



# VCU

## Board of Visitors

### GOVERNANCE AND COMPENSATION COMMITTEE

Thursday, April 23, 2026

The Honorable Benjamin Lambert III Board Room

1213 East Clay Street

Richmond, VA

### MEETING MINUTES

#### **COMMITTEE MEMBERS PRESENT**

Mr. Steven DeLuca, *Chair & Vice Rector*

Mr. Neil Amin

Mr. Anthony Bedell, *virtual pursuant to Code Section 2.2-3708.3(B)(4) personal matter where the member was unable to attend the meeting due to previous commitment – Richmond, VA*

Hon. Peter Farrell

Ms. Ellen Fitzsimmons, *Rector*

Dr. Dale Jones

Ms. Alexis Swann, *virtual pursuant to Code Section 2.2-3708.3(B)(3) where the member's principal residence is more than 60 miles from the meeting location – Hampton, VA*

#### **COMMITTEE MEMBERS ABSENT**

Mr. C.J. Sailor

#### **OTHER BOARD MEMBERS PRESENT**

Ms. Heidi Cook

Dr. Kenneth Lipstock

Mr. Randy Reynolds, Jr.

#### **OTHERS PRESENT**

President Michael Rao

Ms. Chelsea Gray, *Executive Director for Board and Executive Operations*

Ms. Stephanie Hamlett, *University Counsel*

Ms. Alison Miller, *Chief Human Resources Officer*

Ms. Suzanne Milton, *Chief Audit and Compliance Executive*

Presidential Cabinet of VCU

#### **CALL TO ORDER**

Mr. DeLuca, Chair, called the meeting to order at 8:31 a.m.

The public was able to view the open session of the meeting via livestream at <https://mssvideo.vcu.edu/BOV>.

### **ACTION ITEMS**

Mr. DeLuca mentioned the February 27, 2026 committee minutes were posted online and in BoardEffect and asked the committee if there were any questions or changes.

Hearing none, he then invited Ms. Chelsea Gray, executive director of board and executive operations, to discuss updates to the VCU Board of Visitors Bylaws, the Board of Visitors Memorials and Commemorations Policy and the Board of Visitors Honorary Degrees and Other Special Awards Policy. Next, he invited Dr. Gabe Willis, associate vice president and dean of student advocacy, to discuss updates to the Student Code of Conduct.

On a motion duly made and seconded the committee approved unanimously the February 27, 2026 meeting minutes and to recommend to the board the approval of updates to the VCU Board of Visitors Bylaws, Board of Visitors Memorials and Commemorations Policy, Board of Visitors Honorary Degrees and Other Special Awards Policy and updates to the Student Code of Conduct.

The minutes are posted at <https://bov.vcu.edu/meetings/minutes/>. A copy of the action items are attached hereto and are made a part hereof.

### **CLOSED SESSION**

Mr. DeLuca moved that the Governance and Compensation Committee of the Board of Visitors of Virginia Commonwealth University convene in closed session. Mr. DeLuca read the motion, which stated that the closed session would be convened under Section 2.2-3711(A)(1) of the Virginia Freedom of Information Act for the discussion of personnel matters, more specifically relating to the performance evaluation and compensation of the president.

The motion was seconded and was approved unanimously.

### **RETURN TO OPEN SESSION AND CERTIFICATION**

Following the closed session, the public was invited to return to the meeting. Mr. DeLuca called the meeting to order. The chair reminded members that the personnel matters discussed in closed session are confidential. Sharing confidential personnel information may give rise to a violation of privacy claim against the university. Similarly, the board should treat all other matters discussed in closed session as confidential. On a motion duly made and seconded the following resolution of certification was approved by a roll call vote:

#### **Resolution of Certification**

**BE IT RESOLVED**, that the Governance and Compensation Committee of the Board of Visitors of Virginia Commonwealth University certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements under this chapter were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion by which the closed session was convened were heard, discussed or considered by the Committee.

<b><u>Vote</u></b>	<b><u>Ayes</u></b>	<b><u>Nays</u></b>
Mr. Steven DeLuca, <i>Chair &amp; Vice Rector</i>	X	
Mr. Neil Amin	X	
Mr. Anthony Bedell	X	
Hon. Peter Farrell	X	
Ms. Ellen Fitzsimmons, <i>Rector</i>	X	
Dr. Dale Jones	X	
Ms. Alexis Swann	X	

All members present responding affirmatively, the resolution of certification was adopted.

**ADJOURNMENT**

There being no further business, the Chair adjourned the committee meeting at 9:13 a.m.



# Board of Visitors Bylaws

## ARTICLE I LEGAL STATUS

### SECTION 1. NAME

The Board of Visitors of Virginia Commonwealth University is a corporation under the name and style of "Virginia Commonwealth University". The institution shall be known as Virginia Commonwealth University ("VCU", or "the University").

### SECTION 2. PRINCIPAL OFFICE OF THE BOARD.

The principal office of the Board shall be located, and all meetings held, as far as practical, in the City of Richmond.

## ARTICLE II BOARD OF VISITORS

### SECTION 1. GOVERNING BODY.

The University shall be governed by the Board of Visitors ("Board") and shall at all times be under the control of the General Assembly of the Commonwealth of Virginia.

### SECTION 2. PURPOSE OF THE BOARD.

As set forth by the General Assembly, the Board is formed for the purpose of establishing and maintaining a university consisting of colleges, schools, and divisions offering undergraduate and graduate programs in the liberal arts and sciences and courses of study for the professions and such other courses of study, as may be appropriate, and in connection with the purpose, the board may maintain and conduct hospitals, infirmaries, dispensaries, laboratories, research centers, power plants, and such other facilities as it deems proper.

### SECTION 3. COMPOSITION, APPOINTMENT, MEMBER TERMS, REMOVAL AND RESIGNATION OF MEMBERS.

- A. **Composition and Appointment.** The Board shall consist of 16 members appointed by the Governor of the Commonwealth of Virginia, subject to confirmation by the General Assembly, and shall serve until their successors have been appointed and taken their oath.

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- B. **Member Term Limits.** Members shall be eligible to serve for two four-year terms, which may be served consecutively. However, a member appointed by the Governor to serve an unexpired term is eligible to serve two additional four-year terms.
- C. **Removal of Members.** If any member of the Board fails to attend (i) the meetings of the Board for one year without sufficient cause, as determined by a majority vote of the Board, or (ii) the educational programs for governing boards presented by the State Council of Higher Education for Virginia, as required by the Code of Virginia, in the member's first two years of membership without sufficient cause, as determined by a majority vote of the Board, the remaining members of the Board shall record such failure in the minutes at the Board's next meeting and notify the Governor, and the office of such member shall be vacated.

Additionally, the Governor has the authority to remove from office for malfeasance, misfeasance, incompetence, or gross neglect of duty any member of the Board and fill the vacancy resulting from the removal. Each appointment to fill a vacancy shall be subject to confirmation by the General Assembly.

- D. **Member Resignation.** Any Board member may resign at any time by providing notice of the date of resignation to the Governor, with a copy of said notice being provided to the Rector and a copy to the Assistant Secretary of the Board, so that the Board can take measures to accommodate said resignation. Such resignation shall take effect at the time specified in such notice and, unless otherwise specified therein, the acceptance of the resignation shall not be necessary for it to take effect.

**SECTION 4. TRANSPARENCY.**

The Board shall have the following responsibilities as set forth in the Code of Virginia related to transparency and open government:

- 1. Comply in all respects with the Commonwealth of Virginia's Freedom of Information Act ("FOIA").
- 2. Comply with the additional open meeting requirements for institutions of higher education, including but not limited to:
  - a. Adopt and post conspicuously on the VCU website these Bylaws;
  - b. Describe on the VCU website the Board's obligations under FOIA;
  - c. Conduct all discussions and actions on any topic not specifically exempted by FOIA in open meeting;
  - d. Give public notice of all meetings in accordance with FOIA; and
  - e. Approve in open meeting any action taken in closed session as required by FOIA.
- 3. Notify and invite the Attorney General's appointee or representative (the legal counsel of the institution) to all meetings of the Board, Executive Committee, and other Board committees.

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- 4. Provide to the General Assembly and the Governor an annual executive summary of its interim activity and work no later than the first day of each regular session of the General Assembly. This report shall be submitted in accordance with procedures stipulated by law.

**SECTION 5. MEETINGS.**

- A. **Regular Meetings.** The Board shall meet at least four times a year on dates and in places (within Richmond as far as it is practical) set by the Rector. The annual meeting will be the last regular meeting of the fiscal year.
- B. **Special Meetings.** Special meetings of the Board may be called by the Rector, or in the absence or disability of the Rector, by the Vice-Rector, or by any three members. The requests shall be submitted to the Assistant Secretary to the Board, who has the ministerial responsibility for making arrangements for the special meeting. The purpose, date, time, and place will be specified in the call for the special meeting.
- C. **Notice.** At least three days' notice in writing (which may be by email) shall be provided and shall include the purpose, date, time, and place except that notice of an emergency meeting shall be reasonable under the circumstances and notice to the public shall be given contemporaneously with notice provided to members.
- D. **Quorum and Votes.**
  - 1. **Board of Visitors Meeting.** A simple majority of the members of the full Board constitutes a quorum. Unless otherwise required by statute, actions of the Board are taken by a simple majority of those present and voting. The Board may meet without a quorum present, however no official action may be taken at said meeting. Notice of such meeting shall be required if required by the Virginia Freedom of Information Act (FOIA).
  - 2. **Standing Committee Meetings.** For meetings of a Standing Committee a quorum shall be three (3) members of the Standing Committee. The Rector and/or Vice-Rector shall be counted as a member in determining the quorum for a meeting of one of the Standing Committees. A Standing Committee may meet without a quorum present, however no official action may be taken at said meeting. Notice of such meeting shall be required if required by the Virginia Freedom of Information Act (FOIA).
- E. **Order of Business.** The order of business at meetings shall be determined by the Rector.
- F. **Electronic Meetings.** The Board may adopt a policy on electronic meetings or participation in an electronic meeting as permitted by FOIA.

**SECTION 6. OFFICERS OF THE BOARD.**

- A. **Officers.** The officers of the Board shall be the Rector, Vice-Rector and Secretary, and shall be appointed from the Board membership. Either the Rector or Vice-Rector **shall** be a resident of the Commonwealth of Virginia.

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B. **Election of Officers.** The Nominating Committee shall make its recommendation for Rector ~~before June 30 of each year at the first regular Board meeting of the calendar year~~ and the Board shall at that time elect a Rector. The Nominating Committee shall make a recommendation to the Board for the Vice-Rector and Secretary ~~before June 30 of each year at the annual meeting~~ and the Board shall at that time elect a Vice-Rector and Secretary. The Board may decide in its discretion to postpone the election for the Vice-Rector and Secretary until after July 1, and if so postponed the election shall occur at the next scheduled Board meeting.

C. **Rector.**

1. **Election and Term.** The Board shall elect a Rector-Elect ~~before June 30 of each year at the first meeting of the calendar year~~; the Rector-Elect will take the office of Rector on July 1 for a one-year term. The Rector may be re-elected for one additional term. However, there shall be no limitation on the number of non-consecutive terms an individual may serve as Rector.
2. **Powers and Duties.** The Rector shall have the following duties and responsibilities:
  - a. preside at all Board meetings;
  - b. in consultation with the Vice-Rector appoint the members of each committee (both standing and ad hoc), including the Chair and Vice Chair;
  - c. act as spokesperson or representative of the Board; and
  - d. perform such other duties as are generally expected of the presiding officer or that are imposed by statute, these Bylaws, or action of the Board.

