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## STAF-003: Statement of Students' Rights and Responsibilities

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Policy Type: Student Affairs

Contact Office: [Student Affairs](#)

Oversight Executive: Vice President and Chief Student Affairs Officer

Applies To:  
Academic Division.

Table of Contents:  
[Policy Statement](#)

- I. [Students' Rights](#)
- II. [Students' Responsibilities](#)
- III. [Standards of Conduct](#)
- IV. [Sanctions](#)
- V. [Interim Suspension](#)
- VI. [Cases Involving Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence](#)
- VII. [Cases Involving Contributory Health Impairments](#)
- VIII. [Cases Decided by the President](#)
- IX. [Conduct in the Residence Area](#)
- X. [Continuing Duty to Report Criminal Arrests](#)

### [Procedures](#)

Reason for Policy:

The University of Virginia is a community of scholars in which the ideals of freedom of inquiry, freedom of thought, freedom of expression, and freedom of the individual are sustained. The University is committed to supporting the exercise of any right guaranteed to individuals by the Constitution and the Code of Virginia and to educating students relative to their responsibilities.

Definition of Terms in Statement:

- Terms:  
There are no terms that require definition.

Policy Statement:

The University of Virginia seeks to maintain an environment where students have certain rights and responsibilities and abide by established standards of conduct.

I.

**Students' Rights:**

*Expression* - Students can freely examine and exchange diverse ideas in an orderly manner inside and outside the classroom;

*Association* - Students can associate freely with other individuals, groups of individuals, and organizations for purposes that do not infringe on the rights of others;

*Freedom from Discrimination* - Students can expect to participate fully in the University community without discrimination, as defined by federal and state law and University policy;

*Discipline* - Students can expect discipline to be implemented through established procedures containing all elements of due process for the adjudication of charges and the opportunity for continued University involvement (as appropriate) until the resolution of the charges;

*Privacy* - Students are free of unreasonable intrusions into personal records and/or matters relevant to identity, living space, and well-being;

*High-Quality Resources* - Students have access to high-quality resources that support intellectual and social development;

*Counseling* - Students have access to support in managing personal adjustments, understanding self and others, career planning, and personal decision-making;

*Grievance Process* - Students have access to established procedures for respectfully presenting and addressing their concerns/complaints to the University;

*Learning beyond Formal Instruction* - Students have access to a variety of activities beyond the classroom, which support intellectual and personal development;

*Education* - Students have access to excellent faculty, academic technology, classrooms, libraries, presentations, and other resources necessary for the learning process;

*Personal Growth* - Students live and study in a setting that fosters personal growth;

*Participation in Community Affairs* - Students have opportunities to interact with people and institutions both within and beyond the University community;

*Student Activity Fee Refunds* - Students may apply for a partial refund of their student activity fee if they do not wish to support the particular speech activities of some student organizations receiving these funds;

*University Governance* - Students may participate in the governance of the University with opportunities including, but not limited to, the University Honor and Judiciary committees, allocations of student activities fees, programming (University Programs Council), Residence Life (Resident Staff and house councils), and through membership on University and school committees;

*Prompt Responses from Administration* - Students have the right to expect prompt and courteous responses from the University's academic and administrative departments;

*Academic and Administrative Policies* - Students can expect academic and administrative policies that support intellectual inquiry, learning, and growth.

II.

**Students' Responsibilities:**

The exercise and preservation of these freedoms and rights require a respect for the rights of all in the community. Students enrolling in the University assume an obligation to conduct themselves in a manner that is civil and compatible with the University's function as an educational institution. It is clear that in a community of learning, willful disruption of the educational process, destruction of property, and interference with the orderly processes of the University, or with the rights of other members of the University, cannot be tolerated. In order to fulfill its functions of imparting and gaining knowledge, the University has the authority and responsibility to maintain order within the University and to exclude those who are disruptive of the educational process.

III.

