

Student Conduct Title IX Informational Meeting

The Purpose of the Informational Meeting

Our office received a referral from the Deputy Title IX Coordinator or his/her designee. The purpose of the informational meeting is for the case coordinator to review the referral, the opportunities you have in the student conduct process, and answer any questions or address any concerns you may have about the hearing process. The case coordinator's role is to be a resource for the student so that the hearing officer(s) can remain objective prior to the hearing. An informational meeting is not mandatory, but strongly encouraged so that you can make an informed decision regarding your participation in the conduct process and feel better prepared for the hearing.

Student Conduct Office Overview

The mission of Student Conduct at Virginia Tech is to partner with Virginia Tech community members to address a student's conduct inconsistent with university expectations and resolve interpersonal, organizational, and community conflicts. Through a student-centered, learning-focused and community-minded lens, we utilize a comprehensive approach of informal and formal options to uphold community standards, foster personal growth and development of life skills, and promote a civil learning environment.

Student Conduct addresses all allegations of non-academic student misconduct. The process is initiated once a referral is received. A referral is the official documentation that is provided to Student Conduct that outlines a potential violation of the **Student Code of Conduct**. Once a referral is received, Student Conduct has an obligation to take action on the information. A complaint can come from many sources. Some examples of referral agents include: the Deputy Title IX Coordinator, student(s), faculty or staff members, and law enforcement officer(s).

Is There a Statute of Limitations?

Anyone who plans to refer a matter to Student Conduct, is encouraged to do so as quickly as prudently possible. If the respondent is considered a student at the time the referral is received, they fall within the jurisdiction of the **Student Code of Conduct** and the case is actionable in the university conduct system. For the purposes of disciplinary action only, a student is defined as any individual who has accepted an offer of admission as an undergraduate, graduate, or professional student and who has not yet graduated or officially transferred to another institution. If a student's enrollment lapses for more than one calendar year, the student will no longer be subject to disciplinary action under this policy. In this policy, a lapse refers to a voluntary decision by the student not to enroll. Students who are separated for disciplinary and/or academic reasons are still considered students for disciplinary purposes.

Reporting Options

A complainant can pursue filing criminal charges, filing a civil suit for monetary damages, and/or engaging the Student Conduct process. Virginia Tech encourages 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 incident occurs on Virginia Tech's property, regardless of the status of the complainant. For crimes occurring away from Virginia Tech's property, a complainant may contact the local law enforcement in the appropriate jurisdiction.

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Criminal: Filing criminal charges means involving the police. If the incident took place on campus, the Virginia Tech Police have jurisdiction. If the incident took place off campus, but in the town of Blacksburg, the Blacksburg Police generally have jurisdiction over the incident. The Commonwealth of Virginia, not the complainant, prosecutes criminal charges. The complainant serves as the primary witness to the crime, and their testimony is crucial to the case.

Reporting Options (cont.)

University Conduct System: The University Conduct System adjudicates all cases involving gender-based violence where the alleged respondent is a Virginia Tech student. Campus conduct hearings are separate and apart from the criminal and/or civil process.

Civil Court: In some cases, complainants have the right to sue the respondent or other involved parties for monetary damages. This type of prosecution does require an attorney. Individuals considering this type of action are advised to consult Student Legal Services or a private attorney for additional information.

Student Conduct and the Legal Process

Differences between the Legal Process and Student Conduct: Criminal action is thought of as mainly punitive. A conduct hearing is primarily educational and administrative. Criminal action is based upon laws and civil liberties, while a conduct hearing is based upon university policies and a student's status within the university community. In a criminal action, there are elaborate rules regarding testimony and evidence. In a university conduct hearing, standard rules of evidence do not apply.

The Standard of Proof: Student Conduct uses the preponderance of the evidence standard when determining responsibility for a university policy violation. For a respondent to be found responsible for a violation, the information available at the time of the hearing must indicate that it is more likely than not that the violation of university policy occurred.

When there is a pending civil or criminal charge, which matter will be resolved first?

Whenever conduct violates both the law and the policies found in the **Student Code of Conduct**, disciplinary action may be taken by the university, irrespective of and separate from action taken before a trial or postpone action until after a trial, depending on the individual circumstances of a case. The policies and procedures of the University Conduct System are designed to provide students with a timely resolution concerning their involvement in alleged misconduct.

Student Conduct Hearing Officers: The University Conduct System is supported by a number of student affairs administrators, who are appointed as university conduct officers. These individuals are trained in conduct case adjudication and are knowledgeable about university policies, procedures and case precedent. Administrative hearings involving alleged gender-based violence will be adjudicated by a mixed gender team of university conduct officers.

The Formal Hearing

A formal hearing is a very structured conversation. During the hearing, you will have the opportunity to present your version of the events in question. The hearing officers will determine responsibility for the alleged violations, including sanctions, if necessary.

Hearings are most often held in the Student Conduct office, but may occur elsewhere depending on space, availability, etc.