The Rector shall be a member, ex officio, with full voting rights, of all committees of the Board and shall be counted as a member in determining the quorum.

The Rector and the President shall work closely to develop the agenda for Board meetings and to submit reports and other communications to the Board. The Rector facilitates communication between the Board and the Administration. The Rector ~~may be a member of this normally anticipated to be one of the members of the Board to serve on the~~ Board of Directors of the Virginia Commonwealth University Health System Authority or may designate a member of the Board of Visitors.

D. **Vice-Rector.**

1. **Election and Term.** The Board, ~~at its Annual meeting, or such other time as the Rector and Rector-Elect~~ shall determine but in no event later than the first regular meeting of the fiscal year, elects a Vice-Rector who shall serve for a one-year term commencing on July 1, or on such date as a successor has been elected, whichever is later. The Vice-Rector may be re-elected for one additional term. However, there shall be no limitation on the number of non-consecutive terms an individual may serve as Vice-Rector.
2. **Powers and Duties.** The Vice-Rector shall assume the duties and have the powers of the Rector in the absence or disability of the Rector.

In the event of the death, permanent disability or resignation of the Rector, or should the Rector become otherwise permanently unable to perform the duties and functions of the

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office, the Vice-Rector will become Rector for the remainder of the term, and a new Vice-Rector will be elected. This partial term shall not prohibit an individual from being elected to two one-year terms as set forth herein.

The Vice-Rector shall perform other duties as requested by the Rector or the Board.

The Vice-Rector shall be a member, ex-officio, with full voting rights, of all committees of the Board and shall be counted as a member in determining the quorum.

#### E. Secretary and Assistant Secretary

- 1. Election and Term.** The Board, at its Annual meeting, or such other time as the Rector and Rector-Elect shall determine but in no event later than the first regular meeting of the fiscal year, elects a Secretary, who shall serve for a one-year term or until a successor has been elected. The Secretary may be re-elected for one additional term. However, there shall be no limitation on the number of non-consecutive terms an individual may serve as Secretary.
- 2. Powers and Duties.** The Secretary shall preside at the meetings of the Board and its Executive Committee in the absence of the Rector and Vice-Rector, and shall perform such other duties as are incident to the office or as may from time to time be assigned by the Rector that may include reviewing the minutes. Any of the enumerated duties of the Secretary may be delegated to an Assistant Secretary as set forth in Article II, Section 6, subsection (E)(3) below.
- 3. Assistant Secretary.** The Board may appoint, in consultation with the President, an Assistant Secretary to the Board or an individual who acts as the Assistant Secretary to the Board, who shall perform any or all of the duties of the Secretary, except for the duty to preside at the meetings of the Board and its Executive Committee. Specifically, the Assistant Secretary shall attend all meetings of the Board of Visitors and the Executive Committee and prepare minutes of such meetings and after approval by the Board, shall sign the minutes and record same in the permanent records of the Board, and shall authenticate and certify true and exact copies of documents that have been approved by the Board to comply with both internal and external requests. The Assistant Secretary shall provide proper notice of all meetings of the Board as required by these Bylaws and by law. In addition the Assistant Secretary shall assist the Board in the discharge of its official duties, and shall under the immediate direction of the President, perform such other duties as may be assigned to him or her by the Board, the Vice-Rector, the Rector, or the President.

The Assistant Secretary's term shall continue until such time as a successor is appointed, or the individual is no longer employed as Assistant Secretary by the University, whichever first occurs.

#### F. Inability or Incapacity of an Officer to Serve.

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1. **Replacement.** Except as set forth in Section D. 2. of this article, if an elected Officer of the Board is, or will be, unable to serve for a period in excess of thirty (30) days of their elected term, the Rector shall timely call a special meeting of the Nominating Committee to recommend another member of the Board to serve instead.
2. **Election.** The Board shall vote at its next regulatory scheduled meeting to act on the recommendation of the Nominating Committee.
3. **Terms of office.** Officers elected through these provisions shall serve the remainder of (or the entirety as the case might be) of the replaced Officer's term.

## SECTION 7. COMMITTEES

### A. Executive Committee.

1. The Executive Committee shall be comprised of the Rector, Vice-Rector, Secretary, the Chairs of the standing committees, and two members-at-large who shall be elected by the Board at the first regular meeting of the fiscal year. The Rector shall serve as the Chair, and the Vice-Rector shall serve as the Vice Chair.
2. The Executive Committee shall be authorized to convene and exercise the full power and authority of the Board between meetings of the Board whenever circumstances require immediate action to address matters of an urgent nature, or as the Board may otherwise direct. All Board members shall be notified of meetings and provided the agenda and any documents distributed for such meetings. Any board member who wishes to do so may attend an Executive Committee meeting.
3. Consistent with the provisions of Virginia law, the Executive Committee shall assure that the following activities are conducted and completed as necessary:
  - Development of a statement of governance setting forth the Board's role for recommendation to and adoption by the Board;
  - Periodic review of the Board's Bylaws and recommendation of amendments as deemed necessary and appropriate;
  - Provide advice to the Board on committee structure, appointments, and meetings, as deemed necessary and appropriate;
  - Develop an orientation and continuing education process for Board members that includes training on the FOIA;
  - Creation, monitoring, oversight and review of compliance by Board members with a code of ethics for Board members; and
  - ~~Development of a set of qualifications and competencies for membership on the Board for approval by the Board and recommendation to the Governor.~~

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4. A quorum shall be three (3) members of the Executive Committee. In the event a quorum is not present, other members of the Board may be appointed by the Rector to serve in the place of absent members on an *ad hoc* and temporary basis in order that a quorum be attained.
5. The Assistant Secretary to the Board shall promptly inform all members of the Board of any action taken by the Executive Committee. The Rector shall report actions taken by the Executive Committee at the next regularly scheduled meeting of the Board.

B. **Standing Committees.** The Rector-Elect in consultation with the Rector shall appoint the members of each standing committee. The Rector-Elect shall designate the chair and Vice Chair of each committee, except that the Chair of the Governance and Compensation Committee shall be the Vice-Rector.

The Rector, the full Board, the President, or the President's designee may refer matters to a standing committee. In addition to the specific responsibilities provided by these Bylaws, the standing committees shall have any other duties and responsibilities assigned by the Board or the Rector.

A quorum at a meeting of one of the standing committees shall be three (3) members. In the event that a quorum is not present, other members of the Board may be appointed by the Rector to serve in the place of absent members on an *ad hoc* and temporary basis in order that a quorum may be attained. The Rector and/or Vice-Rector shall be counted as a member in determining the quorum for a meeting of a standing committee at the first regular meeting of the fiscal year.

Each standing committee shall adopt and have approved by the Board a charter outlining its roles and responsibilities. Each standing committee shall also prepare an annual work plan (meeting planner) to be shared with the Board.

Each standing committee shall report to the Board at the next regularly scheduled Board meeting.

Each standing committee has the authority to approve the minutes of its meetings without further Board approval. Unless otherwise specifically provided by the Board, the decisions and recommendations of standing committees are advisory and shall be approved and ratified by the Board of Visitors.

The Board shall have the following standing committees:

1. **Academic, ~~and~~ Health Affairs, ~~and~~ Research Committee.** The primary purpose of the Academic, ~~and~~ Health Affairs, ~~and~~ Research Committee shall be to assist the Board in fulfilling its fiduciary responsibilities by providing oversight and making recommendations to the Board on all policies and plans consistent with the stated goals and objectives of the University and with its academic health center, including its coordination with the Virginia

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Commonwealth University Health System Authority, regarding the following areas:

- Strategic enrollment management
- Academic quality
- Student issues
- Faculty issues
- Research

2. **Intercollegiate Athletics Committee.** The primary purpose of the Intercollegiate Athletics Committee shall be to assist the Board in fulfilling its fiduciary responsibilities for oversight of the University's intercollegiate athletics program including but not limited to the following areas of athletics policy:

- Student-athlete health and safety
- Admissions and academic policies for student-athletes including academic progress and integrity
- Institutional compliance with applicable rules and regulations, including those of the National Collegiate Athletic Association (NCAA) and the Conference
- Ethical behavior
- Athletics personnel
- Finances of the athletics programs, including budgeting, expenditures, and fund balances
- ~~Athletic facilities, including capital expenditures and debt~~

3. **Audit, Integrity and Compliance Committee.** The primary purpose of the Audit, Integrity, and Compliance Committee shall be to assist the Board in fulfilling its fiduciary responsibilities related to oversight of:

- Soundness of the University's system of internal controls
- Integrity of the University's financial accounting and reporting practices
- Independence and performance of the internal and external audit functions
- Integrity of information technology infrastructure and data governance
- Effectiveness of the University's ethics and compliance program
- Institutional conflict of interest issues
- University's enterprise risk management program
- Legal matters

4. **Finance and University Resources Committee.** The primary purpose of the Finance and University Resources Committee shall be to assist the Board in fulfilling its objectives

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and fiduciary responsibilities related to specific policy/policies and oversight of:

- University finances and investments
- University policies on debt management
- Generating resources and stakeholder support of the University's strategic goals, particularly in the areas of government relations
- Development and alumni relations

In addition, the Finance and University Resources Committee shall recommend to the Board the naming of any physical facility or part thereof or any programmatic element of the University as outlined in the Board approved "Policy Guidelines on Recognition of Donors and Friends."

5. **Governance and Compensation Committee.** The primary purpose of the Governance and Compensation Committee shall be to assist the Board in fulfilling its objectives and fiduciary responsibilities related to applicable policies and oversight of:

- Board and University governance issues
- Relationship with affiliated VCU Entities
- ~~Board nominations to Governor,~~
- Presidential valuation and compensation process
- Board self-evaluation
- Review of Board Bylaws
- Review of policies for which the Board is responsible

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6. **Facilities, Real Estate and Administration Committee.** The primary purpose of the Facilities, Real Estate and Administration Committee shall be to assist the Board in fulfilling its fiduciary responsibilities by monitoring and overseeing activities related to:

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- Facilities planning, design, construction and renovation
- Purchase and divestiture of land, including any easements
- Staff affairs
- Athletic facilities, including capital expenditures and debt

- C. **Subcommittees.** Each standing committee may establish and appoint subcommittees as necessary, subject to Board approval. Subcommittees are subject to the same procedural rules as the primary committee.

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- D. **Nominating Committee.** The Rector shall appoint a Nominating Committee which shall have as its purpose the nomination of candidates for Rector, Vice-Rector and Secretary of the Board for the succeeding year pursuant to Article II, Section 6(B) above, and shall periodically review board leadership succession. Upon election of the Rector for the succeeding year, the Rector and

Rector-Elect shall become members of the Nominating Committee.

- E. **Ad Hoc Committees.** The Rector may, from time to time appoint ad hoc committees of the Board, as the Rector deems necessary for the good conduct of Board and University affairs. Each such committee shall have a chair and at a minimum two additional members, all of whom shall be appointed by the Rector. The duties of all ad hoc committees shall be specified and reported to the Board by the Rector at the time of the appointment. Ad hoc committees are not required to have written charters.

