

Code of Student Conduct

Policy

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 a referral to the Center for Student Conduct. Repeated or egregious violations may result in separation from the University.

Why do we have this 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. This policy is designed to support students in achieving higher education. The goal is to help students develop self-awareness, and ultimately become more responsible, respectful, and engaged members of our community.

Who needs to read this policy?

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.

What else do I need to know?

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 the Center for Student Conduct 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 for alleged violations 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 alleged violation should result in a conduct meeting.

Conduct Meeting Facilitator: A professional staff member designated by the Center for Student Conduct, or a graduate student who is trained and qualified, to resolve undergraduate and graduate student cases under this Code.

Educational Activities: Any act or event sponsored or organized by the University, including its administrative and academic units and recognized student organizations.

Recognized Student Organization: As outlined in the University's Group and Organization Recognition [url: \(/policies/group-and-organization-recognition\)](#) Policy

Respondent: A student who is being asked to respond to alleged violation(s) of this Code and/or other University Policies for which the Center for Student Conduct has a role in addressing.

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 assist and work alongside a Conduct Meeting Facilitator. The Conduct Meeting Facilitator will retain full authority to conduct the meeting and to prepare the written conduct meeting 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 conduct meeting (e.g., advisor). Witnesses shall be present only during their own testimony.

General & Introductory Statement

The Code of Student Conduct (the "Code") applies to conduct by individual students and Recognized Student Organizations 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 violations through a conduct meeting or through administrative actions.

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

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

Alleged violations of the [Discrimination, Harassment, and Sexual Misconduct Policy](#) [url: \(/policies/discrimination-harassment-and-sexual-misconduct-policy\)](#) will be reviewed for resolution under the procedures described therein. The processes of that policy shall apply to the full scope of conduct reviewed, 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' conduct may also be subject to review 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.

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 an alleged violation.

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.

General Provisions

- a. Students who are alleged to have assisted others in violating any provision of this Code are subject to the same response under this Code as those persons alleged to have committed a violation.
- b. Students are responsible for the activities that occur in their residence hall rooms and apartments and/or the shared living space in suite style residence halls and apartments. This applies to any University-affiliated housing. 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 outcomes 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.

Prohibited Acts

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.

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.

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 other than that which is allowed under Vermont law for those over the age of 21 and within proscribed industries. Gambling activities for purposes of this policy, may include 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.

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/> *url: (<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.
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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.

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 the Center for Student Conduct. The Center for Student Conduct will wait for issuance of an incident and/or investigation report, such as a police report, before proceeding with the conduct process. The Center for Student Conduct retains the discretion in all instances to determine whether and how to proceed with resolving alleged violations. The Center for Student Conduct cannot adjudicate anonymous reports where there is no other source of identifiable information about the incident. However, the Center for Student Conduct will ensure appropriate campus offices/individuals are made aware of concerns raised within anonymous reports to allow for non-adjudicatory response.

Administrative Actions

Administrative Actions are interventions imposed on a student by the Dean of Students (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 conduct meeting and subsequent appeal process.

Except in extraordinary circumstances, such as incarceration, prior to taking administrative action, the student will be invited to a meeting with the issuing official 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 Dean of Students 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 meeting results from the allegations subject to administrative action. Except as may be provided in the University's [No-Trespass Notices Procedure url: \(/policies/no-trespass-notices\)](http://policies/no-trespass-notices), administrative actions may not be appealed.

Interim Suspension: Where preliminary information demonstrates that a student's continued presence on campus would pose a significant threat to 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 Dean of Students 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

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 are detailed in the Student Organization Misconduct Operating Procedure [url: \(/policies/student-organization-misconduct-investigation-and-resolution\)](/policies/student-organization-misconduct-investigation-and-resolution).

The Center for Student Conduct Procedures

In all cases, the Center for Student Conduct will proceed under a process that ensures the Respondent has notice of the alleged violations, notice of the conduct being reviewed, a fair opportunity to respond to the alleged violations, and the chance to share additional perspective about the incident. The Complainant, if any, will also be provided with appropriate notice and the opportunity to present their perspective. 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 the Center for Student Conduct. These processes are described on the Center for Student Conduct Website [url: \(/sconduct\)](/sconduct).

