



## POLICY

**Title:** Code of Student Conduct

### Policy Statement

By choosing to attend the University of Vermont, each student accepts responsibility for promoting the community's welfare by adhering to the Code of Student Conduct and all University Policies. Failure to do so may result in response from the University up to and including separation from the University.

### Reason for the Policy

The University reaffirms the principle of student freedom coupled with personal responsibility and accountability for individual action and the consequences of that action so that UVM students can be healthy, successful and engaged.

### Applicability of the Policy

The Code of Student Conduct (the "Code") applies to conduct by individual students, Recognized Student Organizations, and varsity athletic teams, that occurs on University premises, at University-related activities or facilities, and to off-campus conduct when it is reasonably perceived to pose a significant risk to the safety of the campus community or of disruption to the programs of the University, an imminent threat of harm to the safety of the student or others, or reflects on a student's fitness to continue in the academic program in which the student is enrolled. The Code applies to all conduct, whether it occurs in person or by way of electronic systems. Within the sound discretion of the Center for Student Conduct (CSC), the Dean of Students (DOS), or designee, the University may respond to reports of conduct violations through a conduct case involving a hearing or through administrative actions.

This Code applies to all students currently enrolled or who have indicated an intent to enroll at the University, as further defined in the Definitions section of this Policy, at the time the conduct occurs.

Individuals enrolled in precollege coursework through Continuing and Distance Education (i.e., Summer Academy) are expected to comply with the behavioral requirements of this Code and with any other requirements that may be required by Continuing and Distance Education. Violations of conduct requirements by individuals enrolled in precollege coursework will be addressed through processes established by Continuing and Distance Education.

Procedures established by the College of Medicine will be followed to adjudicate violations of this Code for students enrolled in the College of Medicine.

Alleged violations of the [Discrimination, Harassment, and Sexual Misconduct Policy](#) will be investigated and reviewed for disciplinary action under the procedures described therein. The investigation, sanctioning and appeals processes of that policy shall apply to the full scope of conduct investigated, which may include allegations of other conduct prohibited by University policy arising under the same incident.

In addition to the conduct processes set out in this Code, students may also be subject to review of the same conduct for (1) violation of professional standards related to an academic program; (2) conduct standards associated with Athletics; (3) conduct standards associated with recognized student organizations; (4) Housing and Meal Plan Contract Terms and Conditions; (5) eligibility to participate in other University sponsored programs.

## Definitions

- Advisor: A current student, faculty or staff member of the University community (who is not a family member) chosen by a Complainant or Respondent to provide personal support through the student conduct process. Advisors must have no other role, such as a witness, and may not speak on behalf of, or otherwise represent their advisees. Advisors may not be lawyers, although CSC may permit a lawyer as an advisor when related criminal charges are filed and pending. If a Respondent is allowed to have a lawyer present as an advisor, a Complainant may also have a lawyer as an advisor if the Complainant chooses. The Respondent and Complainant are responsible for any attorneys' fees incurred.
- Complainant: The individual who has been the subject of alleged conduct prohibited by this Code. The University will serve as the Complainant in cases that do not involve a Complainant, or where the subject of the alleged conduct is not a University community member or is otherwise unwilling to proceed but the University has determined that the charge should be heard.
- Educational Activities: Any act or event sponsored or organized by the University, including its administrative and academic units and recognized student organizations.
- Hearing Officer: A professional staff member designated by the Center for Student Conduct to hear a case or a graduate student who is trained and qualified to adjudicate undergraduate student cases under this Code.
- Recognized Student Organization: As outlined in the University's [Group and Organization Recognition Policy](#)
- Respondent: A student against whom charges are initiated for alleged violation(s) of this Code.
- Student: Any person registered for, enrolled in or auditing any course(s) at the University of Vermont. Examples include, but are not limited to, students who are enrolled but not taking classes due to an academic break, medical leave, suspension, or other personal leave; students who were enrolled at the time of the incident; persons who demonstrate an intent to enroll by registering for courses; and students participating in study abroad programs.
- Student Conduct Associate: A UVM student who is trained to participate in hearing evidence and determining a sanction. A Student Conduct Associate works alongside a trained Hearing Officer. The Hearing Officer will retain full authority to conduct the hearing and to prepare the written hearing decision.
- University Official: Any person employed by the University and acting on behalf of the University.
- Witness: Any person who has relevant, direct knowledge of the alleged conduct. Character witnesses are considered irrelevant and are not permitted. A person who serves as a witness may not serve in any other capacity during the hearing (e.g., advisor). Witnesses shall be present only during their own testimony.