**ARTICLE III  
ADMINISTRATIVE OFFICERS  
AND  
OTHER EMPLOYEES OF THE UNIVERSITY**

**SECTION 1. THE PRESIDENT OF THE UNIVERSITY**

- A. **Chief Executive Officer.** The President of the University ("President") shall be the chief executive officer of the University.
- B. **Appointment.** The President shall be appointed by the Board and serves at its pleasure.
- C. **Powers and Duties.** The President, in addition to serving as the chief executive officer of the University, by statute shall also sit on the Virginia Commonwealth University Health System Authority Board of Directors (VCUHS Board) ~~and by statute shall be the Chair of the VCUHS Board~~. In addition, by statute the President shall also serve on the Virginia Biotechnology Research Partnership Authority Board of Directors and the Virginia Biotechnology Research Park Corporation Board of Directors. The President is a member of the faculty of the University.

As chief executive officer of the University, the President shall have the following powers and duties:

- The President shall have the responsibility for the operation of the University in conformity with the purposes and policies determined by the Board;
- In addition to the positions of other officers identified and established in Article III, Section 2 below, the President shall have the power to establish and modify as he or she deems necessary the internal administrative structure of the University and shall appoint or provide for the appointment of all administrative officers, making a report of his or her actions thereon to the Board at the next regular meeting;
- The President shall act as an advisor to the Board and shall have responsibility for recommending to the Board for consideration those policies and programs which in the opinion of the President will best promote the interests of the University;
- The President shall have the authority to oversee and to administer the policies of the Board;

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- The President shall be the primary contact between the Board and the University;
- The President shall provide oversight and shall be accountable for the management of the University;
- The President shall have responsibility for the oversight of strategic planning and implementation as established by the Board;
- The President shall promote the development of both public and private resources to support the mission of the University;
- The President shall recommend an annual budget;
- The President shall serve as the primary spokesperson for the University;
- The President shall manage all matters delegated by the Board, including personnel matters;
- The President shall fulfill all statutory duties; and
- The President shall perform such other duties as may be required by the Board.

D. **Evaluation of the President.** The Board shall be responsible for oversight of the President's performance, and is required by statute to meet with the President annually to deliver an evaluation of the President's performance. The Governance and Compensation Committee of the Board shall be the committee to oversee such evaluation. Changes to the President's employment contract shall be made only by a vote of the majority of the Board's members.

## SECTION 2. OTHER OFFICERS

A. **Appointment.** The Provost who is also the chief academic officer and executive/senior vice presidential appointments are made by the President, subject to board ratification. Upon consultation with the Rector, the President shall have interim authority to conclude any appointment or action otherwise requiring board approval, subject to ratification by the board. The President also shall report to the board in advance any extraordinary appointment or compensation action that, in the judgment of the President, warrants such reporting to the board.

## SECTION 3. CHIEF AUDIT AND COMPLIANCE EXECUTIVE

- B. **Appointment.** The Board, in consultation with the President, appoints, evaluates, and sets the compensation for the Chief Audit and Compliance Executive.
- C. **Powers and Duties.** The Chief Audit and Compliance Executive shall have the powers and duties that are assigned by the Audit, Integrity and Compliance committee, in consultation with the President.

## SECTION 4. FACULTY

- A. **Faculty.** The general faculty consists of the President, Provost & Senior Vice President for Academic Affairs, deans, and other academic ranks or titles as approved by the President.
- B. **Tenure of Faculty.** The Board, on recommendations from the President, shall approve all faculty tenure decisions.

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- C. **Delegation of Authority.** The Board hereby delegates to the President the authority to establish faculty positions, appoint and/or reappoint faculty, approve faculty promotions and faculty emeritus status, and to determine leaves of absence for and termination of faculty members. The President shall also have the authority to hire, set the compensation for and implement increases, state decreed or otherwise, for all university employees in accordance with VCU's human resources policies.

Academic dean appointments shall require Board approval. Upon consultation with the Rector, the President shall have interim authority to make any academic dean appointment or take any action in connection with the academic dean appointment, subject to ratification by the Board.

#### ARTICLE IV CONFLICT OF INTEREST COMPLIANCE

Each member of the Board shall comply with state statutes regulating conflict of interest which may include filing an annual financial disclosure statement and completion of required conflict of interest training.

#### ARTICLE V LIABILITY

To the extent they are acting in their capacity as members of the Board and within the scope of their authority, all members of the Board are considered to be officials of Virginia Commonwealth University and the Commonwealth of Virginia. Each member of the Board who is engaged in carrying out the duties and responsibilities of a Board member is covered as set forth in the Risk Management Plan, which is established by the Commonwealth's Department of the Treasury, Division of Risk Management, with the approval of the Governor. Coverage is subject to the terms and exclusions set forth in the Plan. The Commonwealth's Division of Risk Management has final responsibility for interpretation and determination of coverage under the Plan. A copy of the plan can be obtained from VCU's Occupational Health and Safety and Risk Management office.

#### ARTICLE VI MISCELLANEOUS PROVISIONS

##### SECTION 1. SEAL.

The corporate seal of the University is the seal displayed in and/or appended to these Bylaws, as appendix A.

##### SECTION 2. ASSESSMENT OF BOARD PERFORMANCE.

At least every two years, the Board shall assess its performance. The Rector shall determine the method of assessment, subject to Board approval. The Governance and Compensation Committee shall thereafter conduct said board self-assessment.

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**SECTION 3. CONDUCT OF BUSINESS.**

Unless otherwise specified by these Bylaws, all Board and committee meetings, actions, and rulings shall be guided by the most current edition of *Robert's Rules of Order*.

**SECTION 4. SUSPENSION OR AMENDMENT OF BYLAWS.**

- A. **Procedure.** These Bylaws may be amended in whole or in part at any meeting of the Board of Visitors by a majority vote of all members present at said meeting, provided the Governance and Compensation Committee has submitted its views on the amendment to the Board and that notice of the amendment was included in the regular notice of the meeting.
- B. **Suspension.** Any provision of the Bylaws may be suspended at any regular or special meeting of the Board by a majority of the members present at said meeting.
- C. **Ratification.** No action taken in violation of the Bylaws shall be effective unless ratified in accordance with the Bylaws.

**Effective Date.** The foregoing Bylaws shall go into effect immediately upon approval; revised September 17, 1992; revised November 17, 1994; revised May 19, 1995; revised May 16, 1997; revised September 17, 1998, effective January 1, 1999; revised February 11, 1999; revised November 14, 2002; revised August 24, 2006; revised August 9, 2007; revised February 11, 2010; revised April 15, 2013; revised May 9, 2014; revised December 12, 2014; revised February 12, 2015; revised May 8, 2015; revised March 23, 2016; revised and restated October 31, 2017; revised March 22, 2019; revised December 13, 2019; revised May 13, 2022; revised September 13, 2024.

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# Memorials and Commemorations

**Policy Type:** Board of Visitors  
**Responsible Office:** Office of the President  
**Initial Policy Approved:** 05/10/2019  
**Current Revision Approved:** [XX/XX/2026](#) ~~September 13, 2024~~

## Policy Statement and Purpose

This policy outlines the university's process for establishing, creating, renaming, and/or removing memorials and commemorations on property owned or managed by Virginia Commonwealth University.

Noncompliance with this policy may result in disciplinary action up to and including termination. VCU supports an environment free from retaliation. Retaliation against any employee who brings forth a good faith concern, asks a clarifying question, or participates in an investigation is prohibited.

**Policy Exceptions:** This policy does not apply to arts, on campus, ~~nor philanthropic donor recognition or marketing-related signage~~ [development related activities \(major gifts, naming opportunities, etc.\)](#).

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## Who Should Know this Policy

University community including faculty, staff, and students and members of affiliated VCU Boards and foundations must be familiar with its contents and provisions.

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## Definitions

### Memorial

An object or structure that honors and preserves the memory of a person, group, or event.

### Commemoration

An object, artifact, ~~or~~ ceremony, [or university naming](#) that serves as lasting recognition of a person, group or event.

### De-commemoration

The act of removing a commemoration or memorial of a person, group or event.

## Contacts

The Office of the President officially interprets this policy and is responsible for obtaining approval for any revisions and questions regarding this policy should be directed to this office.

## Policy Specifics

The Board of Visitors of Virginia Commonwealth University ~~delegates the~~ ~~has final~~ authority in the creation, placement and existence of memorials and commemorations on property owned or managed by the University. Decisions will reflect the values and mission of the University.

Commemorations must primarily recognize significant persons, places, or events that relate to the history of the institution or the history of the physical area now encompassing the University and its academic health center. The creation of a memorial does not give any individual the right to, or interest in, the preservation or maintenance of such a memorial.

All memorials and commemorations will meet the style and architectural standards of campus.

The Board of Visitors, in its sole discretion, has the authority to de-commemorate ~~or~~ ~~remove~~ memorials and commemorations. Any member of the University community may propose removal at any time.

Considerations for removal may include:

- o The honoree engaged in conduct inconsistent with the mission and/or values of VCU;
- o Information is discovered that negates the accomplishments that were cited as the basis for creating the memorial, or
- o The memorial and/or honoree injures the reputation of the University or the Commonwealth of Virginia.

All requests for memorials, commemoration and/or de-commemoration will be submitted in writing to the Assistant Secretary to the Board of Visitors, who will refer the request to ~~the~~ Committee on Commemorations and Memorials.

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The Committee on Commemorations and Memorials shall make a recommendation to approve memorials ~~and~~ commemorations ~~and de-commemorations~~ to the President for consideration and approval, who in turn shall make a recommendation to the Board of Visitors.

The committee shall make recommendations to the Board to de-commemorate or de-memorialize any previously awarded commemorations or memorials. The Board shall consider and vote on the committee recommendation. The President must carry out the decision.

### The Committee on Commemorations and Memorials

The Committee on Commemorations and Memorials (the "Committee") is composed of individuals appointed and charged by the President and/or his/her designee(s) to review requests and make recommendations for the approval or removal of memorials, commemorations.

All members of the Committee are expected to serve in an impartial manner, free of conflicts of interest, or appearances thereof, and consistent with the University expectations. This enables and supports a transparent and engaged deliberative process in which all community members may participate.

Committee members shall be appointed by the President and shall include the University Archivist. All other individuals will be determined by the President.~~be drawn from:~~

- ~~• Division of Administration~~
- ~~• Division of Development and Alumni Relations~~
- ~~• Division of Inclusive Excellence~~
- ~~• Division of Enterprise Marketing and Communications~~
- ~~• Faculty representative (recommended by Faculty Senate)~~
- ~~• Office of Government Relations~~
- ~~• Student representatives from Monroe Park and MCV Campuses (recommended by Student Government Association)~~
- ~~• University and Academic Professionals and Classified staff representatives (recommended by Staff Senate)~~
- ~~• University Archivist~~
- ~~• Other individuals as determined by the President~~

The President shall appoint the chair(s) and committee members every fiscal year. The President reserves the right to modify the committee's membership as necessary, including filling vacancies.

The Committee shall adhere to ~~have its processes outlined in a formal decision-making formal-written process document~~ that is approved by the President and documented by the Assistant Secretary to the Board.

### Forms

There are no forms associated with this policy.