**Standards of Conduct:**

The University of Virginia is a community of scholars in which the ideals of freedom of inquiry, freedom of thought, freedom of expression, and freedom of the individual are sustained. It is committed to preserving the exercise of any right guaranteed to individuals by the Constitution. However, the exercise and preservation of these freedoms and rights require a respect for the rights of all in the community to enjoy them to the same extent. It is clear that in a community of learning, willful disruption of the educational process, destruction of property, and interference with the orderly processes of the University or with the rights of other members of the University cannot be tolerated. Students enrolling in the University assume an obligation to conduct themselves in a manner compatible with the University's function as an educational institution. To fulfill its functions of imparting and gaining knowledge, the University retains the power to maintain order within the University and to exclude those who are disruptive of the educational process.

Generally, prohibited conduct for which a student is subject to discipline is defined as follows (not including violations of the Honor System and motor vehicle regulations):

1. Physical assault of any person on University owned or leased property, at any University sanctioned function, at the permanent or temporary local residence of a University student, faculty member, employee, visitor, or in the city of Charlottesville or Albemarle County, or Prohibited Conduct, as defined in the University of Virginia Policy [HRM-041, Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence](#).
2. Conduct that intentionally or recklessly threatens the health or safety of any person on University owned or leased property, at a University sanctioned function, at the permanent or temporary local residence of a University student, faculty member, employee, or visitor, or in the city of Charlottesville or Albemarle County.
3. Unauthorized entry into or occupation of University facilities that are locked, closed to student activities, or otherwise restricted as to use.
4. Intentional disruption or obstruction of teaching, research, administration, disciplinary procedures, other University activities, or activities authorized to take place on University property.
5. Unlawfully blocking or impeding normal pedestrian or vehicular traffic on or adjacent to University property.
6. Violation of University policies or regulations referenced in The Record, including policies concerning residence halls and the use of University facilities.
7. Alteration, fabrication, or misuse of, or obtaining unauthorized access to, University identification cards, other documents, or computer files or systems.
8. Disorderly conduct on University owned or leased property, or at a University-sanctioned function. Disorderly conduct is defined to include, but is not limited to, acts that breach the peace, are lewd, indecent, or obscene, and that are not constitutionally protected speech.
9. Substantial damage to University-owned or -leased property or to any property in the

city of Charlottesville or Albemarle County or to property of a University student, employee, faculty member, or visitor, occurring on University-owned or -leased property or at the permanent or temporary local residence of any student, faculty member, employee, or visitor.

10. Any violation of federal, state, or local law, if such directly affects the University's pursuit of its proper educational purposes and only to the extent such violations are not covered by other Standards of Conduct and only where a specific provision of a statute or ordinance is charged in the complaint.
11. Intentional, reckless, or negligent conduct that obstructs the operations of the University Honor or Judiciary committees, or conduct that violates their rules of confidentiality.
12. Failure to comply with directions of University officials acting under provisions 1-11 set above. This shall include failure to give identity in situations concerning alleged violations of sections 1-11.

#### IV.

##### **Sanctions:**

One or more of the following sanctions for prohibited conduct may be imposed upon students by the University Judiciary Committee, depending upon the gravity of the offense:

- Admonition - An oral statement to a student that he or she is violating or has violated institution rules.
- Warning Notice - A notice, in writing, that continuation or repetition of conduct found wrongful, within a period of time stated in the warning, may be cause for more severe disciplinary action.
- Reprimand - A written censure for violation of the specified Standards of Conduct placed in the student's record, including the possibility of more severe disciplinary sanctions should another violation occur within a stated period of time.
- Disciplinary Probation - Exclusion from participation in privileged or extracurricular activities as set forth in the notice of probation for a definite period of time.
- Restitution - Reimbursement for damage to or misappropriation of property.
- Suspension - Exclusion from classes and other privileges or activities or from the University, as set forth in the notice of suspension, for a definite period of time.
- Suspension Held in Abeyance - Exclusion from classes and other privileges or activities or from the University as set forth in the notice of suspension for a definite period of time to be enforced should another violation occur.
- Expulsion - Termination of student status for any indefinite period. The condition of readmission, if any, shall be stated in the order of expulsion.