## Procedures

In the interest of health and safety, UVM has adopted temporary administrative procedures to address alleged violations of the University's COVID testing protocols on an expedited basis. Please see <https://www.uvm.edu/sconduct/2021-22-covid-conduct-guidelines> for more information about this process, as well as how issues of public health intersect with the Code.

### Introductory Statement

Students are not only members of the academic community but also members of the larger society. Thus, in their interactions with the University and conduct while a student, they retain the rights, protections, guarantees, and responsibilities that are held by all citizens. A student is not immune to prosecution by local, state, or federal enforcement agencies, whether or not the University takes action on the violation.

### A. Student Responsibilities

Students, student organizations, and their respective guests are responsible for knowing and behaving consistently with this Code as well as federal, state, and local laws.

#### 1. General Provisions

- a. Students who assist others in violating any provision of this Code may be charged with a Code violation to the same extent as those persons committing a violation.
- b. Students are responsible for the activities that occur in their residence hall rooms and/or the shared living space in suite style residence halls. Students are responsible for ensuring that all guests know and behave consistently with this Code while in residence halls or on campus. Any person involved in an incident who is not an assigned occupant of the room or suite where the incident occurred will be deemed a "guest" under this Code. All assigned occupants of a room or suite may be subject to the same sanctions under this Code as the actual violators.
- c. Attempts to violate this Code, including unsuccessful attempts, are prohibited and are subject to the same response under this Code as are actual violations.

#### 2. Prohibited Acts

- a. Offenses Against Persons: Any conduct or action that
  - 1) causes physical harm or endangers the health or safety of any person; or
  - 2) places another person in reasonable apprehension of physical harm or danger to their health or safety or to the health or safety of another, including through written or verbal conduct or implied threats.
- b. Property Offenses:
  - 1) Destroying or vandalizing property
  - 2) Trespassing upon, forcibly entering, or otherwise proceeding into unauthorized areas of University owned or leased buildings or facilities, their roofs, or the residential space of another without permission.
  - 3) Unauthorized or inappropriate use of University services, property, or the property of others.

- 4) Theft or other unauthorized possession of property or services.
- c. Public Order/University Order Offenses:
- 1) Creating a fire, safety, or health hazard.
  - 2) Impeding or obstructing an investigation, or failing to identify oneself or to comply with the directions of University officials, their authorized agents, or local police agencies acting in the performance and scope of their duties.
  - 3) Classroom Disruption Offenses. Students who disrupt a classroom, laboratory, or other environment in which educational or research activity takes place may be subject to action under this Code. Disruptive classroom conduct means engaging in behavior that substantially or repeatedly interrupts either the instructor's ability to teach or student learning. For purposes of this provision, the classroom extends to any setting where a student is involved in work toward academic credit or satisfaction of program-based requirements or related activities.
  - 4) Littering.
  - 5) Conveying information that the student knows or should know to be false, by actions such as lying or being dishonest, forging, altering, or causing any false information to be entered into University record or to be presented at a University proceeding or to a University Official.
  - 6) Knowingly destroying evidence in connection with a matter being reviewed under this Code or any other University policy or procedure.
  - 7) Possessing, providing, distributing, selling, or manufacturing any form of false University, federal, or state-issued identification.
  - 8) Impersonating any University Official.
  - 9) Gambling, which includes bookmaking or pool setting for profit, promoting or setting up a lottery for money or property, or winning or losing money or other valuables by play or hazard at any game.
- d. Other Offenses
- 1) Violation of University policies. Students, student organizations, and their respective guests are prohibited from violating University policies. Students are responsible for knowing and behaving consistently with all University policies, including any modifications thereof. University policies may be reviewed on the Policy Webpage: <http://www.uvm.edu/policies/>
  - 2) Violation of Law. A violation of any local, state, or federal civil or criminal law is a violation of this Code, even if the specific conduct prohibited by the law is not listed above. Violation of law conduct will be regarded as a violation of this Code regardless of whether the offense is prosecuted in a court of law. In most cases, where conduct that may constitute a violation of law is being prosecuted by state or federal authorities in a criminal process, the University will proceed with the student conduct process, even if the criminal case is not wholly resolved. Intermediate administrative actions, such as interim suspension, may be imposed pending an investigation and/or prosecution. The

