

# Excerpts of VT Code of Conduct and Gender-Based Violence Student Handbook

## Student Code of Conduct

The following acts are prohibited for all students and student organizations:

**Abusive Conduct** Any use of words or acts that cause physical injury, or threaten any individual, or interfere with any individual's rightful actions, including but not limited to the following:

1. **Assault** -- Verbal/Non-verbal: Words or actions that would cause an individual reason to fear for his or her immediate safety. Words can constitute assault when they are accompanied by the ability to inflict immediate harm.
2. **Battery** -- The use of physical force against an individual or acts that cause physical injury.
3. **Harassment** – Conduct not of a sexual nature (including but not limited to, physical, verbal, graphic, written, or electronic) that is sufficiently severe, pervasive, or persistent so as to threaten an individual or limit the ability of an individual to work, study, or participate in the activities of the university.
4. **Hazing** - Individual/Group Behavior – Hazing is a criminal offense in the Commonwealth of Virginia. Hazing is prohibited in all forms. This policy is based on the proposition that students are entitled to be treated with consideration and respect at all times. It applies to all student organizations and individuals. Specifically, hazing is defined as any mental or physical requirement, request, or obligation placed upon any person which could cause discomfort, pain, fright, disgrace, injury, or which is personally degrading, or which violates any federal, state, local statute or university policy, the willingness of an individual to participate in such activity notwithstanding. Concurrently, the national Interfraternity Conference, the National Panhellenic conference, and the National Panhellenic council state unequivocally that hazing has no place in the collegiate fraternity and sorority system. In addition, the members of the Corps of Cadets are subject to the Virginia Tech Corps of Cadets Regulations Manual. In determining whether a specific behavior violates the hazing policy, consideration will

be given to how the behavior relates to the university's mission and purpose. Please refer to the Hazing Section for additional information.

**5. Recording and/or Distribution of Audio/Visual Material Without Consent:**

Making, attempting to make, sharing, or distributing an audio or visual recording of any person(s); without the knowledge and consent of all participants subject to such recordings, in locations where there is a reasonable expectation of privacy, and when the action is likely to cause injury, distress, or damage to one's reputation.

**6. Stalking --** Repeatedly contacting another person when the contact is unwanted. Additionally the conduct may cause the other person reasonable apprehension of imminent physical harm or cause substantial impairment of the other person's ability to perform the activities of daily life. Contact includes but is not limited to communicating with (either in person, by phone or computer) or remaining in the physical presence of the other person.

**Actions Leading to the Conviction of Criminal Offenses -** Any student convicted of a criminal offense is subject to university disciplinary action.

**Alcoholic Beverage -** Each student is expected to comply with the alcohol regulations of the Commonwealth of Virginia and the university. Members of the university community are accountable for their decisions regarding the use of alcohol as well as behavior that occurs as a result of these decisions. All state and international laws apply to Virginia Tech students. Please refer to the Alcoholic Beverages Section for additional information.

**Climbing -** Unauthorized climbing inside or outside campus buildings or structures.

**Damage or Destruction -** Damage and/or destruction of property.

**Disorderly or Disruptive Conduct –** Engaging in disorderly or disruptive conduct that:

1. Disturbs the peace
2. Interferes with the performance of the duties of public/civil officials.

3. Interferes with the rights and/or activities of others
4. Interferes with the orderly functioning of the university and/or the performance of the duties of university personnel, including but not limited to studying, teaching, research, University administration, and blocking entrances and egress.

**Failure to Comply** - Failure to comply with a request and directives of university officials acting within the scope of their authority. This includes, but not limited to: failure of a student to present his/her university identification card, failure to keep or attend a required meeting, and failing to leave an area when requested by an authorized university official. Upon the request of the student questioned, university officials must identify themselves and state the source of their authority.

**Failure to Observe Rules and Regulations** - Failure to observe rules and regulations issued by the university, including all publications and notices pertaining to student life and student services. (Publications for which all students are accountable include University Policies for Student Life, Parking and Traffic Regulations, the housing and dining contract and any written policies distributed to affected students by the university administration. Residence hall students are accountable for the housing contract and the information in the Housing, Residence Hall, and Dining Policies and Procedures section of the Hokie Handbook; cadets are accountable for cadet regulations, directives, and policies, and affected fraternities/sororities are responsible for the Fraternity and Sorority Life Manual.)