Should a trial panel determine that an accused student is guilty of the offense(s) alleged, the University Judiciary Committee may impose any sanction(s), up to and including expulsion from the University, which it deems appropriate by a two-thirds vote, having taken into consideration all aggravating and mitigating circumstances.

As stated in the University Judiciary Committee Constitution, any violation of the University Standards of Conduct motivated by the age, color, disability, gender identity, marital status, national or ethnic origin, political affiliation, race, religion, sex (including pregnancy), sexual orientation, veteran status, or family medical or genetic information of the victim will be deemed an aggravating circumstance and will result in a more serious sanction, up to and including expulsion from the University.

Except for cases appealed directly to the Judicial Review Board, University Judiciary Committee decisions are automatically subject to review by the Vice President and Chief Student Affairs Officer (or designee). The Vice President (or designee) may affirm the Judiciary Committee's decision or, if he or she believes the decision is not in the best interest of the University, he or she may: (a) remand the decision to the University Judiciary Committee for review, reconsideration, or retrial with an explanation of why the Vice President (or designee) believes the case warrants further action by the Committee; or (b) refer the decision directly to the Judicial Review Board or its successor body.

#### **V. Interim Suspension:**

An official of the University may temporarily suspend a student reasonably believed to pose a threat to himself or herself, to the health or safety of other members of the University, to University property, or to the educational process, pending a hearing on an underlying offense charged under the Standards of Conduct. Interim Suspension is also authorized where a student has engaged in violation(s) of the Standards of Conduct and/or federal, state, local, or international law, such that the official could reasonably conclude that the student is not fit to be a part of the community of responsibility and trust that is the University. Any student so suspended who thereafter enters upon those areas of the Grounds denied the student by the terms of the suspension, other than with the permission of or at the request of University officials or of a duly authorized hearing body for purposes of a hearing, is subject to further discipline by the University as well as possible arrest and criminal prosecution.

1. A student so suspended shall be given the following warnings by the suspending official:  
*—You are hereby temporarily suspended and barred from [location Grounds or portion thereof or specified activities]. You may only enter [area] with the permission of or upon the request of University officials or of an authorized hearing body for purposes of a hearing. You are entitled to a timely review (ordinarily within 48 hours) before the Vice President and Chief Student Affairs Officer or his or her designee to determine whether this suspension is with good cause and may continue pending a hearing before the University Judiciary Committee or other governing hearing body. It is your responsibility to request such review by so notifying the Office of the Vice President and Chief Student Affairs Officer. ||*
2. The Vice President and Chief Student Affairs Officer (or designee) may postpone a requested review for a reasonable period of time if the student is unavailable or for other good cause.
3. Should the Vice President and Chief Student Affairs Officer (or designee) affirm or leave in place with modifications the interim suspension, the student may seek a hearing before the University Judiciary Committee or other governing hearing body on the underlying charges. The student must do so within 72 hours of notification of the Vice President's decision, or forfeit any right to an expedited hearing. Where an expedited hearing is timely sought, the University Judiciary Committee or other governing hearing body shall schedule a hearing as soon as practicable, subject to the rules and procedures adopted by the University Judiciary Committee or other governing hearing body.
4. Certain cases involving Interim Suspension may be decided directly by the University President (or designee) rather than the University Judiciary Committee or other governing hearing body.

VI.

#### **Cases Involving Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence:**

The University has established separate Policy and Procedures for Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence. The Policy prohibits Sexual Assault, Sexual Exploitation, Intimate Partner Violence, Stalking, Sexual and Gender-Based Harassment, and Complicity in the commission of any act prohibited by the Policy, and Retaliation against a person for the good faith reporting of any of these forms of conduct or participation in any investigation or proceeding under policy [HRM-041: Policy on Sexual and Gender-based Harassment and Other Forms of Interpersonal Violence](#). These forms of conduct (the "Prohibited Conduct") are defined in the Policy. For additional information on related Procedures for Reports Against Students and the Resource and Reporting Guide for Students, see the Office for Equal Opportunity and Civil Rights webpage.