outcome of a criminal process does not dictate the outcome of the University student conduct process.

## **B. Student Rights**

The University of Vermont is an academic community where students share responsibility for both individual growth and the continued welfare of the community. As members of the University community, students have all of the constitutional and other rights protected by state and federal law and as set forth in University Policy.

By way of example, the University of Vermont considers freedom of inquiry and discussion essential to a student's educational development. Thus, the University recognizes the right of all students to engage in discussion, to exchange thought and opinion, and to speak, write, or publish freely on any subject, in accordance with the guarantees of the United States and Vermont constitutions. This broad principle is the cornerstone of education in a democracy.

## **C. Reporting Violations**

Any student, UVM Police Services officer, or member of the University staff, faculty, or community may report any perceived violation of this Code to CSC. CSC will wait for the outcome of any investigation and accompanying incident report, such as a police report, before proceeding with the conduct process. CSC retains the discretion in all cases to determine whether to proceed with charges.

## **D. Administrative Actions**

Administrative Actions are interventions imposed on a student by the DOS (or designee) or Director of Residential Life (or designee) when there is a significant student behavioral or health and safety concern that requires immediate intervention to preserve and support the general welfare and academic experience of the student and/or University community. Generally, a student's status is not altered prior to a hearing and subsequent appeals. Administrative actions are imposed at the discretion of the DOS, , Director of Residential Life, or their respective designees.

Except in extraordinary circumstances, such as incarceration, prior to taking administrative action, the student will be notified of a meeting to discuss the matter. The purpose of the meeting is to provide the student with an opportunity to respond to and be informed of any administrative action being considered. Actions taken may include, but not be limited to: Administrative Notice, No Contact Order, No Trespass Order, recommendation for review of admission decision, and Interim Suspension. The DOS or designee may also recommend the student have a consultation with specific offices or services.

Administrative action may be taken regardless of whether a student conduct case results from the conduct subject to administrative action. Except as may be provided in the University's [No-Trespass Notices Procedure](#), administrative actions may not be appealed.

*Interim Suspension:* Where preliminary evidence demonstrates that a student's continued presence on campus would pose a significant threat to the student's health or safety or the health or safety of other persons within the University community, the student may be suspended on an interim basis. Except in an extraordinary circumstance, the DOS or designee will communicate with the student before instituting the interim suspension. The effect of an interim suspension is immediate separation of the student for all academic and other activities of the University and a hold is placed on the student's ability to register for future courses until the matter is resolved with the University. If the outcome of the student conduct process does not result in a separation from the University, measures will be taken to assist the student in mitigating any negative academic impact resulting from being placed on interim suspension.

Administrative actions against Recognized Student Organizations and varsity athletic teams are detailed in the Student Organization Misconduct Operating Procedure.

#### **E. CSC Conduct Procedures**

In all cases, CSC will proceed under a process that ensures the Respondent has notice of the charges, notice of the conduct being reviewed and a fair opportunity to respond to the charges and present a defense. The Complainant, if any, will also be provided with appropriate notice and the opportunity to present evidence. In some cases, an alternative resolution process such as mediation, facilitated dialogue, conflict coaching, or restorative practices may be offered by mutual consent of the parties involved and on a basis acceptable to CSC or designee. These processes are described on the Center for Student Conduct Website:

<https://www.uvm.edu/sconduct>

In all cases where a Recognized Student Organization or varsity athletic team (the "Organization") serves as the Respondent, the Organization will receive written notice of the procedures to be followed, including notice of the conduct being reviewed and a fair opportunity to respond to the charges and present a defense, as described in the [Student Organization Misconduct Operating Procedure](#).