As described in the Student Organization Misconduct Operating Procedure [url: \(/policies/student-organization-misconduct-investigation-and-resolution\)](/policies/student-organization-misconduct-investigation-and-resolution), in all cases where a Recognized Student Organization (the “Organization”) serves as the Respondent, the Organization will receive written notice of the procedures to be followed. This will include notice of the conduct being reviewed, a fair opportunity to respond to the alleged violations, and the chance to share additional perspective about the incident.

Notification Letter(s)

When the Center for Student Conduct proceeds with resolution of alleged violations on reported conduct, the Respondent and Complainant, if applicable, will be notified of the alleged violation with a notification letter(s) sent via their University email account. The notification letter(s) will state what University policy(ies) is/are alleged to have been violated. The notification letter will include a date for a conduct meeting and a copy of any police report, incident report or other documentation that is relied on for a determination of alleged violations and may also include a Pre-Conduct Meeting Waiver. As set forth above, in some cases, the Center for Student Conduct may elect to resolve incidents without the use of a formal conduct meeting. In that case, the notification letter will include details regarding the pre-conduct meeting resolution option(s) being offered.

Pre-Conduct Meeting Disposition of Alleged Violations

There are two possible methods by which an alleged violation may be resolved without a conduct meeting – 1) a Pre-Conduct Meeting Waiver, or 2) an Alternative Resolution Process.

In appropriate cases, the notification letter may contain a “Pre-Conduct Meeting Waiver.” The Pre-Conduct Meeting Waiver is a binding document that takes the place of a conduct meeting between the Conduct Meeting Facilitator and Respondent in situations where the Respondent elects to accept responsibility for all policy violations and agrees to complete proposed outcomes in lieu of proceeding to a formal conduct meeting.

If the Respondent accepts responsibility for the alleged violation(s) and commits to completing the proposed outcome(s), the Respondent must sign the waiver and return it to the Conduct Meeting Facilitator who initiated the resolution. Students who accept responsibility via the Pre-Conduct Meeting Waiver process waive the right to appeal.

If a Respondent does not accept responsibility for the alleged violation(s) by signing and returning the Pre-Conduct Meeting Waiver form by the deadline stated, wishes to contest the alleged violation(s), or does not accept the proposed outcome(s), the conduct meeting will proceed as scheduled in the Notification letter.

The second possibility for pre-conduct meeting resolution is use of Restorative Approaches. Under the discretion of the Director of the Center for Student Conduct, or their designee, Restorative Approaches may be offered, in certain instances where a Respondent accepts responsibility for the alleged violation(s) and demonstrates a willingness to explore the impact of that behavior on themselves and others. In matters involving a Complainant and a Respondent, both parties must agree to pursue Restorative Approaches. Restorative Approaches may take a variety of forms, including but not limited to circles, mediation, facilitated dialogue, and/or conflict coaching. Restorative Approaches may result in 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 conduct meeting.

Restorative Approaches are described in more detail on the

Center for Student Conduct's restorative approaches website [url: \(/sconduct/our-commitment-restorative-approaches\)](/sconduct/our-commitment-restorative-approaches).

Conduct Meeting Procedures for the Student Conduct Process

Preliminary Provisions

1. *Conduct Meeting Facilitators.* An alleged violation is heard by one or more Conduct Meeting Facilitators. The Respondent and any Complainant will receive written notice of the name(s) of the Conduct Meeting Facilitator(s) assigned to resolve the alleged violations via the official University e-mail account. The Conduct Meeting Facilitator(s) assigned may also include one or more Student Conduct Associates to participate in the conduct meeting.
2. *Impartiality.* Conduct Meeting Facilitators shall remove themselves from serving as such if they have an actual conflict of interest or otherwise believe that they cannot be impartial. The Respondent or Complainant may seek the removal of a Conduct Meeting Facilitator where either the Respondent or Complainant believes that any assigned Conduct Meeting Facilitator has an actual conflict of interest. The student must submit a written statement to the Director of the Center for Student Conduct 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 the Center for Student Conduct within 24 hours of receipt of the notice identifying the Conduct Meeting Facilitator(s). If the Director of the Center for Student Conduct or designee determines that the challenged individual has an actual conflict of interest, that individual will be removed from serving in that capacity. If at all feasible, the conduct meeting date will not be changed.
3. *Scheduling Conduct Meetings.* Conduct Meetings will be scheduled as expeditiously as possible, taking into consideration the schedules of assigned Conduct Meeting Facilitator(s), the Respondent and any Complainant. Consideration will be given to the Respondent or Complainant's desire to have a matter heard during a University vacation period or wishes for the conduct meeting to take place more than 20 academic days after the Notification letter is sent. The Respondent or Complainant seeking to have a matter heard during a University vacation period must submit a written statement of