VII.

#### **Cases Involving Contributory Health Impairments:**

The University has established two separate procedures to address allegations of misconduct for certain student cases involving contributory health impairments:

1. *Procedure for Hearings on Contributory Health Impairments in Honor Cases:* Available to address appropriate cases before the University Honor Committee and relevant

issues arising in the context of Interim Suspension; and

2.

*Procedure for Student Disciplinary Cases Involving Contributory Health Impairments:* The University Dean of Students may invoke this Procedure whether or not judicial charges are filed or pending when there is good cause to believe that, based upon a student's conduct or behavior, a student's presence at the University poses a significant risk. In any such instance, the University Dean of Students may require that the student undergo a mental health assessment as one of the conditions for the student's return or continued enrollment at the University.

Contact Student Affairs (434-924-7984 or [vpsa@virginia.edu](mailto:vpsa@virginia.edu)) for full information on these procedures.

VIII.

**Cases Decided by the President:**

The University President may initiate, intervene in, and preempt proceedings before any University body when the President determines, in his or her sole discretion, that established processes will be unable to timely or properly adjudicate a case or complaint including, but not limited to, cases involving students arrested, charged, or convicted of criminal conduct or other serious conduct not involving criminal proceedings which reasonably endangers or threatens to disrupt the University community or University operations. The foregoing shall include, without limitation, conduct involving the possession or distribution of controlled substances on or off University property, attempted or inflicted bodily injury or other harm to any member of the University community, and destruction or attempted destruction of University property.

The President's disciplinary review shall provide affected students with written notice and opportunity to be heard consistent with due process of law, and such further proceedings, if any, as he or she may stipulate appropriate to the circumstances. Disciplinary proceedings before the President shall not be governed by established procedures of other University bodies, and shall terminate proceedings involving the same alleged misconduct before any other University body unless otherwise authorized by the President.

The jurisdiction of University bodies shall be subject to the continuing authority of the President to discipline, suspend, and/or expel as provided above.

For the purposes of this provision, the President may delegate responsibility to a designee of his or her choice to discharge any or all of the responsibilities described herein.

IX.

**Conduct in the Residence Area:**

In addition to the University regulations and policies described above, Housing & Residence Life provides specific regulations that define the terms and conditions of occupancy in University Housing. These policies are published in the Student Housing Calendar. It should be noted that these regulations are encompassed under the University's Standards of Conduct, specifically under standards six and nine.

Resident Staff live in single student housing to enforce University regulations, policies, and Housing Terms and Conditions.

**X. Continuing Duty to Report Criminal Arrests:**

Students have a continuing duty to promptly report to Student Affairs any arrests for violations of federal, state, local, or international law, excluding minor traffic violations that do not result in injury to others. This duty applies regardless of where the arrest occurred (inside or outside the Commonwealth of Virginia) and regardless of whether the University is in session at the time of the arrest. An arrest includes the issuance of a written citation or summons regardless of whether the student is taken into custody by law enforcement. Charges related to driving under the influence of alcohol or other drugs are not "minor traffic violations" and must be reported. Students must contact Student Affairs at 434-924-7133

within 72 hours of the incident that led to their arrest. Failure to comply with this continuing duty will result in the immediate referral of a student to the University Judiciary Committee and also may result in imposition of an interim suspension by the University Dean of Students (or designee).

Procedures:

[How to Report Prohibited Conduct](#)

Related Information:

[HRM-041: Policy on Sexual and Gender-based Harassment and Other Forms of Interpersonal Violence](#)

Major Category: Student Affairs Policies

Next Scheduled Review: 09/13/2021

Approved by, Date: Vice President and Chief Student Affairs Officer, 09/13/2018

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