#### **F. Notice of Charge(s)**

When CSC proceeds with charges on a reported violation, the Respondent and Complainant, if applicable, will be notified of the alleged violation with a notice of charge(s) sent via their University email account. The notice of charge(s) will state what University policy(ies) is/are alleged to have been violated. The Notice of Charge letter will include a date for a hearing and may also include a Pre-Hearing Waiver. As set forth above, in some cases, CSC may elect to resolve incidents without the use of a formal conduct hearing.

#### **G. Pre-Hearing Disposition of a Charge**

There are two possible methods by which a charge may be resolved without a hearing - 1) a Pre-Hearing Waiver, or 2) an Alternative Resolution Process.

In appropriate cases, the Notice of Charge may contain a "Pre-Hearing Waiver." The Pre-Hearing Waiver is a binding document that takes the place of a hearing between the Hearing Officer and Respondent in situations where the Respondent elects to accept responsibility for all policy violations and agrees to complete any assigned sanctions in lieu of proceeding to a formal student conduct hearing.

If the Respondent accepts responsibility for the charge(s) and for completion of the sanction(s), the Respondent must sign the waiver and return it to the Hearing Officer who initiated the charge. Students who accept responsibility via the Pre-Hearing Waiver process waive the right to appeal.

If a Respondent does not accept responsibility for the charges by signing and returning the Pre-Hearing Waiver form by the deadline stated, wishes to contest the charges, or does not accept the sanctions, the hearing will proceed as scheduled in the Notice of Charge.

The second possibility for pre-hearing disposition is use of an Alternative Resolution Process. An Alternative Resolution Process may be offered in the discretion of the CSC Director, or designee, in certain cases where a Respondent accepts responsibility for the charges and demonstrates a willingness to explore the impact of that behavior on themselves and others. In cases involving a Complainant and a Respondent, both parties must agree to pursue Alternative Resolution. Alternative Resolution may take a variety of forms, such as a formal conference, mediation, facilitated dialogue, conflict coaching, or other restorative practices. The result of Alternative Resolution is a written agreement which may include follow up actions. If the agreed upon actions are not completed as outlined, the matter may be referred for a hearing. Alternative Resolution Processes are described in more detail at <https://www.uvm.edu/sconduct>.

## H. Hearing Procedures for the Student Conduct Process

### 1. Preliminary Provisions

- a. *Hearing Officers.* A charge is heard by one or more Hearing Officers. A Respondent and any Complainant will receive written notice of the name(s) of the Hearing Officer(s) assigned to the case via the official University e-mail account. The Hearing Officer(s) assigned to resolve a case may also include one or more Student Conduct Associates to participate in the hearing.
- b. *Impartiality.* Hearing Officers shall remove themselves from resolving a case if they have an actual conflict of interest or otherwise believe that they cannot be impartial. A Respondent or Complainant may seek the removal of a Hearing Officer where either the Respondent or Complainant believes that any assigned Hearing Officer has an actual conflict of interest. The student must submit a written statement to the Director of CSC stating the specific reasons the student believes that the individual(s) have a conflict of interest. This written statement must be submitted to the Director of CSC within 24 hours of receipt of the notice of the Hearing Officer(s) selected to hear the case. If the Director of CSC or designee determines that the challenged individual has an actual conflict of interest, that individual will be removed from the case. If at all feasible, the hearing date will not be changed.
- c. *Scheduling Hearings.* Hearings will be scheduled as expeditiously as possible, taking into consideration the schedules of assigned Hearing Officer(s), the Respondent and any Complainant. Consideration will be given to a Respondent or Complainant's desire to have a matter heard during a University vacation period or wishes for the hearing to take place more than 20 academic days after the Charge is sent. A Respondent or Complainant seeking to have a matter heard during a University vacation or more than 20 academic days after a Charge is sent must submit to CSC, no later than 24 hours after receipt of notice that a hearing has been scheduled, a written request, including the reasons for the request. CSC retains the discretion whether to grant the request, but the request will not be granted if (1) an extension would make a hearing impractical, (2) the University's interest is deemed too great to postpone the hearing, or (3) the extension would be fundamentally unfair to any other party to the proceeding. The University may, due to an administrative need, extend the hearing date beyond 20 academic days or hold a hearing during a vacation period. If a Respondent withdraws from the University before a case is heard, CSC retains discretion to proceed with a hearing to resolve the matter and the Respondent will be provided all notice and communication at the contact information provided upon withdrawal.