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Scheduling & Duration: There is a standard weekly hearing time for Student Conduct to hear Title IX cases. Hearings are scheduled for Wednesday afternoons, typically beginning at 1:00pm. We have also reserved Thursday mornings beginning at 9:00am should the hearing need to reconvene. If you missed class due to your participation in the formal hearing, we will have the Dean of Students provide an absence verification for the classes that you missed. If you choose not to participate in the hearing, notification will not be sent to your professors. Student Conduct encourages you to connect with your professor(s) to discuss any coursework that you may miss and make arrangements with your professor(s) to complete that work. Should you have concerns that arise regarding your absence verification, please contact Student Conduct and the Dean of Students Office.

Given the number of parties and the complex nature of these cases, they typically take longer than the average student conduct case. The hearings are designed for participants to share all relevant information. Given that the hearing may take a significant amount of time, please plan accordingly. For example, if you bring witnesses, encourage them to bring their homework, snacks, or other necessities.

Opportunities in the Conduct Process

Respondents and Complainants are guaranteed the opportunities listed below:

1. To receive advance notice of the charges in writing.
2. To have an advisor present during the hearing. The advisor's role is specifically limited to conferring with her or his advisee.
3. To refute any information or statements presented during the hearing.
4. To bring witnesses on your behalf.
5. To not participate or answer any questions.
6. To challenge the objectivity of the hearing officers if you have grounds to show that the individual(s) is biased or has a conflict of interest.
7. To appeal the outcome of the hearing.

Information about Advisors

Expectations of advisors during the hearing: Their role is to support the student. They may not question witnesses or make arguments or statements on behalf of their advisee. Advisors may pass written notes, whisper in their advisee's ear, or ask for a break to consult with their advisee. Hearing officers reserve the right to place reasonable limits on the conduct of advisors. Advisors who fail to adhere to these limits will be asked to leave the hearing.

Advisors may be anyone of your choosing to include but not limited to: faculty/staff member, student, parent, counselor, or attorney. It is your responsibility to obtain an advisor and notify Student Conduct of any advisor who may attend the hearing with you.

Options for obtaining an advisor for a hearing: Staff in the Dean of Students Office (DOS) are available to meet with any student to advise them in regards to the student conduct process. The number for the Dean of Students Office is (540) 231-3787.

Staff in the Virginia Tech Women's Center are available to meet with any student to advise them in regards to the student conduct process. The number for the Virginia Tech Women's Center is (540) 231-7806.

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Responsibilities in the Conduct Process

Below are responsibilities that you have in the student conduct process:

1. Prepare for your hearing. This may include your opening statement and any supporting documentation you wish the hearing officers to consider.
2. To identify and bring witnesses or witness statements to the hearing (if needed)
3. To obtain an advisor and notify them of the date and time of your hearing.
4. Provide Student Conduct with a list of witnesses sufficiently in advance of your hearing.
5. To ask questions and clarify confusion throughout the process. The case coordinator is available to answer questions and concerns before and after the hearing. Throughout the
6. hearing, you may ask the hearing officers questions to make sure you understand the process.
7. Communicate potential financial or academic impacts to those who may need to know. For example, we encourage you to talk with your parents/guardians, Dean of Students Office, Women's Center, Cook Counseling Center, and employer as appropriate.
8. Should you require accommodation to participate in the hearing, please notify the case coordinator sufficiently in advance of the hearing. Student Conduct requires documentation from Services for Students with Disabilities (SSD). You can contact them at (540) 231-3788 or ssd@vt.edu.

What Are the Expectations Around Truth-Telling?

We trust that all participants respect the integrity of the conduct process and fully expect that all participants give statements that are true to the best of their knowledge. If it is later believed it is more likely than not that a student did not tell the truth during a conduct hearing, they would be subject to charges under the Student Code of Conduct (Perjury/Furnishing False Information).

If you knowingly offered false information in a suspension-level hearing, then you might expect to be suspended if found responsible.

Participation Options

There are a variety of ways in which a complaint and respondent can participate in the student conduct process should they choose to do so. Given that these hearings can be complicated, complex and uncomfortable, we encourage all parties to participate and provide information in the way that they feel most safe and comfortable.

These options include:

1. Attend the hearing in person
 - a. All parties being in the same room
 - b. All parties being in the same room with a divider preventing the respondent and complaint from seeing one another
 - c. The respondent and complaint are in different locations while participating remotely via Skype or phone
2. Submit a written statement and/or documentation outlining the information that you would like the hearing officers to consider

Please share your participation preference with the case coordinator. Due to potential space limitations or technical difficulties, we cannot guarantee a particular hearing set-up. However, we will do our best to accommodate requests.

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The Components of a Formal Hearing

- Introductions and a review of procedural guarantees
- Policy review and pleas
- Investigation review
- Opening statements
- Hearing officer and participant questions
- Witness(es) for both the respondent and complainant (if present)
- Closing statements
- Deliberation and outcome

*There will be breaks as appropriate. However, should you need to request a break, please ask.

