoholic beverages may not be sold or served prior to 3 pm on weekdays or 12 noon on weekends or after 12:30 am, and the function must end at 1 am unless the Assistant Vice President for Student Affairs has granted prior written permission. Outdoor events with amplified music must end at dusk.

Event Management. Except in the case of Campus-wide Events, each function involving alcohol must have at least one individual designated as the Event Manager. The Event Manager takes full responsibility for management of the event and must have attended the Event Management Seminar for management of the event and must have attended TIPS Training sponsored by the College. In addition to the specifics outlined below, the Event Manager is responsible for completing the Scheduling Request form and posting it at the event.

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

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

Event Managers:

- are responsible for supervising the serving and sale of alcohol.
- are responsible for designating the Event Management Staff for the event and for ensuring that they carry out all responsibilities of the Event Management Staff.
- are responsible for checking identification and verification of those eligible to be served throughout the entire event.
- must be present in the area where the alcohol is being served and consumed throughout the entire event.
- must refrain from any consumption of alcoholic beverages.
- must display notice at all entrances stating “Private Function. Members and invited guests only.”
- may be held personally responsible and possibly face disciplinary action and/or legal penalties for violating the provisions of this policy and/or the laws of the Commonwealth.

Servers:

- must be at least 21 years of age.
- must be trained through attendance at a TIPS Training seminar sponsored by the College.
- may be held personally responsible and possibly face disciplinary action and/or legal penalties for violating the provisions of this policy and/or the laws of the Commonwealth.
- must be sober (have refrained from consuming any alcohol).

B. Serving of Alcoholic Beverages

- When alcohol is being served (by a designated Server), it must be served to an individual and is limited to one drink per person at the time of serving.
- Self-service bars, taps, and beer trucks or trailers with open taps are not permitted.
- No alcohol may be served or consumed in glass containers at functions in or on College owned or controlled facilities or grounds. This includes outdoor functions.
- Alcoholic beverages may not be served or consumed in academic buildings without the prior written approval of the Department Chair and the Assistant Vice President for Student Affairs. Alcoholic beverages may not be served or consumed in the arena area (including the stands) of William and Mary

Hall, in Zable Stadium, in any area of the Student Recreation Center, or on any athletic or intramural field without prior written approval by the Assistant Vice President for Student Affairs in concurrence with the appropriate facility director or supervisor.

- The serving or consumption of alcohol at any activity or event related to membership recruitment, initiation or induction is prohibited.

C. Third Party Vendors

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

D. Advertising

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

E. Security

The Assistant Vice President for Student Affairs may require professional security personnel to be present for any event that involves the serving or sale of alcoholic beverages. The Assistant Vice President for Student Affairs will make this determination in consultation with the Campus Police. Campus Police or professional security personnel are required at functions scheduled for the Sunken Garden, the Alumni House, and the Lake Matoaka shelter and/or amphitheater.

F. Sanctions

Penalties for violation of this policy may be substantial. They range from warning to dismissal for individuals, and from warning to termination for organizations. Organizations that fail to follow the proper scheduling procedures or that violate this Alcohol Beverage Policy may be denied the privilege of scheduling future events, in addition to other possible sanctions, including for example, participation in an education program at the students' expense.

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

APPENDIX II.

POLICY NOTICE REGARDING ALCOHOL AND OTHER DRUG USE

I. Policies

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

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

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

Alcohol Policy and Sanctions

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

Drug Policy and Sanctions

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

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

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

Sanctions for Students under the College Discipline System

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

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

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

II. LEGAL SANCTIONS

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

Alcohol

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

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

Controlled Substances and Illicit Drugs

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

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

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

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

III. RISKS

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

Effects of Alcohol

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car or walk home safely. Low to moderate doses of alcohol also are associated with increased incidence of a variety of aggressive acts, including sexual assault, vandalism, and fighting. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn, memorize and perform academically, sometimes for weeks after the drinking occurrence. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to impairment, high tolerance, and dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdraw-

al can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and liver.

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

IV. AREA RESOURCES RELATED TO SUBSTANCE ABUSE

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

Campus Educational and Consultation Resources

- Substance Abuse Education—interactive group, individual and classroom education. (221-3631)
- Substance Abuse Educator—assessment, counseling, and education regarding the health effects of substance abuse for individuals and groups, as well as referrals to appropriate campus and community services. (221-3631)
- The F.I.S.H. Bowl (Free Information on Student Health) has books, videos, CD Roms, computer tests, journals and research for students and faculty on substance abuse, sexual assault, wellness, relationships, and more. (221-3229)
- Counseling Center—limited assessment, counseling, and referral services for drug and alcohol related problems. (221-3620)

Off Campus Support Groups

- Alcoholics Anonymous (AA)—a self supporting fellowship based on a Twelve Step program that offers individual sponsorship, group meetings and membership to anyone interested in dealing with an alcohol problem. (Telephone assistance and meeting information: 595-1212)
- Al-Anon—families and friends of alcoholics receive help through this fellowship which explores the Twelve Steps and the experiences of others. (Telephone assistance and meeting information: 875-9429)
- Narcotics Anonymous—individuals addicted to drugs may obtain help through this group. It offers a fellowship with other recovering addicts who help each other remain abstinent. (Telephone assistance and meeting information: 875-9314)
- Marijuana Anonymous— individuals dependent on marijuana may obtain help and support for abstinence. (Meeting information: 259-6164; www.marijuana-anonymous.org/pages/meetva.html)

Off Campus Community Resources

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

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