If the Respondent fails to attend the hearing, except when there are exigent circumstances, the hearing will proceed and a finding will be reached based upon available evidence. Failure of the Respondent to appear will not be considered evidence of responsibility.
- d. *Advisors.* A Respondent and any Complainant may bring an Advisor to the hearing. The Respondent and/or Complainant must notify the Hearing Officer(s) in advance of the hearing of their intent to have an Advisor and the Advisor's name.
- e. *Documents to be Presented.* A Respondent and any Complainant may obtain copies from CSC of any police report, incident report or other documentation that is relied on for a determination of charges, and any document that the Hearing Officer(s) may

consider in deciding the case. A Respondent and any Complainant will have the opportunity to present documents in support of their case. Requirements for timing of submitting documents and for providing a copy to any other party to a case will be provided in writing to the Respondent and any Complainant.

- f. *Hearing Officer Discretion.* The determination of admission of any testimony or documents is reserved for the Hearing Officer(s). Upon review of the documents and summary of expected testimony, the Hearing Officer(s) may exclude any evidence deemed not relevant to a fair consideration of the charges. The Hearing Officer(s) may exclude any Witness or document not submitted in accordance with the provisions of the paragraphs above and the requirements provided to the Respondent and Complainant for submitting documents and providing notice of Witnesses. Such Witnesses or documents will only be admitted upon a showing of good cause as to why they were not available for timely submission.

The Respondent and any Complainant are responsible for bringing their Witnesses to the hearing at the specified place, date and time for the hearing. CSC may request the presence of any person to be present as a Witness and may request documents to be considered. If CSC requests a Witness to be present, the identity of the Witness shall be provided to the Complainant and Respondent with the Witness list. Any and all additional documents to be presented during the hearing, including but not limited to names of Witnesses and a brief summary of their expected testimony, and the Advisor's name (if applicable) are due to CSC prior to the hearing.

- g. *Multiple Respondents.* If an incident results in more than one student being charged with violating the Code, the Hearing Officer(s) may request that the hearings be combined. A student may request a separate hearing, which will only be granted for good cause shown.

## 2. Hearing Procedures

- a. *Closed Hearing.* All proceedings are closed. The Complainant, Respondent, and their respective Advisors may be present throughout the hearing. Witnesses shall be present only during their own testimony. See section d below.
- b. *Hearing Record.* Hearings are not recorded; the decision letter serves as documentation of the evidence presented and decision reached.
- c. *Maintaining Order.* The Hearing Officer(s) are responsible for maintaining order during the hearing and may take all steps reasonably necessary to ensure an orderly hearing up to and including removal of disruptive individuals.
- d. *Presenting Evidence and Questioning Witnesses.* The Respondent and any Complainant will have an opportunity to present relevant information and Witnesses in response to and in support of the Charge. The Respondent and any Complainant will have the opportunity to examine or introduce all relevant information leading to the Charge and to respond to all Witness testimony. The Hearing Officer(s) may question Witnesses. Neither the Respondent nor any Complainant may question Witnesses directly but may submit questions to the Hearing Officer(s), who will decide which, if any, of the questions to ask.
- e. *Remote Testimony.* A Complainant who has experienced an alleged violent offense, including offenses involving threats of violence or non-physical abuse, may testify via



an intercom or other remote audio or video device, so that they may testify without face-to-face contact with the Respondent. The identity of all Witnesses who testify must be made known to the Respondent. In no event may testimony via intercom or other remote device be used to keep the Complainant's identity from the Respondent.