Recording: The hearing is audio recorded as it serves as sole documentation of the hearing in the appeals process. The recording will be maintained for the duration of the record which his five years from the date of the incident.

Entering in a Plea: A respondent may choose to enter in a plea. The plea has no bearing on the outcome of the hearing and is not an admission of guilt. Rather, the plea is used as a gauge by the hearing officers to determine the student's understanding of the policy as it relates to their behavior. A respondent may enter one of three pleas: responsible, not responsible, no plea. Essentially, "responsible" means the respondent feels that the behavior was in violation of the policy and "not responsible" means the student does not feel the behavior was in violation of policy. "No plea" means that the respondent would rather not comment.

Opening Statement: Your opening statement is your opportunity to present your perspective of the events in question and clarify information contained in the report. You are more than welcome to have a prepared statement in advance and bring it with you to read to the hearing officers. Please note that opening statements are limited to no longer than thirty minutes. Should you have a concern with the ability to articulate your opening statement within the allotted time, please let the case coordinator know in advance.

Questions: The hearing officers will ask questions to clarify the incident. While you have the opportunity to not participate or answer any questions, the hearing officers can only make a decision based upon the information that is available at the time of the hearing. Both complainant and respondent will have an opportunity to present questions for the investigator, witnesses, and other party. All questions will be filtered through the hearing officers in order to ensure they are relevant. Should you have a question, you will direct it to the hearing officer, the hearing officer will rephrase it and ask it of the other party if it is relevant to the policy violation. Do not answer that is not asked by the hearing officers.

Questions should focus on information relevant to the policy violation. They are not statements or a mechanism to prove a point. Should you wish to make such statements, please reserve that for your opening or closing statements.

Witnesses and Witness Statements: The hearing officers reserve the right to not hear from witnesses who do not have information relevant to the event in question. Therefore, when determining your witnesses, try to ensure that they are prepared to share relevant information. Should your witness not be able to attend the hearing, they can email a statement directly to the case coordinator, or you may bring a copy of a written statement that includes their name, signature, and date. Character references are not considered as witnesses. Should you wish to provide this information, it is best to provide a written statement.

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Notification of Outcome: The hearing officers will notify you of the outcome of the hearing in writing. You will also be notified once the decision is considered final.

Appeals Process

For gender-based violence cases, both complainant and respondent can file an appeal regardless of the outcome. A written request for an appeal, stating the specific grounds upon which the appeal is based, must be received in the Student Conduct office by the end of the seventh business day following notification of the decision. The day the decision is given is considered the first day of the appeal period. Appeals submitted after the seventh business day will not be accepted except in extenuating circumstances as determined by Student Conduct. Both complainant and respondent have the same grounds and timeframe to submit an appeal.

An appeal is defined as a written request for review of the original case. The burden is on the appealing party to demonstrate why the finding or sanction should be altered. Sanctions do not typically take effect until the appellate officer decision is final.

The complainant and/or respondent may appeal their cases using forms available from Student Conduct. Appeals must be based only on the following grounds: (1) denial of procedural guarantees, (2) significant and relevant new evidence that was not available at the time of the hearing, and/or (3) sanctions/findings that are unduly harsh or arbitrary. Appeal requests will be denied in cases not having sufficient grounds in one or more of these areas.

Records and the Family Education Rights and Privacy Act (FERPA)

Per the Hokie Handbook, student conduct retains conduct files for five years from the date of the incident. Notification of student conduct action taken against students is made on a need-to-know basis and includes but is not limited to the Dean of Students, the Commandant of Cadets in cases involving cadets, the Office of the Graduate School in cases involving graduate students, the director of Cranwell International Center in cases involving international students, the Athletic Department in cases involving varsity athletes, the director of Housing & Residence Life in cases involving residence hall students, and victims of crimes of violence (including abusive conduct and gender-based violence) involving student respondents.

Parents/guardians of students under age 21 will be notified if their student is found responsible for a violation of the alcoholic beverage or illegal drug policies. Other university agencies or organizations may be required to obtain written release before they can receive notification. Student conduct cases involving student organizations are not private. Accordingly, hearing notification and sanction letters are sent to organizational advisors and national headquarters (if applicable).

Students may choose to sign a consent form allowing the release of information to designated individuals, if they wish to do so.

In the case of suspension or dismissal, notification is sent to the University Registrar, Bursar and the student's academic dean. In the case of suspension, a temporary notation is placed on the student's official transcript: "suspended for a violation of the Student Code of Conduct" and the duration of the sanction. Upon the request of the student, this notation may be removed at the end of the suspension period and once all sanctions are complete. These requests should be made to the director of student conduct. In the case of dismissal, a permanent notation is made on the student's transcript: "dismissed for a violation of the Student Code of Conduct." Lesser sanctions do not appear on the official transcript.

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By signing this document, you acknowledge that you have received this document.

Signature: _____

Printed Name: _____

Date: _____