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## Related Documents

### [VCU Policy: University Recognition through Naming Development and Alumni Relations naming policy](#)

<https://vcu-public.doctract.com/doctract/documentportal/08DA32A740D3331EBAD8723044F04B9E> <https://policy.vcu.edu/sites/default/files/Recognition%20of%20Donors%20and%20Friends.pdf>

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### [VCU Policy: Art Arts on Campus on Campus policy](#)

<https://vcu-public.doctract.com/doctract/documentportal/08DA32A63EDBC24619977299CC71B3A5> <https://policy.vcu.edu/sites/default/files/Art%20on%20Campus%20Policy.pdf>

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## Revision History

This policy has been revised on the following dates:

05/10/2019	Initially Adopted
09/13/2024	Amended
XX/XX/2026	Minor revisions

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## FAQ

### What is the difference between a memorial and a commemoration?

- A. A memorial is an object or structure that preserves the memory of something, usually a deceased person or event. A commemoration, through a ceremony, special object or artifact, acknowledges historical appreciation or acclaim for an achievement of a person, group or event.

Examples of commemorations ~~would be~~:

- Public events recognizing the elimination of any kind of barriers – race, gender, ageism accessibility, etc., -- that result in equity and access for all members of the VCU community
- Public event with an associated plaque that recognize significant achievements by individuals whose work and/or action has resulted in lasting improvements and the betterment of VCU
- [A named university space or program in recognition of extraordinary contributions of a retired leader or faculty member](#)

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Examples of Memorials ~~would be~~:

- A statue of the founding VCU president installed in a university common area
- A bronze plaque in the Student Commons honoring VCU alumni who died serving the country as members of the U.S. armed forces-

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### Does this policy apply to events such as groundbreaking, ribbon-cuttings celebrations?

Memorials and Commemorations

[XXX, XX, 2026](#) September 13, 2024

A. No. These are celebrations of short-term achievements or acclaim.

**Does this policy apply to namings and naming events?**

A. When the naming is solely honorific and historical, it falls under this policy. In most cases, namings and naming events are the result of ~~significant philanthropic donor and gift related~~ activities.

**Does this policy apply to funerals or memorial services celebrating the lives and careers of individuals associated with VCU?**

A. No.

**Does this policy apply to annual observances related to a chosen theme or topic, such as ~~Black History Month, International Women's Month, etc.~~?**

A. No.

**Does this policy apply to contextualization for a memorial or commemoration?**

A. No. A committee specifically selected to create contextualization for each new and existing memorial will be appointed by the president's office when it is determined that contextualization is needed.

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# Awarding Honorary Degrees and Other Special Awards

**Policy Type:** Board of Visitors

**Responsible Office:** Office of the President

**Initial Policy Approved:** March 2001

**Current Revision Approved:** 2026September 13, 2024

## Policy Statement and Purpose

This policy addresses the requirements and processes for awarding honorary degrees and other special awards on behalf of the President and the Board of Visitors.

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## Who Should Know this Policy

Members of the university community who nominate, review, and/or manage the award process for awards identified in this policy, or serve on any related committees are responsible for familiarizing themselves with the contents and provisions of this policy.

## Definitions

**Honorary Degree** – An honorary degree is a doctorate degree conferred upon someone who is not a current student of the institution, to honor the recipient for which the University has waived the usual

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requirements, such as matriculation, residence, a dissertation and the passing of comprehensive examinations. It confers no privileges, rights or academic credentials on the individual receiving the Honorary Degree. The Honorary Degree is bestowed based on information known and available at the time of conferral.

## Contacts

The Office of the President officially interprets this policy and is responsible for obtaining approval for any revisions and questions regarding this policy should be directed to this office.

## Policy Specifics

### The Honorary Doctor of Humane Letters (Honorary Degree)

The Honorary Doctor of Humane Letters (honorary degree) is one of Virginia Commonwealth University's highest forms of recognition for an individual who has made outstanding societal contributions such as scholarship, public service, humanitarianism, science or art. The award of the Honorary Doctor of Humane Letters is made to:

- Honor individuals who have distinguished themselves through extraordinary achievements in scholarship, the professions, or other creative endeavors; and
- Reflect and elevate individuals who embody and model the university's most fundamental commitments and values by honoring those whose accomplishments and achievements in their fields of endeavor serve as exemplars.

To preserve the prestigious honor such a degree carries, all honorary degrees are awarded with great care and respect. When determining eligibility, the University will consider that the public may associate recipients with the University indefinitely. There must be sufficient rationale to support why an individual is recognized and their specific contribution to the University community or society as a whole.

Candidates for honorary degrees must be persons of great accomplishment and high ethical standards who exemplify the ideals of Virginia Commonwealth University. Honorary degrees are conferred in accordance with University policies, including its nondiscrimination policy, and are based upon facts known at the time the degree is conferred. Factors to be evaluated in awarding honorary degrees include, but are not limited to:

- Intellectual distinction in a particular field;
- Extraordinary achievement, which the university wishes to acknowledge;
- Extraordinary contribution to the university, Commonwealth of Virginia, nation, world, or society; and
- Sufficient stature to bring additional prestige to the university.

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Current and former members of the VCU Board of Visitors, Emeriti Faculty, and current employees may be considered for an Honorary Degree on a case-by-case basis. Only one honorary degree can be awarded to an individual and consideration of potential future acts cannot serve as the basis for the award of an honorary degree.

An honorary degree is usually conferred at a commencement ceremony and must be approved by the Board of Visitors in advance of the ceremony. An honorary degree will not be presented in absentia unless it is awarded posthumously.

The Board's conferral of an honorary degree does not give the individual holding such a degree the right to or interest in continuing to hold such a degree. The Board of Visitors, in its sole discretion, has the authority to revoke honorary degrees. The Special Awards Committee shall make a recommendation to revoke an honorary degree to the President, who shall make a recommendation to the Board of Visitors. In addition, a member of the Board of Visitors may make a direct recommendation to the Board to have an honorary degree revoked.

The reasons for revoking an honorary degree include, but are not limited to, the following:

- 1) The honoree engaged in conduct inconsistent with the mission and/or values of the University,
- 2) Facts are discovered that negate the accomplishments that were cited as the basis for awarding the honorary degree, or
- 3) The honoree's conduct injures the reputation of the University or Commonwealth of Virginia.

The President or the Rector of the Board of Visitors (through the Assistant Secretary to the Board of Visitors) will notify the honoree of the revocation. The Board of Visitors' determination is final.

#### **Edward A. Wayne Medal**

The Edward A. Wayne Medal is named after the former Chairman of the *Commission to Plan for the Establishment of a Proposed State-Supported University in the Richmond Metropolitan Area* (the "Commission"). The Commission recommended, and the General Assembly approved, the establishment of Virginia Commonwealth University in 1968. In addition, Mr. Wayne, who was a past president of the Federal Reserve Bank, served as VCU's first Vice-Rector.

The Edward A. Wayne Medal is a high honor bestowed by the University for extraordinary generosity and service to the University and community. To be eligible, an individual must have:

- a) served as a volunteer leader in a major role for a campaign or fund drive at VCU,
- b) demonstrated a commitment to the Commonwealth and its citizens through leadership and/or personal philanthropy,
- c) served in a leadership role for one of the University's related foundations, advisory boards or alumni associations, or
- d) contributed a leadership gift to the University.

An individual may receive only one Edward A. Wayne Medal from the University. The Edward A. Wayne Medal is usually awarded at a commencement ceremony and must be approved by the Board of Visitors in

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advance of the ceremony. The Edward A. Wayne Award Medal will not be presented in absentia unless it is awarded posthumously.

### **Presidential Medallion**

The Presidential Medallion is a high honor bestowed by the University and is awarded in recognition of outstanding contributions by a member of the University community. The award will recognize extraordinary achievement in the world of learning and dedication to the University as evidenced by a series of outstanding contributions to several areas of University life. In order to recognize outstanding contributions by members of the University community, the President recommended, and the Board of Visitors approved, the establishment of this award in March 1984. An individual may receive only one Presidential Medallion from the University. The Presidential Medallion is usually awarded at a commencement ceremony or during the annual Faculty Convocation upon recommendation and approval by the President. The Presidential Medallion will not be presented in absentia unless it is awarded posthumously.

Current members of the VCU Board of Visitors and current employees of the University are generally not eligible for the Presidential Medallion.

### **Special Awards Committee**

The Special Awards Committee (the "Committee") is comprised of individuals appointed and charged by the President and/or his/her designee(s) to receive nominations, and to review and make recommendations for:

- (a) Commencement ceremony speakers,
- (b) Honorary degree recipients,
- (c) Edward A. Wayne Medal recipients, and
- (d) Presidential Medallion recipients.

All members of the Committee are expected to serve in an impartial manner—free of conflicts or the appearance thereof. If a personal or professional conflict exists, the affected individual must disclose such conflict or bias to the Committee Chairs. The Committee Chairs shall establish a written process to determine whether any conflict(s) exist.

#### **Committee members may include:**

- Members of the President's Cabinet
- Assistant Secretary to the Board of Visitors
- Faculty representative
- Staff Senate representative
- Board representative
- Members from the Student Government Association
- Other individuals as determined by the President

The President shall appoint the chair(s) and committee members every fiscal year. The President reserves the right to modify the committee's membership as necessary, including filling vacancies.

### **Nominations and Approvals**

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## Honorary Degrees

Nominations are generally solicited from the representative bodies of the University's key stakeholder groups and submitted to the Office of the President and Assistant Secretary to the Board of Visitors for consideration in advance of a Board of Visitors regularly scheduled meeting. The President (or designee) will review the recommendations and make the final selection for presentation to the Board of Visitors for approval.

The Board of Visitors makes the final decision related to the honorary degree and there is no appeal process.

## Special Awards

Nominations for special awards such as the Edward A. Wayne Medal or Presidential Medallion are solicited from the representative bodies of the University's key stakeholder groups, ~~including but not limited to the following:~~

- ~~• **Edward A. Wayne Medal:** Board of Visitors' Finance and University Resources Committee, Development and Alumni Relations Division, Council of Deans, Council of Chairs, etc.~~
- ~~• **Presidential Medallion:** Alumni of the University, alumni groups, Faculty and Staff Senates, University Council, President's Cabinet, Student Government Associations, student groups, Council of Deans, etc.~~

Recommendations are made to the Special Awards Committee, which makes recommendations to the President ~~in advance of any Board of Visitors regularly scheduled meeting~~. The President shall present the nominations for the Edward A. Wayne Medal to the Board of Visitors for final approval. Reasonable efforts should be made to notify the nominating body or individual of the Board's final decision on all selections.

The Board of Visitors makes the final decision related to the Edward A. Wayne Medal, and the President makes the final decision related to the Presidential Medallion. Once those decisions have been made, there is no appeal process.

While the President makes the final selections and/or decisions related to recipients of the Presidential Medallion and the final selections and/or decisions related to the recommended Edward A. Wayne Medal recipients, it is not without significant support and assistance from the work of the Special Awards Committee and an open nominations process.

## Forms

Nomination forms that are required in this process can be found on the Office of the President's website specifically <https://president.vcu.edu/nominations/>

## Related Documents

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Overview and instructions for submission can be found <https://president.vcu.edu/nominations/>

### Revision History

This policy has been revised on the following dates:

March 2001	Originally Adopted
March 22, 2019	Amended
September 13, 2024	Amended

This policy revokes and replaces any and all policies related to conferring Honorary Degrees and/or awarding the Edward A. Wayne Medal and/or the Presidential Medallion.

### FAQ

#### **If the request is not approved for awarding an Honorary Degree, the Edward A. Wayne Medal, or the Presidential Medallion is there an appeal process?**

The Board of Visitors makes the final decision related to the Honorary Degree and the Edward A. Wayne Medal, and there is no appeal process.

The President makes the final decision regarding the Presidential Medallion and there is no appeal process.