- f. *Anonymous Evidence and Evidence Received Outside the Hearing.* The Hearing Officer(s) will not accept or hear any evidence coming from an anonymous source or evidence that is presented outside of the hearing nor will any such evidence be considered in the determination of the outcome of the case.
- g. *Relevant Evidence.* The Hearing Officer(s) will decide whether to admit evidence. The rules of evidence used in courts of law are not followed in this student conduct process. Generally, a Hearing Officer will agree to hear evidence that is relevant to the subject matter of the hearing and is fair and reliable under the circumstances of the case. Character evidence is generally not considered relevant.
- h. *Adjudicatory Standard.* The Hearing Officer(s) will determine whether the Respondent is "responsible" or "not responsible" for the alleged violation. The Respondent will be presumed "not responsible" until proven otherwise by a preponderance of the evidence. A preponderance of the evidence is reached when the Hearing Officer(s) concludes that it is more likely than not that the Respondent violated this Code as alleged in the Charge.
- i. *Close of Hearing.* After the Complainant and Respondent have had the opportunity to present evidence and Witnesses, and the Hearing Officer(s) has introduced any additional witnesses, documents, or evidence to be considered, the hearing will be considered closed. Further evidence will not be considered in the decision.
- j. *Written Hearing Decision.* The Hearing Officer(s) will send notice of a decision to the Respondent's University email account. The decision will state what evidence was considered and a rationale for the decision that was reached. If the Respondent is found responsible, the hearing decision will state what sanctions will be imposed. In cases involving a Complainant and Respondent, the Complainant<sup>1</sup> will also be notified of the finding and any related sanctions.
- k. *Notice of Appeal Right.* The Respondent will be notified upon receiving the hearing decision that they have a right to appeal that decision, as described below, to the Dean of Students or designee within five business days of the date the hearing decision was sent.

### 3. Appeal Procedures

- a. *Bases for Appeal.* The hearing decision may be appealed by a Respondent for the following reasons only: (1) a procedural error unfairly and materially affected the outcome of the case, (2) material evidence has been discovered that was not reasonably available at the time of the hearing, or (3) there was a clear abuse of discretion on the part of the Hearing Officer(s).
- b. *Submitting an Appeal.* To appeal, the Respondent must submit a written statement to the Dean of Students or designee within five (5) business days of the date of the

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<sup>1</sup> In the event an alleged Complainant of a crime of violence is deceased, the University will provide their next of kin with a copy of the decision letter

hearing decision letter stating, as precisely as possible, the basis for the appeal. When submitting an appeal, the Respondent must provide a rationale for the appeal and adequate information (including documentation) to support the appeal. Failure to do so may result in the denial of the Respondent's appeal.

- c. *Written Appeal Decision:* The DOS or designee will render a written decision. The appeal decision may uphold the original hearing decision, modify the hearing decision, overturn the hearing decision, or refer the case back to the original hearing officer, as warranted. The appeal decision rendered by the DOS or designee is the final action taken by the University. In cases involving a Complainant and Respondent, the Complainant<sup>2</sup> will also be notified of the outcome.

## I. Sanctions

### 1. Sanction Descriptions:

Hearing Officers will impose sanctions after determining that a Respondent has violated this Code. When doing so, they may consider mitigating and aggravating circumstances.

Sanctions that may be imposed include, but are not limited to, the following:

*Disciplinary Warning:* An official written notification that a student's behavior is in violation of University regulations or standards, which clarifies expected behavior in the future. Further misconduct may result in more serious sanctions.

*Probation:* An official notice indicating that subsequent violations of University policy will result in a review for suspension or dismissal from the University.