University vacation or more than 20 academic days after a Notification letter is sent must submit to the Center for Student Conduct, no later than 24 hours after receipt of notice that a conduct meeting has been scheduled, a written request, including the reasons for the request. The Center for Student Conduct retains the discretion whether to grant the request, but the request will not be granted if (1) an extension would make a conduct meeting impractical, (2) the University's interest is deemed too great to postpone the conduct meeting, 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 conduct meeting date beyond 20 academic days or hold a conduct meeting during a vacation period. If the Respondent withdraws from the University before a case is heard, the Center for Student Conduct retains discretion to proceed with a conduct meeting to resolve the matter and the Respondent will be provided all notice and communication at the contact information provided upon withdrawal.

4. If the Respondent fails to attend the conduct meeting, except when there are exigent circumstances, the conduct meeting 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.
5. *Advisors.* The Respondent and any Complainant may bring an Advisor to the conduct meeting. The Respondent and/or Complainant must notify the Conduct Meeting Facilitator(s) in advance of the meeting of their intent to have an Advisor and the Advisor's name.
6. *Documents to be Presented.* The Respondent and any Complainant will be provided in the Notification Letter copies of any police report, incident report or other documentation that is relied on for a determination of alleged violations, and any document that the Conduct Meeting Facilitator(s) may consider in deciding the case. The Respondent and any Complainant will have the opportunity to present documents in support of their perspective. Requirements for timing of submitting documents and for providing a copy to any other

party will be provided in writing to the Respondent and any Complainant.

7. *Conduct Meeting Facilitator Discretion.* The determination of admission of any testimony or documents is reserved for the Conduct Meeting Facilitator(s). Upon review of the documents and summary of expected testimony, the Conduct Meeting Facilitator(s) may exclude any documents or testimony deemed not relevant to a fair consideration of the alleged violations. The Conduct Meeting Facilitator(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.
8. The Respondent and any Complainant are responsible for bringing their Witnesses to the conduct meeting at the specified place, date and time for the conduct meeting. The Center for Student Conduct may request the presence of any person to be present as a Witness and may request documents to be considered. If the Center for Student Conduct 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 conduct meeting, 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 the Center for Student Conduct prior to the conduct meeting.
9. *Multiple Respondents.* If an incident results in more than one student being asked to respond to alleged violations of the Code, the Conduct Meeting Facilitator(s) may request that the conduct meetings be combined. A student may request a separate conduct meeting, which will only be granted for good cause shown.

Conduct Meeting Procedures

1. *Closed Conduct Meeting.* All proceedings are closed.

The Complainant, Respondent, and their respective Advisors may be present throughout the conduct meeting. Witnesses shall be present only during their own testimony. See section d below.