**Fireworks/Explosives/Hazardous Chemicals/Weapons** - Unauthorized possession or use of fireworks, explosives, or Weapons. Hazardous chemicals that could pose a health risk are also prohibited from the campus, including chemicals that, when combined with other substances could be hazardous or present a danger to others. Unauthorized possession, storage, or control of firearms, weapons, on university property, including storing weapons in vehicles on campus as well as in the residence halls. Furthermore, ammunition cannot be stored in any residence hall on campus. (Note: Virginia Tech Corps of Cadets weapons are governed by the Virginia Administrative Codes. Please refer to 8VAC105-20.) Refer to Weapons Section for additional information.

1. **Fireworks** – Unauthorized possession or use of fireworks is prohibited.

2. **Explosives** – Unauthorized possession or use of explosives is prohibited.
3. **Hazardous Chemicals** – Hazardous chemicals that could pose a health risk are also prohibited from the campus, including chemicals that, when combined with other substances could be hazardous or present a danger to others.
4. **Weapons** – Unauthorized possession, storage, or control of firearms and, weapons on university property is prohibited, including storing weapons in vehicles on campus as well as in the residence halls. Furthermore, ammunition cannot be stored in any residence halls on campus. (Note: organizational weapons of the Virginia Tech Corps of Cadets, approved by the commandant, are not prohibited by this policy.)

**Forgery or Fraud** - Forgery or fraud, including attempts to obtain any item of value under false pretenses, or falsification of official university documents.

**Furnishing False Information:**

1. **Perjury in Conduct Meeting** – Knowingly giving false information in a university student conduct meeting.
2. **Furnishing False Information** – Knowingly giving false information to a university official who is performing his/her official duties.

**Gambling** - Participation in any form of illegal gambling.

**Gender-Based Violence:**

1. **Sexual violence** – physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol, or is unable to give consent due to an intellectual or other disability, or is not of legal age to consent as defined by law. Sexual violence includes rape, sexual assault, sexual battery, and sexual coercion.

A. **Sexual Assault** – actual or attempted sexual contact with another person without that person’s consent.

**B. Sexual Battery** – intentional touching of another person’s intimate parts without the person’s consent; or other intentional sexual contact with another person without that person’s consent.

**C. Sexual Coercion** – using physical or verbal aggression or pressure to force or attempt to force a person to touch another person’s intimate parts without that person’s consent.

**D. Rape** – penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person’s consent.

**2. Gender-based harassment** – acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

**3. Sexual Exploitation** – an act or acts committed through non-consensual abuse or exploitation of another person’s sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. The act or acts of sexual exploitation are prohibited even though the behavior does not constitute one of the other sexual misconduct offenses.

**4. Domestic violence** – a pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

**5. Dating violence** – acts of physical or sexual abuse committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

**A. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.**

**B.** Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse, but does not include acts covered under the definition of domestic violence.

**6. Gender-Based Stalking** – repeatedly contacting another person when the contact is unwanted. Additionally, the contact may cause the other person reasonable apprehension of imminent physical harm or cause substantial impairment of the other person’s ability to perform the activities of daily life. Contact includes but is not limited to communicating with (either in person, by phone, or by computer) or remaining in the physical presence of the other person.

**Illegal Drugs** - The illegal use or possession of any controlled substance is strictly prohibited by the university. The illegal use of controlled substances is incompatible with the goals of the academic community. Illegally possessing, using, manufacturing, possessing with intent to manufacture, selling, dispensing, or distributing any substance controlled under state or federal law is prohibited. Possession of used or unused drug paraphernalia is also prohibited (unless there is a documented medical need). Additionally, misusing and abusing medications or prescribed medications (controlled under state or federal law) is prohibited. Students can be suspended or dismissed from the university for a first offense. Students who are also university employees are also subject to employee discipline.

**Improper Use of Identification Cards** - The possession or manufacture of any false or altered form of identification, the improper use of any identification card, including knowingly altering or mutilating a university student identification card, or using the identification card of another, or allowing one’s own card to be used by another.

