

INTERIM RULES
and
PROCEDURES
for the
ACADEMIC YEAR 1970-1971



VIRGINIA COMMONWEALTH UNIVERSITY

Richmond, Virginia

VCU INTERIM RULES AND PROCEDURES

FOR THE ACADEMIC YEAR 1970-71

RULES

I. Introduction

The following rules and procedures are designed to serve until new rules and procedures are adopted by the fall of 1971. Nothing herein is intended nor shall it be construed to limit or restrict the freedom of speech or peaceful assembly. Free inquiry and free expression are indispensable to the objectives of a higher educational institution. These rules shall not be construed to prevent or limit communication between and among faculty, students, and administration which should be encouraged. Their purpose is not to prevent or restrain controversy and dissent but to prevent abuse of the rights of others and to maintain that public order appropriate to a University campus without which there can be no intellectual freedom. These rules and procedures shall be interpreted and applied to that end.

II. Application

These rules shall govern the conduct of students, faculty, administrators, and other staff, licensees, invitees, and all other persons, whether or not their presence is authorized on the VCU campus and also upon or with respect to any other premises or property under the control of VCU used in its teaching, its research, or its administrative, service-connected cultural, recreational, athletic, and other programs and activities.

III. Prohibited Conduct

No person, either singly or in concert with others, shall:

- a) willfully cause physical injury to any other person, or offer with force or violence to do so for any purpose.
- b) physically detain or restrain any other person, or remove such person from any place where he is authorized to remain.
- c) willfully destroy or damage property of the institution or under its jurisdiction, or remove or use such property without authorization.
- d) without permission, expressed or implied of the duly assigned occupant, enter into any private office of an administrative officer, member of the faculty, or staff member, or student room. This does not prohibit the right of University or law enforcement officers to enter offices or rooms when permitted to do so by law.

- e) enter upon or remain in any building or facility for any purpose other than its authorized uses and in such manner as to obstruct its authorized use by others.
- f) without authorization by the administration or an individual faculty or student member so authorized by the administration, willfully remain in any building or facility after it is closed.
- g) refuse to leave any building, facility, or areas after being lawfully required to do so by an authorized administrative officer or faculty member.
- h) obstruct the free movement of persons and vehicles in any place to which these rules apply.
- i) disrupt or prevent the peaceful and orderly conduct of classes, lectures, and meetings or University functions and interfere with the lawful freedom of any person to express his views, including those of invited speakers.
- j) have in his possession upon any premises to which these rules apply any dangerous chemicals not used by him for University studies, rifle, shotgun, pistol, revolver, or other firearm or weapon without the written authorization of the chief administrative officer whether or not a license to possess the same has been issued to such person.
- k) willfully incite others to commit any of the acts which have been herein prohibited with specific intent to encourage them to do so.
- l) willfully violate any lawful University rule or regulation issued pursuant to an authorized University function.
- m) illegally use, possess, distribute drugs or narcotics.
- n) falsify or forge official University records.

Statutes of the Commonwealth of Virginia, as well as city codes and national laws, apply on the campus of the University. Conduct which violates such statutes, codes and laws and which also create danger to members of the University community, damages or destroys University property, or obstructs or impairs University activities, will be subject to University discipline.

IV. Freedom of speech and assembly, Picketing and demonstrations

No student, faculty, or staff member or authorized visitor shall be subject to any limitation or penalty solely for the lawful expression of his views or for having assembled with others for such purpose. Peaceful picketing and other orderly demonstrations in public areas of grounds and buildings will not be interfered with. Those involved in picketing and demonstrations may not, however, engage in specific conduct in violation of the provisions of the preceding section.

PROCEDURES

I. Penalties

All violators are subject to restitution defined as reimbursement to the University for damages to or misappropriation of property. This may take the form of appropriate service or other compensation. Additionally a person who shall violate any of the provisions of these rules shall

- A. If he is a licensee or invitee, have his authorization to remain upon the campus or other property withdrawn and shall be directed to leave the premises. In the event of his failure or refusal to do so, he shall become a trespasser and be subject to ejection.
- B. If he is a trespasser or visitor without specific license or invitation, be subject to ejection.
- C. If he is a faculty member, be subject to dismissal or termination of his appointment or such lesser disciplinary action as the facts may warrant.
- D. If he is a classified staff member, be subject to the penalties described in the statutes and regulations governing the employment of classified staff members.
- E. If he is an administrator, be subject to dismissal or lesser disciplinary measures as the facts may warrant.
- F. If he is a student, be subject to expulsion or such lesser disciplinary measures as the facts of the case may warrant, including suspension, probation and censure.

These penalties are defined as follows:

Expulsion - a permanent separation of the student from the University

Suspension - the temporary separation of the student from the University for a defined period of time

Probation - this action will be given for a stated period of time. A student's further misconduct during his period of probation may lead to the penalty of suspension or expulsion. A student on probation may remain at the University only upon the condition that he comply with regulations and standards of the institution and with such other measures as may be imposed as a condition of his probation.