2. *Conduct Meeting Record.* Conduct Meetings are not recorded; the decision letter serves as documentation of the information presented and decision reached.
3. *Maintaining Order.* The Conduct Meeting Facilitator(s) are responsible for maintaining order during the conduct meeting and may take all steps reasonably necessary to ensure an orderly conduct meeting up to and including removal of disruptive individuals.
4. *Presenting Information 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 alleged violation(s). The Respondent and any Complainant will have the opportunity to examine or introduce all relevant information leading to the alleged violation(s) and to respond to all Witness testimony. The Conduct Meeting Facilitator(s) may question Witnesses. Neither the Respondent nor any Complainant may question Witnesses directly but may submit questions to the Conduct Meeting Facilitator(s), who will decide which, if any, of the questions to ask.
5. *Remote Testimony.* Any participant in the conduct process may provide testimony remotely (via Teams, phone, etc.). The identity of all participants must be made known to the Respondent. In no event may remote testimony be used to keep the identity of any Complainant or Witness from the Respondent.
6. *Anonymous Information and Information Received Outside the Conduct Meeting.* The Conduct Meeting Facilitator(s) will not accept or hear any information coming from an anonymous source or that is presented outside of the conduct meeting nor will any such information be considered in the determination of the outcome of the case.
7. *Relevant Information.* The Conduct Meeting Facilitator(s) will decide whether to allow and consider information. The rules of evidence used in courts of law are not followed in this student conduct process.

Generally, a Conduct Meeting Facilitator will agree to hear information that is relevant to the subject matter of the conduct meeting and is fair and reliable under the circumstances of the case. Character testimony is generally not considered relevant.

8. *Standard of Review.* The Conduct Meeting Facilitator(s) will determine whether the Respondent is "responsible" or "not responsible" for the alleged violation. The Respondent will be presumed "not responsible" until determined otherwise by a preponderance standard. A preponderance is reached when the Conduct Meeting Facilitator(s) concludes that, based on the information presented, it is more likely than not that the Respondent violated this Code as outlined in the alleged violation(s).
9. *Close of Conduct Meeting.* After the Complainant and Respondent have had the opportunity to present information and Witnesses, and the Conduct Meeting Facilitator(s) has introduced any additional witnesses, documents, or information to be considered, the conduct meeting will be considered closed. Further information will not be considered in the decision.
10. *Written Conduct Meeting Decision.* The Conduct Meeting Facilitator(s) will send notice of a decision to the Respondent's University email account. The decision will state what information was considered and a rationale for the decision that was reached. If the Respondent is found responsible, the conduct meeting decision will state what outcome(s) are. In cases involving a Complainant and Respondent, the Complainant^[1] will also be notified of the finding and any outcome(s).
11. *Notice of Appeal Right.* The Respondent will be notified upon receiving the conduct meeting 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 conduct meeting decision was sent.

Appeal Procedures

1. *Bases for Appeal.* The conduct meeting decision may be

appealed by a Respondent for the following reasons only: (1) a procedural error unfairly and materially affected the outcome of the conduct meeting, (2) material evidence has been discovered that was not reasonably available at the time of the conduct meeting, or (3) there was a clear abuse of discretion on the part of the Conduct Meeting Facilitator(s).

2. *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 conduct meeting 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.

3. *Written Appeal Decision:* The Dean of Students or designee will render a written decision. The appeal decision may uphold the original conduct meeting decision, modify the conduct meeting decision, overturn the conduct meeting decision, or refer the case back to the original conduct meeting facilitator, as warranted. The appeal decision rendered by the Dean of Students or designee is the final action taken by the University. In cases involving a Complainant and Respondent, the Complainant^[2] will also be notified of the outcome.

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[1] 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

[2] 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

Outcomes

Outcome Descriptions (For more details regarding outcomes, please visit the Center for Student Conduct's [outcomes website](http://sconduct/potential-outcomes) [url: \(/sconduct/potential-outcomes\)](http://sconduct/potential-outcomes))

Conduct Meeting Facilitators will determine appropriate outcomes after determining that a Respondent has violated this Code. When doing so, they may consider mitigating and aggravating circumstances.

Outcomes may include, but are not limited to, the following:

- *Official Notice of Violation:* An official written notification that a student's behavior is in violation of University regulations, policies, or standards, which clarifies expected behavior in the future. Further misconduct may result in more serious outcomes.
- *Official Notice of Concern:* An official notice indicating that subsequent violations of University regulations, policies, or standards will result in a review for suspension or dismissal from the University.
- *Educational Outcomes:* The Conduct Meeting Facilitator(s) may require completion of a variety of educational outcomes.
- *Fines or Fees:* The Respondent must pay all fines or fees associated with their incident. Such fines/fees will be billed to a student's financial account.
- *Community Restitution:* The Conduct Meeting Facilitator(s) may also require performance of a specified number of community restitution hours. This outcome will be fulfilled either on or off campus, as specified. On campus service will take place in a specified department.
- *Financial Restitution:* The Conduct Meeting Facilitator(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 Conduct Meeting Facilitator.