**Interference with the student conduct process**- attempting or actively influencing, impeding, intimidating, interfering or coercing any person involved in a potential, actual, or past student complaint. This includes, but is not limited to, encouraging or influencing another person to commit an abuse of a university conduct system, discouraging an individual’s proper participation in, or use of, the university conduct process, or distributing or interfering with the orderly process of a conduct proceeding.

**Involvement in a University Violation** - Presence during any violation of the Student Code of Conduct and/or the University Policies for Student Life in such a way as to

condone, support, or encourage that violation. (Note: Students who anticipate or observe a violation of university policy are expected to remove themselves from participation and are encouraged to report the violation.)

**Misuse of Fire-Fighting Equipment-** Misuse of fire-fighting equipment, including tampering, removing, or discharging a fire extinguisher or any other fire emergency equipment except when there is a real need for such equipment.

1. Unauthorized Burning – Unauthorized burning of any material in any university building or on university property, including arson.
2. Disregard of Fire Alarm Signals – The disregard of a fire alarm signal or refusal to evacuate a building or a section of a building when a fire alarm is sounding.
3. Tampering with Equipment – Tampering with detection or suppression equipment, including deliberately initiating false alarm or creating conditions that result in a false alarm, or any tampering that would cause a malfunction or nonfunction.

**Public Urination/Nudity** - Any **act** or attempted act of public nudity, including but not limited to streaking, mooning, and urinating in public.

**Tampering With University Equipment** - Tampering with university equipment, including but not limited to, any elevator, wiring, plumbing, doors, **locking** mechanisms, or other university equipment without prior authority from the appropriate university official. Tampering with equipment so as to endanger oneself or others may result in serious disciplinary action for a first offense.

**Theft** - Theft, attempted theft, or possession of stolen property. Theft of property having substantial value may result in serious disciplinary action for a first offense.

**Throwing Objects** - Throwing, dropping, or projecting objects or substances out of or onto vehicles, buildings, or other university structures. This includes, but is not limited to, food, garbage, snowballs, water, or water balloons.

**Unauthorized Entry** - Entering, attempting to enter, or being present in buildings, residence(s), public or private property and/or facilities, or other areas without proper authority.

**Visitation\Guest Policies** Students/Organizations will be held responsible for the conduct of their guests. Students/Organizations who invite guests to campus and the residence halls are expected to inform them of all university rules and regulations. Refer to the housing contract and Housing, Residence Hall, and Dining Policies and Procedures for additional information regarding residence hall visitation rules and regulations

### **Gender-Based Violence**

Gender-based violence includes the following prohibited acts: sexual violence-assault, sexual violence-battery, sexual violence-sexual coercion, sexual violence-rape, gender-based harassment, sexual exploitation, dating and domestic violence, and stalking.

**Consent** – knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. The existence of consent is based on the totality of circumstances, including the context in which the alleged consent occurred. Silence does not necessarily constitute consent and coercion, force, or threat of either party invalidates consent.

- Consent cannot be given where a person is incapacitated due to drugs or alcohol; or where a person has a disability; or is not of legal age to consent as defined by law.
- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Consent can be withdrawn at any time.
- Previous relationships or prior consent cannot imply consent to future sexual acts.

**Incapacitation** – includes but is not limited to being asleep, drugged, intoxicated, or unconscious.

We encourage victims of sexual violence, including rape, sexual assault, sexual battery, stalking, and dating and domestic violence, to exercise their right to file a complaint with the Virginia Tech Police Department if the crime occurs on Virginia Tech's property, regardless of the status of the complainant. For crimes occurring away from Virginia



Tech's property, victims may contact the local law enforcement in the appropriate jurisdiction.

"Responsible employee" means a person employed by Virginia Tech who has the authority to take action to redress sexual violence, who has been given the duty of reporting acts of sexual violence or any other misconduct by employees or students to the Title IX coordinator or other appropriate institution designee, or whom an employee or student could reasonably believe has this authority or duty.

Information regarding where an individual can go to file a discrimination or harassment complaint including Title IX:

The Executive Director for Equity and Access

Title IX Coordinator

Virginia Tech

North End Center

300 Turner St.

Blacksburg, VA 24061

Phone: (540) 231-2010

**[equityandaccess@vt.edu](mailto:equityandaccess@vt.edu)**