#### **Can an Honorary Degree be revoked?**

Yes. The Board of Visitors makes the final determination on whether an Honorary Degree may be revoked. Such determination is made upon (a) a direct recommendation from a member of the Board of Visitors to the Board to have an Honorary Degree revoked; or (b) upon the recommendation of the President to the Board of Visitors, and an evaluation and recommendation of the necessity for such action by the Special Awards Committee.

The reasons for revoking an Honorary Degree include, but are not limited to the following:

- 1) The honoree engaged in conduct inconsistent with the mission and/or values of VCU,
- 2) Facts are discovered that negate the accomplishments that were cited as the basis for awarding the Honorary Degree, or
- 3) The honoree's conduct injures the reputation of the VCU or the Commonwealth of Virginia.

#### **If the Board of Visitors decides that the Honorary Degree should be revoked, is there an appeal process?**

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No, once the Board of Visitors has revoked the degree there is no appeal process.

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# EXECUTIVE SUMMARY OF PROPOSED POLICY: Student Code of Conduct

## Substantive Revision

**Policy Type:** Board of Visitors

**Responsible Office:** Student Conduct and Academic Integrity, Division of Student Affairs

**Draft Date:** August 2024

**Initial Policy Approved:** 05/10/2013

**Revision History:** 08/09/2024

## Governance Process Tracking:

**Integrity & Compliance Office Review:** July 2024

**University Counsel Review:** July 2024

**Public Comment Posting:** August 2024

**University Council Academic Affairs and University Policy Committee Review:** October 29, 2025

**University Council Review:** 12/04/2025

**President’s Cabinet Approval:** MM/DD/YYYY

**Board of Visitors Approval (if applicable):** N/A

<p><b>1. Why is this policy being created <input type="checkbox"/> or revised <input type="checkbox"/>?</b></p>	<p>This policy is being <b>revised</b> to ensure the Student Code of Conduct remains clear, consistent, and aligned with institutional values, federal/state requirements, and best practices in higher education. The revisions address emerging issues, strengthen transparency, and enhance the adjudication process</p>
<p><b>2. <u>New policy</u> <input type="checkbox"/>: What are the general points or</b></p>	<p><b>Definition Changes:</b></p>

<p>requirements covered in this policy?</p> <p><i>or</i></p> <p><b>Revised policy <input type="checkbox"/></b>: What are the substantive differences between this draft and the current policy?</p>	<ul style="list-style-type: none"> <li>● Renamed <i>Student Conduct Administrator</i> to <i>Conduct Coordinator</i> for clarity and consistency.</li> <li>● Renamed <i>Student Conduct Board</i> to <i>Decision Board</i> to align terminology with the Honor System &amp; Standards of Academic Conduct.</li> </ul> <p><b>Prohibited Conduct Updates:</b></p> <ul style="list-style-type: none"> <li>● Adjusted terminology from “abuse” to “misuse” of computer facilities/resources.</li> <li>● Updated the harassment definition to align with Gender-Based Harassment policy.</li> <li>● Changed hazing language from “mental” to “psychological.”</li> <li>● Removed Gambling policy (redundant with state law).</li> <li>● Clarified “violation of law” to include conduct not yet adjudicated in court.</li> </ul> <p><b>Procedural Updates:</b></p> <ul style="list-style-type: none"> <li>● Scheduling of interviews no sooner than three business days.</li> <li>● Elimination of participation in Board/Appeal if a student fails to respond to notice.</li> <li>● Removal of the Conduct Appeal Board step.</li> <li>● Addition of appeal option for “disproportionate sanctioning/outcome”</li> </ul>
<p><b>3. Which stakeholder offices or personnel have provided input into this policy draft?</b></p>	<p>Legal, SCAI, DOSA,</p>
<p><b>4. Which other universities’ policies or resources (e.g., laws, regulations, etc.) did you consider when preparing this draft?</b></p>	<p>Benchmarking was conducted with peer institutions in Virginia and national guidelines, along with federal/state regulations</p>
<p><b>5. What is your general assessment of this policy’s impact on the university community?</b></p>	<p><b>For Students:</b> Greater clarity on expectations, rights, and consequences.</p> <p><b>For Institution:</b> Stronger compliance, reduced risk, and a culture of accountability and integrity</p>

<b>6. What is your plan to implement this new policy or policy revision (e.g., raise awareness and train relevant audiences and monitor for compliance)?</b>	Raising awareness among students, faculty, and staff via a Know the Code Campaign. Training relevant personnel on procedural changes. Monitoring compliance to ensure consistency with national best practices
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## Student Code of Conduct

**Policy Type:** Board of Visitors

**Responsible Office:** Student Conduct and Academic Integrity, Division of Student Affairs

**Initial Policy Approved:** 05/10/2013

**Current Revision Approved:** Pending

### Policy Statement and Purpose

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#### VCU Creed: Philosophy for a University community

Academic institutions exist, among other reasons, to discover, advance and transmit knowledge and to develop in their students, faculty, and staff the capacity for creative and critical thought. At Virginia Commonwealth University (VCU), members of the community should strive to exemplify the following specific ideals in addition to other worthy ideals:

- To demonstrate academic and personal integrity
- To respect the rights and property of others
- To be open to others' opinions
- To uphold academic freedom and freedom of intellectual inquiry
- To appreciate diversity and to value and learn from the uniqueness of each person
- To uphold the right of all persons to be treated with dignity and respect
- To demonstrate and respect intellectual courage in situations that demand it

Students and student organizations (SO) are encouraged to engage in responsible social conduct that reflects credit upon the university community and to model good citizenship in any community. Students and SO should not remain passively in the

presence of violations and are encouraged to notify the proper authorities if they observe or have knowledge of other students or SO violating this policy.

While the university urges students to exhibit model conduct as described above, all students and SO must comply with the conduct and procedural requirements described below, with or without accommodations. The standards apply both to the conduct of individual students as well as student organizations. Students who are members of an SO are subject as individuals to this policy and may also be held accountable for conduct attributed to the SO. Student members of an SO may, through their actions, subject the SO to disciplinary action under this policy, no matter whether they are charged as individuals under this policy.

Duty to Notify University of Criminal Charges or Convictions: Students have a continuing duty to promptly report to Student Affairs any charges 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 incident occurred (inside or outside the Commonwealth of Virginia) and regardless of whether the University is in session at the time of the charge. A charge 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.

Noncompliance with this policy by staff may result in disciplinary action up to and including termination. Noncompliance with this policy by students may result in sanctions as provided in this policy. VCU supports an environment free from retaliation. Retaliation against any member of the university community who brings forth a good faith concern or report, asks a clarifying question, or participates, or declines to participate, in an investigation is prohibited.

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## **Who Should Know This Policy**

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University students, employees (including faculty), and student organizations are responsible for knowing this policy and familiarizing themselves with its contents and provisions.

## **Definitions**

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### **Adviser**

The person chosen by a respondent to provide guidance during the investigation and resolution process. An adviser of choice may include a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. An adviser may not be another party in the matter, a participating witness or otherwise have any role in the process that would create a conflict of interest. An adviser can assist a party by taking notes, providing emotional support and reassurance, organizing documentation, or consulting directly with a party in a way that does not disrupt or delay the process. The adviser may not speak on behalf of a party or directly participate in a meeting, interview or proceeding. An adviser whose presence disrupts or interferes with the meeting or proceeding, in the sole discretion of the university official conducting the meeting or proceeding, will be required to leave and may be prohibited from participating in future meetings or proceedings under this policy.

### **Instructional Faculty**

The term “Instructional Faculty” means any person hired by the university to conduct classroom or teaching activities or activities involving research, administration, or clinical responsibilities, including graduate student teaching assistants, or who is otherwise considered by the university to be a member of its faculty.

### **Member of the University Community**

The term “Member of the University Community” includes any person who is a student, faculty, staff, or any other person employed by the university. A person’s status as a student or employee in a particular situation shall be determined by the Director of Student Conduct and Academic Integrity or designee.

### **Preponderance of Evidence**

The term “Preponderance of Evidence” is the standard of proof that applies to student conduct proceedings or determinations. It means what is more likely than not to be true, based on the totality of the available evidence.

### **Student Organization**

The term “Student Organization” or “SO” means any student group registered or that has applied for registration with the university or has another designation (such as but not limited to affiliated or sponsored), through the university as a student organization.

### **Reporting Party**

The term “Reporting Party” refers to any person who submits a report alleging that a student or SO violated this policy.

### **Respondent**

The term “Respondent” means any student or SO charged with violating this policy.

### **Sanction Review Board (SRB)**

The term “Sanction Review Board” means the panel authorized by the Director of Student Conduct and Academic Integrity or designee to determine sanctions for a violation of this policy or other applicable university policies.

### **Staff**

Any person with a direct employment relationship with VCU, including those who work on a part-time or adjunct basis. An individual can hold a status as both a student and staff.

### **Student**

The term “Student” includes all persons taking courses through VCU, either full-time or part-time, on- line or in-person, single or dual enrolled, pursuing undergraduate, graduate or professional studies. “Student” also includes all persons who withdraw after allegedly violating this policy, persons who are not enrolled officially for a particular term but remain enrolled under the university’s continuous enrollment policy, persons who have been notified of their acceptance for admission, and persons living in VCU residence halls regardless of course enrollment to the extent that employee discipline policies do not apply.

### **Conduct Coordinator**

The term “Conduct Coordinator” means the Director of Student Conduct and Academic Integrity, or other university official designated on a case-by-case basis to administer the adjudication process under this policy, including investigating reported misconduct, determining responsibility for misconduct, and assigning appropriate sanctions.

### **Decision Board (DB)**

The term “Decision Board” means the panel authorized by the Director of Student Conduct and Academic Integrity or designee to determine whether a Respondent has violated this policy and to recommend sanctions that may be imposed when a violation has been committed.

### **University Property**

The term “University Property” means any property owned, leased, or controlled by VCU.

## **Contacts**

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Student Conduct and Academic Integrity (SCAI) officially interprets this policy. SCAI is responsible for obtaining approval for any revisions as required by the Policy Creating and Maintaining Policies and Procedures and through the appropriate governance structures. Please direct policy questions and comments to Student Conduct and Academic Integrity at [stuconduct@vcu.edu](mailto:stuconduct@vcu.edu).

## **Policy Specifics and Procedures**

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### **I. Prohibited Conduct**

The Student Code of Conduct shall apply to all conduct by students and SO. The Director of SCAI or designee shall have the sole discretion to decide on a case-by-case basis whether this policy shall be applied to conduct not on university property. This policy governs students enrolled at all campuses; however, students enrolled at Carts Qatar are advised to consult local campus publications for additional information or rules that may establish hearing boards or processes, consistent with this policy.

Students are responsible for their conduct under this policy from the time of application for admission through the actual awarding of a degree. This policy shall apply to a student’s conduct even if the student withdraws from the university while a disciplinary matter is pending. The Vice President for Student Affairs, or designee, will determine whether to bring charges if the conduct is discovered after a degree is awarded.

SO that have lost university recognition are subject to this policy. A SO facing an alleged violation of this policy may dissolve or surrender its recognition during the investigation and adjudication process. However, the university may continue the investigation and adjudication process regardless of the SO’s status. This policy applies to guests of the SO, and the SO may be held accountable for the misconduct of its guests. Visitors to and guests of the university may seek resolution of violations of this policy committed against them by a SO and/or members of an SO.