- *Suspension from the University:* This outcome separates the student from the University for a specified period of time. This outcome 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 Dean of Students 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 outcome separates the student permanently from the University of Vermont.

Factors (non-exhaustive) Considered in Determining Outcomes

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 the Office of Equal Opportunity)? Did the Respondent have incomplete outcomes 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 resulting conduct process? Was the incident motivated by an individual's involvement in

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 [url: \(https://www.uvm.edu/sites/default/files/UVM-Policies/policies/equaledu.pdf \)](https://www.uvm.edu/sites/default/files/UVM-Policies/policies/equaledu.pdf)?
- 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.

Failure to Comply with Outcomes:

If the Respondent fails to comply with any outcomes by the specified deadline, the Conduct Meeting Facilitator(s) will assign a \$150 non-compliance fee to the student's account. In addition, the Conduct Meeting Facilitator(s) may place a hold on the student's future registration privileges with the University. The hold remains in effect until the outstanding student conduct matter and outcomes have been resolved.

Student Conduct Records

Records to be maintained under this policy will be maintained by the Center for Student Conduct. Additionally, certain notification 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 an outcome 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 outcomes applied 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 the Center for Student Conduct 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).

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.

Is there education available?

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

Additional Resources

Incident Report Form [url: \(https://publicdocs.maxient.com/incidentreport.php?UnivofVermont \)](https://publicdocs.maxient.com/incidentreport.php?UnivofVermont) →

Code of Academic Integrity [url: \(/policies/code-academic-integrity \)](/policies/code-academic-integrity) →

Alcohol, Cannabis, Tobacco, and Other Drug Use – Students Policy [url: \(/policies/alcohol-cannabis-tobacco-and-other-drug-use-students \)](/policies/alcohol-cannabis-tobacco-and-other-drug-use-students) →

Discrimination, Harassment, and Sexual Misconduct Policy [url: \(/policies/discrimination-harassment-and-sexual-misconduct-policy \)](/policies/discrimination-harassment-and-sexual-misconduct-policy) →

FERPA Rights Disclosure [url: \(/policies/ferpa-rights-disclosure \)](/policies/ferpa-rights-disclosure) →

Hazing Policy [url: \(/policies/hazing \)](#) →

Student Organization Misconduct Investigation and Resolution Procedure [url: \(/policies/student-organization-misconduct-investigation-and-resolution \)](#) →

What if I still have questions?

Questions concerning the daily operational interpretation of this policy should be directed to the following (in accordance with the policy elaboration and procedures):

Title(s)/Department(s):	Contact Information:
Vice Provost for Student Affairs	41 South Prospect Street, Burlington VT 05405 (802) 656-3380 <u>Student Affairs</u> <i>url:</i> (http://www.uvm.edu/studentaffairs)
Director, Center for Student Conduct	41 South Prospect Street, Burlington VT 05405 (802) 656-4360 <u>Student Conduct</u> <i>url:</i> (https://www.uvm.edu/sconduct)

Version History

Responsible Official:	Vice Provost for Student Affairs
Policy Number:	V. 2.8.10
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Effective Date:	August 20, 2019
Revision History:	<ul style="list-style-type: none">• V.3.4.2.1 approved August 15, 2006• V.3.4.2.2 approved July 16, 2007• V.3.4.2.3 approved October 10, 2007• V.3.4.2.4 effective July 1, 2009• V.3.4.2.5 Interim Policy approved July 13, 2011• V. 2.8.6/V.3.4.2.6 approved February 7, 2012• V. 2.8.7 approved August 21, 2015, amended February 18, 2016• V. 2.8.8 approved August 26, 2016, amended August 25, 2017 and July 30, 2018• V. 2.8.9 approved August 31, 2020• V. 2.8.10 approved as interim August 25, 2023. Approval authority changed from the President to the Vice Provost for Student Affairs September 5, 2023. Interim status removed October 20, 2023.

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