*Educational Sanctions:* The Hearing Officer(s) may require completion of a variety of educational sanctions, examples of which may be found here:  
[http://www.uvm.edu/sconduct/?Page=code\\_supplemental.html](http://www.uvm.edu/sconduct/?Page=code_supplemental.html)

*Fines or Fees:* The Respondent must pay all fines or fees associated with alcohol and other drug education consultations and classes, as well as those for sessions with a Certified Drug and Alcohol Counselor. Such fines may be billed to a student's financial account.

*Community Restitution:* The Hearing Officer(s) may also require performance of a specified number of community restitution hours. This sanction will be fulfilled either on or off campus, as specified. On campus service will take place in a specified department.

*Financial Restitution:* The Hearing Officer(s) may require proof of restitution for damage done or other payment for expenses incurred as a result of the Respondent's actions. Restitution may be required to the University, a specific department, or a specific individual, as designated by the Hearing Officer.

*Suspension from Residence Halls:* This sanction prohibits the student from residing in any University operated residence hall on either a temporary or a permanent basis. The Respondent may reapply for housing after the stated period of suspension. Specific restrictions on access to residence halls during the period of suspension may also be imposed. Suspension usually includes forfeiture of any fees paid for the remainder of the housing contract.

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<sup>2</sup> In the event an alleged Complainant of a crime of violence is deceased, the University will provide their next of kin with a copy of the decision letter

*Suspension from the University:* This sanction separates the student from the University for a specified period of time. This sanction prohibits attendance at any classes and participation in the University Study Abroad program during the suspension period. The terms of the suspension may restrict access to University grounds or buildings, as well as attendance at University- sponsored social events, or other functions, as deemed appropriate by the DOS or designee. The student may not register or enroll until the stated period of suspension is completed and any requirements for the period of suspension are fulfilled.

*Dismissal:* This sanction separates the student permanently from the University of Vermont.

## 2. Factors Considered in Sanctioning

### Aggravating

- Was this a repeat violation, and/or does the Respondent have a past student conduct history (maintained by the Center for Student Conduct or AAEO)? Did the Respondent have active sanctions when the incident occurred?
- Did the Respondent commit multiple policy violations during the incident?
- Did the incident result in significant injury or harm to another person, property, or the University community? Does a continued risk of the same exist?
- Is there indication that the conduct was premeditated?
- Did the behavior at issue continue after intervention (e.g. request or demand that the behavior cease) on the part of the Complainant, the University, or law enforcement?
- Did the Respondent seek to threaten or purposefully intimidate the Complainant, witnesses, or others involved in any investigation or sanctioning process? Was the incident motivated by an individual's involvement in the filing or investigation of a complaint (e.g. retaliation)?
- Was there an active attempt to conceal or hide the incident?
- Was the conduct by the Respondent motivated by actual or perceived membership in a legally protected category as defined in UVM Policy V.7.4.9, [Equal Opportunity in Educational Programs and Activities and Non-Harassment](#)?
- Was the Respondent in a position of authority over, or in relation to, the Complainant? A position of authority may include, but is not limited to, a team captain or officer of a club in which the Complainant is a member, or where a Respondent is serving in a supervisory capacity, such as a Resident Advisor.

### Mitigating

- Is there convincing evidence that the Respondent's ability to think rationally at the time of the incident was impaired by serious personal circumstances? Note: the consumption of alcohol or other drugs by the Respondent at the time of an incident is not a mitigating circumstance.
- Does the Respondent demonstrate a clear understanding of the impact that their behavior has had on oneself and the community?
- Has the Respondent taken steps to sincerely address their behavior, or otherwise educate themselves in relation to the behavior of concern?
- Was the behavior committed in self-defense or in defense of others only after all other reasonable attempts at de-escalation were exhausted? (Choosing to respond to violence with violence does not necessarily constitute self- defense.)

Please note, the absence of a mitigating factor is expressly precluded from being an aggravating factor and vice versa.