This policy applies to all student conduct, including behavior conducted online, via email or another electronic medium. Students should also be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are generally not private. These postings can subject a student or an SO to allegations of conduct violations to the same extent as conduct that occurs

in person or another non-virtual setting. While the university generally does not conduct regular monitoring of student conduct online, it may take investigative and adjudicative action when university officials suspect or are aware of concerning conduct.

The following conduct, committed or attempted, is prohibited for all students and SO and is subject to disciplinary sanctions:

#### **A. Misuse of Computer Facilities and Resources**

Violations include, but are not limited to, unauthorized entry, unauthorized transfer of a file, use of another individual's identification and/or password, use of computing facilities and resources to interfere with the work of another university member, use of computing facilities and resources to send obscene messages as legally defined, use of computing facilities and resources to interfere with the normal operation of the university computing system, use of computing facilities and resources in violation of copyright laws, or any violation of the [University Computer and Network Resources Use](#) policy.

#### **B. Abusive Conduct**

1. Assault – Words or actions that would cause one or more individual(s) to reasonably fear for their immediate safety. Words do not constitute assault unless they are accompanied by the apparent ability to inflict immediate bodily harm.
2. Battery – The unjustified use of physical force against an individual or group.
3. Concealment of Identity – Any conduct prohibited under the university's Concealment of Identity policy (linked in the Related Documents section).
4. Disorderly conduct – Disrupting or preventing the peaceful or orderly conduct of classes, lectures, meetings, or other university functions, or interfering with the lawful freedom of other persons, including invited speakers, to express their views, or interfering with the performance of the duties of university personnel. Disrupting or obstructing the normal living and work environments of other members of the university community or the functions or activities of the university (as well as activities conducted on the university's property with its permission). Examples include: blocking entrances, corridors or exits; interfering with ongoing educational activities cultural events, or recreational, extracurricular or athletic programs; unauthorized presence in a building after normal closing hours or after notice that the building is being closed; interfering with vehicular or pedestrian traffic; creating unsanitary conditions; and interfering with any other effort to protect the health and safety of members of the university community or larger public.

5. Endangering health or safety – Taking or threatening actions that endanger the physical safety, mental health, or life of any person(s) or create reasonable fear of such action.
6. Harassment – Unwelcome conduct not of a sexual nature that is sufficiently severe, pervasive, or persistent that it could reasonably be expected to create an intimidating, threatening, or hostile environment that limits the ability of an individual to work, study, or participate in the activities of the university.
7. Hazing – Any reckless or intentional psychological or physical requirement, request, or obligation placed upon any person for the purpose of admission, affiliation, initiation, or continued association with a student organization that could cause discomfort, pain, fright, disgrace, or injury; that is personally degrading; or that violates Virginia Code § 18.2-56, regardless of the voluntary or willful participation of the so endangered or injured person. Hazing also includes conduct prohibited under the university’s [Hazing Prevention and Discipline](#) policy (linked in the Related Documents Section).
8. Invasion of privacy – Invasion of another person’s privacy, where that person has a reasonable expectation of privacy, including but not limited to the use of electronic devices to make an unauthorized audio or video recording of any person or their personal belongings without their prior knowledge, or without their effective consent, when such a recording is of information or of images taken from or of a person at a time and place where they have a reasonable expectation of privacy and where the recording is reasonably likely to cause injury or distress.
9. Sex-based misconduct – Conduct prohibited by the university’s [Title IX Sexual Harassment Policy](#) – Interim and [Sex-Based Misconduct Policy](#) – Interim (linked in the Related Documents Section).
10. Stalking – Engaging in a course of conduct, directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others.

For this definition:

- “course of conduct” means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property;
- “reasonable person” means a reasonable person under similar circumstances and with similar identities to the complainant;

### **C. Acts of Dishonesty**

(Excluding conduct prohibited by the Honor System and Standards for Academic Conduct and subject to the procedures in that policy)

1. Furnishing false information to any university employee (including staff and faculty) or office.
2. Forgery, alteration, or misuse of any university document (e.g., student transcript), record or instrument of identification

### **D. Alcohol and Other Drugs**

1. Alcohol and Drugs: The unlawful possession, use, or distribution of alcohol or other drugs, including but not limited to, conduct prohibited by the Alcohol and Other Drugs policy, the Tobacco and Smoke-Free Campus policy, and the Events with Alcohol policy in the Student Organization Handbook (linked in the Related Documents section).
2. Paraphernalia – Possession of paraphernalia used to consume illegal drugs is not permitted on university property. Paraphernalia includes but is not limited to roach clips, bongs, pipes, blow tubes, bowls, and any type of water pipe or object filled with water through which smoke is drawn.

### **E. Failure to Comply**

1. Failure to comply with a reasonable request or directive of university officials. This includes, but is not limited to, failure to present a university identification card, failure to keep or attend a required meeting, or failure to leave any university premise when requested by a university official.
2. Failure to observe rules and regulations issued by the university.
3. Failure to complete or comply with a university-imposed sanction.

### **F. False Reports**

Making an intentionally false report of a student violation of this or other university policy. False reporting may also violate state criminal statutes and civil defamation laws.

### **G. Fireworks/Explosives/Dangerous Chemicals**

Unauthorized possession or use of fireworks, explosives or dangerous chemicals.

## **H. Involvement in a University Violation**

Presence during any violation of this policy in such a manner to condone, support, or encourage that violation.

## **I. Retaliation**

Any actual or threatened adverse action against a person because of the person's participation in a complaint, investigation, or adjudication by the university or other relevant authority.

## **J. Theft or Unauthorized Use of Property**

1. Theft – Theft, attempted theft, or possession of stolen property or services or possession of burglarious tools.
2. Unauthorized use of university property or services.
3. Climbing – Unauthorized climbing inside or outside buildings or structures on university property.
4. Damage or destruction of property – Actual or threatened damage or destruction, including defacing/vandalism/graffiti of university property or property of others, whether done intentionally or with reckless disregard.
5. Unauthorized presence or entry – Entering or being present in university buildings, rooms, or other areas without proper authorization.
6. Tampering – Tampering with university equipment, including but not limited to, any elevator, wiring, plumbing, doors, locking mechanisms, university keys, access cards, or other university equipment without authorization from a university official.
7. Misuse of fire-fighting equipment/disregard of fire alarm signals/arson – Misuse or tampering with fire-fighting equipment, disregard of a fire alarm signal or refusal to evacuate a building, tampering with detection or suppression equipment, initiating a false fire alarm or unauthorized burning of any material in any university building or on university property.
8. Obstruction – Blocking of the free flow of pedestrians or vehicular traffic on university premises or at university sponsored or supervised functions.

## **K. Weapons**

Possession or carrying of any weapon, as defined in the university's [Weapons Regulation](#) or anything used to injure or attempt to injure a person.

## **L. Violation of other University regulations, policies, or rules.**

Any violation of any applicable university standard, regulation, policy or rule. Examples include, but are not limited to, university computing policies, Residential Life and Housing policies, Handbook for Student Organization at VCU, and Rockwell facility policies. See [VCU Police Library](#)

### **M. Violation of any federal, state, or local law.**

Violations of federal, state, or local laws, regulations, orders, or ordinances, including but not limited to a violation committed in the municipality where the university is located, is detrimental to the educational interests of the university, or presents a danger to the student or others. This includes conduct that is prohibited by law but has not yet led to a conviction.

The student organization represents that its activities and the activities of its members will not violate local, state, or federal law or the University's Standards of Conduct.

## **II. Disciplinary Amnesty and Immunity for Certain Prohibited Conduct Related to Alcohol, Drugs and Hazing**

- A. The university will not take disciplinary action against a student who has demonstrated Prohibited Conduct in the following limited circumstances.
- 1. For seeking emergency or timely medical assistance.** If a student seeks emergency or timely medical assistance for themselves or others due to the use of alcohol or other drugs, neither the student seeking assistance, nor the student needing assistance will be subject to disciplinary action for Prohibited Conduct under this policy based on personal consumption of alcohol or other drugs or the disclosure of personal consumption of alcohol or other drugs related to the incident. In these circumstances, the university reserves the right to mandate that the student(s) participate in academic programming, or a medical intervention related to alcohol or drug use.
  - 2. For reporting and cooperating.** The university will not pursue disciplinary action under this policy based on disclosure of personal consumption of alcohol or other drugs where such disclosures are made in connection with a good faith report of violation of university policy or cooperation with a university investigation.
  - 3. For bystanders reporting hazing.** The university provides immunity from disciplinary action based on hazing or personal consumption of alcohol or other drugs where such disclosure is made by a bystander not involved in such acts in conjunction with a good faith report of an act of hazing in advance of or during an incident of hazing that causes injury or is likely to cause injury to a person. The university may require access to services to support individuals who receive disciplinary immunity as described here, including but not limited to (I) counseling specific to alcohol abuse or drug abuse, or both, or (ii) inpatient or outpatient (a) alcohol counseling or treatment programs, (b) drug counseling or treatment programs, or (c) both alcohol and drug counseling or treatment programs. A student's failure to access the

required services renders them ineligible for continued immunity. These requirements do not apply to bystanders reporting hazing.

B. The above provisions have the following limitations:

1. In an instance where a student has received medical amnesty on more than one occasion, the university may decline to provide amnesty for future instances.
2. A student with additional university responsibilities (including teaching assistants or resident assistants) may be subject to potential action related to those additional responsibilities under other applicable policies (such as performance requirements for hall staff).

### **III. Student Code of Conduct Authority**

The Director of SCAI or designee shall determine the composition of the Decision Board (DB) and Sanction Review Board (SRB) and will determine which administrator or board shall be authorized to hear each matter. The Director of SCAI or designee shall develop procedures for the administration of the student conduct system and procedural rules for the conduct of DB Hearings that are not inconsistent with the provisions of this policy.

#### **Rights and responsibilities**

All respondents are provided the following rights and responsibilities throughout the university student conduct process:

To receive written notification of any alleged violation against them via official forms of university communication (i.e., VCU email) including a general summary of the complaint, contact information for the university employee to receive additional information, and the date by which such contact must occur.

- To know the source of any allegation.
- To know the specific alleged violation(s) of this policy.
- To present their version of events giving rise to the allegations.
- To know that any statements made by the reporting party, witnesses, and/or respondent may be used during the process
- To review and respond to any allegation or information presented to the decision maker.

- To present information by relevant and noncumulative witnesses.
- To refrain from making any statement concerning alleged violations of this policy or from participating in the proceedings
- To be accompanied by an adviser of their choice and at their own expense during the university student conduct process for advisory purposes only. Advisers are not permitted to speak or to participate directly in the university student conduct process unless authorized by the Conduct Coordinator. When selecting an adviser, a respondent should consider any scheduled meetings or hearings. Delays in the university student conduct process will not be allowed due to the scheduling conflicts of an adviser.
- Notice of the outcome of the proceedings including a description of any appeal process.
- A decision maker is free from actual bias.

For information regarding notice of the outcome of the proceedings including a description of any appeal process see the Notification section of this policy.

#### **IV. Charges and Adjudication**

Any member or entity of the university community, including SCAI based on information provided to the university, or others outside of the university may report a student or SO for violation of this policy. Any report should be submitted as soon as possible after discovery of the alleged violation. Absent extraordinary circumstances, a written report must be filed within six months of discovery of the offense. Though anonymous reports are permitted, the university's ability to investigate and respond to an anonymous report may be limited. A report shall be prepared in writing and directed to SCAI or other designated office.