Censure - Censure is an official verbal or written reprimand or warning given to a student indicating that the University does not approve of the conduct and that a continuance of such conduct could result in more serious disciplinary action.

II. Procedure

- A. The chief administrative officer or his designee shall inform any licensee or invitee who shall violate any provisions of the rules that his license or invitation is withdrawn and shall direct him to leave the campus or property of the institution. In the event of his failure or refusal to do so, such officer shall cause his ejection from such campus or property. Nothing in this paragraph shall be construed to affect a person's liability to prosecution for trespassing or loitering as described in the penal law.
- B. In the case of any other violator, who is neither a student, faculty member, administrator, nor classified employee, the chief administrative officer or his designee shall inform him that he is not authorized to remain on the campus or other property of the institution and direct him to leave such premises. In the event of his failure to do so, such officer shall cause his ejection from such campus or property. Nothing in this paragraph shall be construed to authorize the presence of any such person at any time prior to such violation or to affect his liability to prosecution for trespassing or loitering as described in the penal law.

- C. In the event that charges are brought against a member of the faculty, in consultation with the Council on Faculty Affairs the Vice President for Health Sciences or the Vice President for Academic Affairs - depending on the instructional division to which the faculty member belongs - shall appoint a hearing committee, which shall report its findings to the appointing Vice President for disposition. If during this interim period, the University Assembly adopts a grievance procedure for faculty and determines that this procedure should also obtain for hearing procedures for these interim rules, the University Assembly may request the President of the University to recommend adoption by the Board of Visitors.
- D. If the violator is a classified employee, the procedures stated in rules for administering the Virginia Personnel Act and appropriate University policies shall apply.
- E. If the violator is an administrator, the Vice President to whom he reports shall establish with the Council on Faculty Affairs a mutually agreed upon committee for the purposes of adjudication. The recommendations of the committee shall be advisory to the appropriate Vice President.

If the violator is a Vice President, the President of the University shall establish with the Council on Faculty Affairs a mutually agreed upon committee for adjudication. The recommendations of the committee shall be advisory to the President.

If the violator is the President, the Board of Visitors shall adjudicate the situation as it sees fit.

- F. In the case of the students, the following shall be the procedure:
1. Upon receiving notice that a student may have committed a violation of any of these regulations, a member of the staff of the Dean of Student Life shall promptly cause an investigation to be made. Such an investigation shall include consultation with the accused party.

2. If there appears reasonable cause to believe that the student has committed a violation, written notification of the charges shall be promptly served upon the student. Such notice shall be accompanied by a statement of his rights including:
 - a) the right to be accompanied by an advisor (legal counsel will not be permitted on either side of a student-institutional hearing).
 - b) the right to hear evidence presented against him and the right to cross-examine all witnesses presented against him.
 - c) the right to present witnesses on his behalf.
 - d) the right to receive prompt written notice of the Dean's decision.
 - e) the right of access to all records of the proceedings of the hearing.
 - f) the opportunity to appeal the Dean's decision.
3. The Dean of Student Life shall conduct a hearing within ten days from the date of notice to the student and after the hearing shall impose such penalty, if any, as he may find appropriate. If the student charged fails to appear without adequate excuse, the Dean shall dispose of the case on the basis of the evidence accumulated as a result of the investigation.
4. A student may within seven days appeal the decision of the Dean of Student Life to a University Appeal Board. This University-wide Board shall consist of five faculty members, five student members, plus a faculty chairman. All faculty members of the Board shall be appointed by the University President. The President of the Student Government Association West shall appoint three and the President of the Student Council East shall appoint two of the student members of the Board. If the University President determines that the number of appeals which will be required to be heard is, or may be, so great that they cannot otherwise be disposed of with reasonable speed, additional ad hoc appeal boards may be appointed in the same manner as the initial appeal board. The University Appeal Board and the additional ad hoc board or boards shall conduct appeals in accordance with the same rights which accompany the notice from the Dean of Student Life. The board shall set its own procedures. Its findings and recommendations shall be advisory to the Vice President for Student Affairs.

III. Miscellaneous Items

A. Summaries of student misconduct will be placed in the confidential files of the University.

1. Actions of suspension and expulsion will be noted on the academic transcript.
2. If a student elects to withdraw under charges, the violation "withdrawn under charges" will be placed upon the academic transcript.
3. The detailed information of any disciplinary case will be released to individuals other than University administrators only with the written consent of the student.

B. Hearings shall be open to the University community unless

1. The accused requests that the hearing be closed.
2. Disruptions of the hearing require that they be closed. It is also possible for the accused to request that the hearing be closed except for a few observers of his choice, such as parents or best friend. Open hearings do not require that large numbers be accommodated.

C. Interim Suspension

If in the opinion of the University President or his designee the presence of a person charged with a violation of a University rule or procedure presents a serious and immediate threat to the peace and safety of the University, the President or his designee may immediately suspend the person, pending a prompt adjudication of the case (within three days).