### **3. Failure to Comply with Sanctions:**

If the Respondent fails to comply with the sanctions imposed, a Hearing Officer(s) may impose additional sanctions on the Respondent, up to and including dismissal from the University. In addition to the sanctions listed in the next section, the Hearing Officer(s) may place a hold on the student's future registration privileges with the University. Such a hold results in a cancellation of all pre-registered courses. The hold remains in effect until the outstanding student conduct matter and sanctions have been resolved. Additionally, a student who fails to comply with sanctions imposed will be billed a \$150 non-compliance fee to the student's account.

### **J. Student Conduct Records**

Records to be maintained under this policy will be maintained by CSC. Additionally, certain notice of charge letters, and incident reports will be maintained to comply with the Jeanne Clery/Campus Security Act.

Records of dismissal from the University are permanent. When a student receives a sanction of suspension, the record will be sealed upon the earlier of either graduation or four consecutive years of absence from the University. Records of all other sanctions imposed under this Policy will be sealed upon the earlier of either the student's graduation or two consecutive years of absence from the University.

A sealed record will continue to be maintained by CSC and will only be disclosed directly to the student or as otherwise directed by law.

Student conduct records are personal and confidential. Students may inspect their records at reasonable times. Conduct records may also be shared with other University officials who have a legitimate educational interest in the information they contain, or with a Complainant in compliance with the Jeanne Clery/Campus Security Act. Student conduct record information may also be shared for any reason allowed under the Family Educational Rights and Privacy Act (FERPA).

### **K. Parent/Guardian Notification**

As allowed by the 1998 Higher Education Amendments, the University sends written notification to the parents or guardians of students who are under twenty-one years old at the time of the disclosure when they have been found responsible for violating the University's Alcohol, Cannabis, Tobacco, and Other Drug Use policy. For detailed information to be shared with parents or guardians or any other third party outside the University, a signed waiver from the student is required, except as allowed by law.

## Contacts

<b>Questions concerning the daily operational interpretation of this policy should be directed to the following (in accordance with the policy elaboration and procedures):</b>	
<b>Title(s)/Department(s):</b>	<b>Contact Information:</b>
Vice Provost for Student Affairs	41 South Prospect Street, Burlington VT 05405 (802) 656-3380 <a href="http://www.uvm.edu/studentaffairs">http://www.uvm.edu/studentaffairs</a>
Director, Center for Student Conduct	41 South Prospect Street, Burlington VT 05405 (802) 656-4360 <a href="https://www.uvm.edu/sconduct">https://www.uvm.edu/sconduct</a>

## Forms/Flowcharts/Diagrams

- [Incident Report Form](#)

## Related Documents/Policies

- [Alcohol, Cannabis, Tobacco, and Other Drug Use – Students Policy](#)
- [Code of Academic Integrity](#)
- [Discrimination, Harassment, and Sexual Misconduct Policy](#)
- [FERPA Rights Disclosure](#)
- [Hazing Policy](#)
- [Student Organization Misconduct Investigation and Resolution Procedure](#)

## Regulatory References/Citations

- None

## Training/Education

Training will be provided on an as-needed basis as determined by the Approval Authority or the Responsible Official.

## About This Policy

<b>Responsible Official:</b>	Vice Provost for Student Affairs	<b>Approval Authority:</b>	President
<b>Policy Number:</b>	V.2.8.9	<b>Effective Date:</b>	August 20, 2019
<b>Revision History:</b>	<ul style="list-style-type: none"> <li>• V.3.4.2.1 approved August 15, 2006</li> <li>• V.3.4.2.2 approved July 16, 2007</li> <li>• V.3.4.2.3 approved October 10, 2007</li> <li>• V.3.4.2.4 effective July 1, 2009</li> <li>• V.3.4.2.5 Interim Policy approved July 13, 2011</li> <li>• V. 2.8.6/V.3.4.2.6 approved February 7, 2012</li> <li>• V. 2.8.7 approved August 21, 2015, amended February 18, 2016</li> <li>• V. 2.8.8 approved August 26, 2016, amended August 25, 2017 and July 30, 2018</li> <li>• August 31, 2020</li> </ul>		

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