Once the report has been submitted, the Director of SCAI or designee will review the report, determine whether the alleged conduct is prohibited by this policy and, if so, which charges apply, and, if needed, appoint a Conduct Coordinator to complete an investigation. If no charges apply, the Director will inform the reporting party and/or refer the report to another office.

##### **A. Identifying One or More Respondents**

SCAI considers the following factors in determining whether reported allegations involve an SO, rather than or in addition to the individual student members of an SO.

1. The conduct is endorsed by the SO or any of its officers ("endorsed by" includes, but is not limited to, the following: active or passive consent or support, having prior knowledge that the conduct was likely to occur and not acting to

stop or report it to appropriate authorities, or helping to plan, advertise, or promote the conduct);

2. The conduct is committed during the course of an activity paid for by the SO, or paid for as a result of one or more members of the SO contributing personal funds in lieu of organizational funds to support the activity or conduct in question;

3. The conduct occurred on property owned, controlled, rented, leased, or used by the SO or any of its members for an organizational event;

4. The purpose of the activity was related to initiation, admission into, affiliation with, or as a condition for continued membership in the SO;

5. Non-members of the SO learned of the activity through members, advertisements, or communications by the student organization, or otherwise formed a reasonable belief that the conduct or activity organized, planned, supported or endorsed by the SO;

6. Members of the SO attempted to conceal the activity or protect other members who were involved.

7. A pattern of individual violations without proper remedial action by the SO;

8. The number of members of the SO present when the misconduct occurred or with specific knowledge of the misconduct before it occurred or while it was occurring;

9. Knowledge of SO officers and/or advisers of the misconduct;

10. Action(s) SO officers and/or advisers took in addressing or preventing the misconduct from occurring;

11. Whether members of the SO acted in concert or whether membership in the SO served as an impetus for the misconduct; and

12. Whether the violation arose out of an event that was sponsored, financed, planned, or otherwise endorsed by members of the SO.

## **B. Notification and Adjudication Process**

SCAI will send a Notification Letter to the VCU email address of the respondent, including the time and place of the alleged violation, a specific statement of which policies were allegedly violated and by which actions, and instructions for attending a meeting no sooner than three business days after the date of the Notification Letter. If the respondent does not attend the scheduled meeting or

obtain the Conduct Coordinator's authorization to reschedule for reasonable circumstances, the university may proceed with adjudication of the charges without the respondent's input. Failure to respond to the Notification Letter may also be deemed acceptance of any finding of responsibility as well as the corresponding sanction(s), with no right to invoke a Decision Board or a Sanction Review Board, as detailed by this policy.

For an SO respondent, the Notification Letter and other correspondence related to this policy will be transmitted to the email address of the SO representative. SO, representatives are responsible for all communication delivered to their university email address. In addition, the university may notify the SO adviser and/or any inter/national body associated with the SO of the reported prohibited conduct and the initiation of the conduct process. However, neither a SO adviser nor inter/national body may serve as the representative for a respondent SO in this process.

The Conduct Coordinator will complete an investigation of the charges in the Notification Letter. The Conduct Coordinator will offer to meet with the respondent to discuss the charges and to hear the respondent's version of the events giving rise to the allegations. The Conduct Coordinator may meet with the reporting party as well as with any witnesses identified by the respondent or other individuals and examine additional information. Based upon all the examined information and witness statements, the Conduct Coordinator will make a determination of responsibility using the preponderance of the evidence standard. SCAI will send a Notice of Completed Investigation to the VCU email address of the respondent with the determination of responsibility, and, if the respondent was found responsible, the assigned sanctions. The respondent will have five business days from the date of the Notice of Completed Investigation to exercise one the following options based upon the Conduct Coordinator's determination:

1. No Violation Established by the Coordinator:

The Conduct Coordinator will notify the respondent that the university has found the respondent not responsible for the violation(s) charged and that no sanction will apply. The matter will be closed without requiring further action by the respondent.

The following options are available if the Conduct Coordinator notifies the respondent that they have found the respondent responsible for one or more of the violations charged and has recommended sanctions.

2. Violation Established - Acceptance of Responsibility:

*Respondent accepts responsibility and sanctions*

The respondent may accept responsibility for violating specified provisions of this policy and agree to complete the sanctions recommended by the Conduct

Coordinator. Respondent choosing this option will forego the opportunity to appeal. The Conduct Coordinator will send written confirmation to the respondent of the finding(s) and sanction(s) that will be imposed.

### 3. Violation Established - Sanction Review Board (SRB):

*Respondent accepts responsibility, but disagrees with recommended sanctions*

If the respondent accepts responsibility for violating specified provisions of this policy but disagrees with the sanctions recommended by the Conduct Coordinator, the respondent may contest the sanctions and seek review by the SRB. The request to the SRB must be submitted in writing within five business days from the date of Notice of Completed Investigation, using the SRB form. After SCAI receives the request for review, the Conduct Coordinator may submit a statement responding to the claims or issues presented by the request and explaining the basis and rationale for the recommended sanctions. SCAI will submit the written request and Conduct Coordinator's response to the SRB.

The SRB is composed of three university community members with at least one student and one staff or instructional faculty member.

The SRB will review the respondent's written statement contesting the sanctions, as well as the written response from the Conduct Coordinator. The SRB will assign an appropriate sanction, which may be more severe than the recommended sanction. Decisions of the SRB are final and not subject to further appeal.

Based upon the SRB's review, SCAI will notify the respondent in writing of sanctions via their VCU email address. A decision by the SRB that results in a respondent being suspended or expelled from the university must be approved by the Vice President for Student Affairs (VPSA) or designee.

### 4. Violation Established - Decision Board (DB):

*Respondent contests finding of responsibility*

If the respondent contests a finding of responsibility and seeks review by the DB, the request to proceed to the DB must be submitted in writing within five business days from the date of the Notice of Completed Investigation. SCAI will schedule a DB hearing to consider the information and evidence and make a determination concerning the allegations and, if necessary, any sanctions. The DB is composed of four university community members with at least one student, one staff or instructional faculty member, and a non-voting chair. SCAI will notify the respondent of the date, time and location of the hearing at least five business days prior to the scheduled DB hearing. The respondent has a right to be accompanied by an adviser of choice at the hearing.

A DB hearing typically consists of the following components:

Introduction and procedural rules presented by the DB chair.  
Introductory statement and presentation of information by Conduct Coordinator. • Witnesses presented by the Conduct Coordinator, if any.  
Introductory statement and presentation of information by the respondent. • Witnesses presented by the respondent, if any.  
Closing statement by Conduct Coordinator.  
Closing statement by respondent.  
Closed session deliberation by DB.

Witnesses may provide information to and answer questions from the DB. The respondent may propose questions to the chairperson to be asked of the Conduct Coordinator or witnesses, including a witness who is the alleged victim. The chairperson may limit proposed questions or information only if they are irrelevant or repetitive.

Any party and any witness, including an alleged victim, may choose whether to attend the hearing or to submit to questioning via the means provided for in the previous paragraph. Pursuant to the Fourth Circuit's ruling in *Doe v. Univ. of N.C. Sys.*, 133 F.4th 305 (4th Cir. 2025), a respondent has a right to cross examine any individual whose statements will be used against them in determining responsibility. Therefore, per the Fourth Circuit's ruling, if the respondent does not have the opportunity to cross examine an individual (via the means provided for in the previous paragraph) because the individual either does not attend the hearing or refuses to submit to questioning (or other reason), the DB cannot consider any statements made by that individual as evidence to find the respondent responsible. The DB may, however, rely on other evidence, including, but not limited to, documentary, visual, or recorded evidence; statements by the respondent; or statements by an individual whom the respondent does have an opportunity to cross examine, to support such a finding.

All procedural questions are subject to the final decision of the chairperson of the DB.

There shall be a single record, such as a digital recording, of all DB hearings excluding deliberations. The record shall be the property of the university and maintained securely consistent with university standards.

When an alleged victim is serving as a witness, alternative testimony options will be available, such as allowing the alleged victim to testify via electronic means.

The DB will determine, by majority vote, if the respondent is responsible for the charges based on a preponderance of the evidence, including evidence in the record and presented at the hearing. The DB will notify the Director of SCAI or designee in writing of the determination, the rationale for the determination, and any recommended sanctions. The Director of SCAI or designee will determine the final sanctions and notify the respondent within five business days of the DB

hearing in writing via their VCU e-mail address of the DB determination, the final sanctions, and the process for appeal.

For information regarding notice of the outcome of the proceedings, including a description of any appeal process, see the Notification section of this policy.

## **V. Appeals Process**

Any appeal of the DB's decision must be made by the respondent in writing to SCAI using the Appeal Form within five business days following the date of notification of the decision. The written appeal must present one or more of the bases for appeal listed below and any new evidence and all information relevant to the appeal, including any new evidence or information when new and pertinent evidence is the selected appeal ground. After SCAI receives the appeal, the Conduct Coordinator may submit a statement responding to the claims or issues presented by the written appeal. SCAI will submit the written appeal and response to the VPSA or designee

The VPSA or designee will, in their sole discretion, (1) uphold the DB determination, (2) modify sanctions, or (3) remand the matter to the DB. The VPSA or designee will make a final determination concerning the respondent's appeal and notify the respondent of that outcome. T

Appeals may be based only on one or more of the following bases:

1. New and pertinent evidence or information that could have been discovered prior to the DB hearing through the exercise of reasonable diligence has come to light that could affect the outcome.
2. A procedural irregularity that impacted the outcome
3. Disproportionate sanctioning/outcome

## **VI. Interim Measures**

Interim measures are temporary actions that are protective in nature, rather than disciplinary or punitive. They are designed to mitigate the risk to members of the university community or deter prohibited conduct, often while conduct charges are pending. The interim measure process is separate and distinct from the processes of investigation and adjudication undertaken pursuant to this policy and other VCU policies and regulations, including Title IX Sexual Harassment Policy – Interim and Sex-Based Misconduct Policy - Interim. Failure to abide by the terms of an interim measure could result in disciplinary action under this policy. In addition to individualized services offered without fee or charge and designed to support individuals affected by conduct under investigation without unreasonably burdening the other individuals, the following are interim measures:

### **A. No Contact Directive**

A written university directive that serves as notice to a student or SO prohibiting verbal, electronic, written, or third-party communications with one or more specific individuals.

### **B. Interim Suspension**

Temporary measures to remove a student or SO reasonably believed to pose a threat to the university community, as set forth in the [Interim Suspension Procedure](#).

## **VII. Sanctions**

Upon any final finding of responsibility for a violation of this policy, one or more sanctions may be imposed for each violation. Failure to complete any assigned sanction is a separate violation of this policy. Impairment from the voluntary use of alcohol and/or other drugs (other than as medically prescribed) shall be considered an aggravating, and not a mitigating, factor in sanctioning. All sanctions become part of a respondent's permanent university disciplinary record. The university may withhold a degree, or any other academic achievement, otherwise earned, until the completion of the process set forth in this policy, including appeals and the completion of any and all sanctions.

The following two sections describe the sanctions that may be imposed when a respondent is found responsible, based on the respondent's status as an individual student (section A) or an SO (section B).

### **A. Sanctions for Respondents who are Individual Students**

Sanctions 1-7 are not recorded on a student's transcript. These sanctions are not reported to external agencies as a university disciplinary action, unless required by law or specifically authorized by the respondent.

#### **1. Warning**

A warning is a written notice to the respondent to avoid a recurrence of any conduct that violates this policy and/or any university policy. Subsequent violations of this policy or any university policy may result in more severe disciplinary action

#### **2. Disciplinary Probation**

Disciplinary probation is a specified period, a minimum of one semester, requiring the respondent to avoid a recurrence of any conduct that violates this policy and/or any university policy that may result in additional university sanctions, including, but not limited to, suspension or expulsion.

#### **3. Educational Experiences**

Educational experiences are learning opportunities, including, but not limited to, community service, drug and alcohol education, and written papers.

#### **4. Loss of Privileges**

Loss of privileges is a denial for a designated period of time of access to university services, privileges, and benefits, which may impact participating in extracurricular activities, residence in university housing, university student leadership responsibilities, leadership within student organizations, academic activities, ability to reserve space, funding, intramurals, and study abroad. Bans, deactivations, and holds are restrictions on access to university services, activities, facilities, or registration.

#### **5. Restitution**

Restitution is monetary recompense to the university and/or a member of the university community or others to cover the cost of damage, injury, or loss of community or personal property as a result of a violation.

#### **6. University Policy Sanctions**

University Policy Sanctions are any sanctions not specified in this policy, but which are applied to a respondent as a result of prohibited conduct of another university policy and as set forth therein.

#### **7. Deferred Suspension**

Deferred suspension is a designated period during which a respondent is given the opportunity to demonstrate the ability to abide by this policy. Subsequent violations of this policy during the term of a deferred suspension will result in suspension or expulsion.

Sanctions 8-11 are recorded on a transcript. These sanctions are reported to external agencies in response to standard inquiries about university disciplinary action and otherwise as required by law or authorized by the individual respondent.

#### **8. Suspension**

Suspension is removal of a respondent for a defined period, generally up to eight (8) semesters, during which a respondent loses all university privileges, which generally includes access to classes, facilities, programs, activities, services, and property. Consistent with the university's continuous enrollment policy, all students who do not attend VCU for three or more successive semesters, excluding summer sessions, must submit an application for readmission.

#### **9. Expulsion**

Expulsion is permanent dismissal from the university, administrative withdrawal from classes and loss of all university privileges.

### **B. Sanctions for Respondents who are Student Organizations**

Suspension of a SO does not result in a sanction or transcript notation for individual student members of the SO; individual students are assigned sanctions only as separately adjudicated as an individual respondent.

### **C. Other Possible Consequences and Outcomes**

Violations of the Student Code of Conduct may also lead to outcomes beyond the sanctions assigned by SCAI and in accordance with other university policies and procedures. These outcomes may include:

- Termination or suspension of university employment, assistantships
- Academic consequences, including suspension or dismissal, under applicable technical or professional standards of an academic program
- Recommendation of revocation of a degree or certificate, such as when a violation invalidates a degree requirement [<http://bulletin.vcu.edu/academic-regs/university/right-to-revoke/> (<http://bulletin.vcu.edu/academic-regs/university/right-to-revoke/>)]

### **Suspension**

Suspension is removal of recognition by the university of a respondent SO for a defined period during which the SO is prohibited from operating. As a result, the SO is denied all university privileges and resources, which generally includes access to programs, funding, activities, services, and property. The terms of suspension for an SO may require the SO to satisfy certain conditions before it may resume operations following suspension. If the SO also holds a charter from an inter/national organization governing body, the university may also request that the inter/national organization governing body revoke the charter of the SO. A SO that wishes to be recognized by the university after loss of recognition must fulfill all requirements for a new SO. Suspension of a student organization does not result in a sanction or transcript notation for individual student members of the student organization; individual students who are members of a student organization may be found in violation of university policy and assigned sanctions from separate adjudication as an individual respondent.

### **VIII. Student Privacy and Notification**

VCU is committed to protecting student privacy in accordance with the Student Privacy practices set by Records and Registration and applicable law, including the federal Family Educational Rights and Privacy Act (FERPA). (See the Related Documents section below.) Sanctions and other student conduct records that identify an individual student are part of that student's educational record and are generally protected from release without their written authorization. However, consistent with FERPA, the University may release conduct records without consent in the following circumstances:

1. If the student is alleged to have committed a crime of violence or a nonforcible sex offense, once a final determination of responsibility has been made, the University may release the final results of the disciplinary proceeding (limited to the student respondent's name, violation committed, and any sanction imposed) as follows:

- a. To the public, if the student respondent is found responsible.
- b. To a victim of the crime of violence or nonforcible sex offense, the final results with respect to the alleged crime or offense, regardless of the determination of responsibility.

For the purpose of this policy, a “crime of violence” includes the following offenses or attempts to commit the following offenses: arson, burglary, robbery, criminal homicide, assault, destruction/damage/vandalism of property, and kidnapping/abduction. A “nonforcible sex offense” means statutory rape or incest.

2. If a student under the age of 21 is found responsible for violating any Federal, State, or local law, or any VCU rule or policy, governing the use or possession of alcohol or a controlled substance, VCU will notify their parent, guardian or individual acting as a parent in the absence of a parent or guardian of such violation, if the student is under the age of 21 at the time of the notification. Students eligible for amnesty under this policy will not be found responsible and will not be subject to parental notification under this provision.

3. If a conduct record is a joint record of one or more students in addition to the respondent, then each student may inspect the portions of the records that directly relate to them. In this case, the university will redact from any record provided to a student information that identifies any other student, to the extent possible.

While the university carefully protects the privacy of individual students as described above, SO conduct records that do not contain information concerning identifiable students, are generally subject to mandatory disclosure under Virginia’s Freedom of Information Act (FOIA). To inform the University community, VCU may report SO conduct on its website.

## **IX. Interpretation and revision**

Any question of interpretation or application of this policy shall be referred to the director of Student Conduct and Academic Integrity or designee for final determination. This policy shall be reviewed regularly under the direction of the director of SCAI.

## **Forms**

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[Incident Reporting Form](#)

## Related Documents

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1. VCU Policy: [Hazing Prevention and Discipline](#)
2. VCU Policy: [Title IX Sexual Harassment Policy - Interim](#)
3. VCU Policy: [Interim Sex-Based Misconduct Policy](#)
4. VCU Policy: [Honor System and Standards of Academic Conduct](#)
5. VCU Policy: [Alcohol and Other Drugs](#)
6. VCU Policy: [University Computer and Network Resources Use Policy](#)
7. VCU Policy: [Procedures for Degree Revocation](#)
8. VCU Policy: [Reservation and Use of Space](#)
9. [Graduate Bulletin](#)
10. [Undergraduate Bulletin](#)
11. [Residential Life and Housing Contract](#)
12. [Handbook for Student Organizations at VCU](#)
13. [VCU Student Athlete Handbook](#)
14. [VCU Interim Suspension Procedure](#)
15. [VCU Records and Registration: Student Privacy](#)
16. [State of Virginia Code § 23.1-822](#)
17. [FERPA regulations \(34 CFR Part 99\)](#)

## Revision History

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This policy supersedes the following archived policies:

- May 10, 2013 [New Policy] - Student Code of Conduct
- April 3, 2015 - Student Code of Conduct (Minor SCHEV requirement revision added)
- January 26, 2017 - Student Code of Conduct (minor revision to reflect current policy names and updated hyperlinks)
- June 25, 2018 - Student Code of Conduct (minor revision to repair typographical errors and update Related Documents section)
- August 2022 – Student Code of Conduct – Interim (incorporating provisions applicable to student organizations as respondents)
- August 2023 – Student Code of Conduct (incorporating provisions applicable to student organizations as respondents, medical amnesty updates, and relevant state laws related to hazing)

## FAQ

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**Q: If I did not commit the violation of which I am being accused, why do I need to respond?**

**A:** All allegations of misconduct will be investigated. The investigation process affords the respondent the right to respond to and refute the allegation, and your response can help the investigator determine whether you are responsible for the alleged violation. If it is determined that a respondent is not responsible

for the alleged misconduct, the matter will then be closed with no disciplinary action taken against the respondent.

**Q: Why is there a hold on my registration or degree?**

**A:** Your registration may be blocked for failure to schedule or attend a meeting regarding an alleged violation or failure to comply with a sanction. In such circumstances, the hold is removed once you schedule and attend your conduct meeting, or upon completion of the sanction.

Additionally, students classified as seniors or nearing the end of their graduate/professional program shall have a degree hold imposed pending the adjudication of the alleged misconduct, including all appeal options.

**Q: What if I am off campus at the time of the alleged violation?**

**A:** The director of SCAI has the discretion to determine whether off-campus conduct by a student or SO is subject to this policy. Some factors may include whether the conduct is connected with a university activity or members of the university community.

**Q: Can my case go through the courts and the university conduct process?**

**A:** Yes. They are entirely independent and separate processes. University disciplinary proceedings may be instituted against a student charged with conduct that may violate criminal or civil law and this policy (that is, when both possible violations result from the same factual situation). Proceedings under this policy may be initiated and carried out prior to, simultaneously with, or following civil or criminal proceedings. Findings made or sanctions imposed under this policy shall not be subject to change because of the criminal or civil outcomes. The concept of 'double jeopardy' applied in criminal settings is not applicable to a university proceeding.

**Q: What is FERPA?**

**A:** The Family Education Rights and Privacy Act of 1974 (FERPA) is a federal law that protects the privacy of student records. It generally affords students the right to

authorize the university's disclosure of their education records. This includes disciplinary records. Additional resources can be found here:

<https://rar.vcu.edu/records/family-educational-rights-and-privacy-act/>

**Q: Will my parents or guardians be notified of a violation?**

**A:** Notification depends on your age and the specific violation. When a student under the age of 21 is found responsible for violating alcohol, drugs, and/or controlled substance laws or policies, the student's parents or guardians may be notified. The notification will include information concerning the violation, the university sanctions, and the university's expectations for future behavior. For more information about amnesty, see section VIII.2 above.

NOTE: Residential Life and Housing or the Dean of Students may disclose a student's education records to parents, guardians, or others as necessary in connection with a health or safety emergency.

**Q: Will my records be released for a background check?**

**A:** A student may need to provide a disciplinary history to a third party for a study abroad program, graduate school, employment, etc. With a signed release by the student, the university may release to the external agency disciplinary records as requested by the student and generally related to suspension or expulsion.

**Q: What individual conduct records are maintained and for how long?**

**A:** All student conduct records for individual respondents are maintained in an electronic database for a minimum of seven (7) years, in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. If an individual receives additional sanctions during the seven-year period, records of all violations will be retained until there is a period of seven years following the most recent incident. If an individual is suspended or expelled, complete records of the proceedings and all pertinent documents, including records of previous lesser sanctions, shall be maintained permanently.

**Q: What sanctions are recorded on a student's transcript?**

**A:** Suspensions and expulsions are noted on an individual student respondent's transcript.

**Q: If a respondent is found responsible for arson, assault, battery, or endangering health and safety, and an identified party is the victim of such behavior, will the identified party be notified of the outcome of the respondent's student conduct process?**

**A:** Yes. The university will consider the interest of an individual victim of arson, assault, battery, or other "crimes of violence" under FERPA and may notify them of

the outcome of the respondent's student conduct process.

**Q: What happens when there is a Revocation of Admission or Degree?**

**A:** Revocation of Admission is the administrative action by the Office of Admissions of rescinding an offer of university admission that had been awarded under circumstances of fraud, misrepresentation, or other violation of university standards in the student's matriculation to the university. Revocation of Degree is the administrative action of rescinding a degree that had been awarded. For more detail, refer to the [Procedures for Degree Revocation](#) policy