

I. POLICY

Code of Student Conduct

II. PURPOSE

Eastern Virginia Medical School expects its students to assume responsibility for their behavior, to conduct themselves in the highest traditions of health professionals who are engaged in the pursuit and application of knowledge, and to abide by the laws of the United States, the Commonwealth of Virginia, and the rules and regulations of EVMS. The policy defines the expectations for student behavior while a student at EVMS and the procedures for reporting and adjudicating violations of this Code.

III. RESPONSIBLE PARTY AND REVIEW CYCLE

No less than on a triennial basis, the Director of Student Rights and Responsibilities will review and assess the effectiveness of the Code of Student Conduct. If necessary, the Director of Student Rights and Responsibilities will recommend changes in policy, procedure, or the Code of Student Conduct.

IV. ACCREDITATION REFERENCES

LCME 3.5 Learning Environment/Professionalism
SACSCOC 12.3 Student Rights
SACSCOC 12.4 Student Complaints

V. DEFINITION(S)

Appeal: The request to have decision in case reviewed by a designated appellate officer.

Appellate Officer: An EVMS administrator who has been designated to hear the appeal of an outcome of the student conduct process.

Business Day: Any weekday EVMS is open, regardless of whether classes are in session.

EVMS Official: A staff or faculty member representing EVMS.

EVMS Premises: Property owned and operated by EVMS.

EVMS Activity: Any activity, regardless of location, that is financed by EVMS or is planned and facilitated by a recognized student organization and approved by EVMS.

Hearing Officer: Individual who has been assigned by the Director of Student Rights and Responsibilities to hear alleged violations of institutional policy.

Meeting Notice: Written notification sent to a respondent notifying them that a report has been filed and possible violations.

Preponderance of Evidence: The standard of proof that applies to student conduct proceedings or determinations. It means that the evidence supports a conclusion that it is more likely than not that a policy violation occurred.

Respondent: A student who is accused of violating institutional policy

Sanction: A required action or activity assigned to remedy a violation of institutional policy.

Student: An individual who has agreed to attend EVMS or is enrolled in courses at EVMS.

Student Progress Committee: A standing committee of the School of Medicine. Members include faculty and residents appointed by EVMS and four student representatives in good academic standing elected by the respective medical student classes.

VI. DESCRIPTION

Prohibited Conduct

Students shall conduct themselves in a manner compatible with the educational mission of EVMS and shall be responsible for their conduct from the time of application for admission through graduation. The Code of Student Conduct shall apply to a student's conduct even if the student withdraws while a disciplinary matter is pending or if conduct is discovered after a degree is awarded. The following conduct, committed or attempted, is prohibited for all students and student organizations, and is subject to disciplinary action, including dismissal:

Disruptive and/or Disorderly Conduct

Behavior, which is disruptive and/or disorderly, that interferes with the function of EVMS or interferes with the conduct of others and/or the performance of the duties by EVMS personnel.

Endangerment

Behavior that threatens, endangers, or injures the health or safety of any person, including oneself.

Failure to Comply with an EVMS Official or EVMS Directive

Failure to follow the directions of an authorized EVMS official acting in the performance of his or her duties, or a directive issued by EVMS including policies or procedures outlined in the Student Handbook. Failure to follow the conditions of a sanction imposed through EVMS disciplinary procedures.

Failure to Follow Rules or Regulations

Behavior that violates a law, rule, or regulation, or violates EVMS policies.

Harassment, Threats, or Intimidation

Physical, verbal, graphic, written, or electronic behavior(s) that alarm another person; attempt to intimidate another person; threaten an individual; limit the ability of an individual to work, study, or participate in the activities of EVMS; or endanger the health or safety of any person. These behaviors serve no legitimate purpose and include, but are not limited to, unlawful coercion, extortion, or duress that places the recipient in fear. These behaviors may be singularly egregious acts or pervasive and persistent.

Hazing

Behavior that subjects another student to physical injury or mental or emotional harm as part of an initiation, or as a criterion of membership, into any organized EVMS group, including any

society, student organization, or other similar group, regardless of expressed or implied consent of participants. Behavior that plans or prepares to engage in hazing activity, regardless of expressed or implied consent of participants.

Inappropriate Use of Alcohol

Consumption of alcoholic beverages on EVMS property, unless at an approved EVMS event. Attendance of class or participation in an EVMS educational or other activity while under the influence of alcoholic beverages. Facilitation of or participation in the unsafe or irresponsible consumption of alcohol beverages. Drunken or disorderly behavior that negatively impacts the University community and community at large. Utilization of EVMS funds to purchase alcoholic beverages at or for a student event. Any other behavior prohibited as outlined in EVMS' Drug and Alcohol Abuse Prevention Policy.

Knowledge of or Participation in an Institutional Violation

Any knowledge, witness, instigation, participation, encouragement, or facilitation of a violation of the Code of Student Conduct. This includes forgery, alteration, or misuse of EVMS, patient medical records, or other official documents, records, or identification and knowingly furnishing false information to EVMS. All students have a duty to report known or suspected activities that would be in violation of this standard.

Obscene Conduct

Lewd, indecent, or obscene behavior that is not constitutionally protected speech.

Possession or Use of Drugs, Drug Paraphernalia, and Other Controlled Substances

Unlawful possession, use, distribution, manufacture, or dispensing of narcotic or other controlled substances by Virginia law. Inappropriate or abusive use of prescription, over-the-counter medication, or other items in order to produce a drug-like effect. Failure to notify a supervisor or instructor of the use of medically authorized drugs or other substances which may alter job performance. Possession of drug paraphernalia. Any other behavior prohibited as outlined in EVMS' Drug and Alcohol Abuse Prevention Policy.

Trespassing or Unauthorized Use of Property

Unauthorized access or use of EVMS facilities, educationally-related clinical sites, or personal property of others without explicit permission. These behaviors include, but are not limited to, unauthorized access to EVMS buildings, grounds, or vehicles, as well as any educationally-related clinical sites; and unauthorized possession, duplication, or use of the property of others or EVMS.

Vandalism, Defacement, or Tampering with Property

Behavior that defaces, damages, or destroys private, EVMS, or other public property, including the unauthorized taking, keeping, or using of such property. Behavior that tampers equipment

and/or property at EVMS or other site without prior authority from the appropriate EVMS official, including safety and firefighting equipment.

Possession or Use of Weapons

Any behavior in violation of the EVMS Weapons Policy to include possession, discharge, use or storage of any Weapon, as defined below, by anyone other than law enforcement personnel, on the EVMS Premises, which includes all property owned or operated by EVMS, all walkways and parking structures on the EVMS campus and/or any location at which an EVMS sponsored or funded event is being held. Please note, the possession of a valid permit to carry a concealed weapon does not exempt an individual from this policy.

"Weapons" includes an array of harmful devices including but not limited to handguns, shotguns, pistols, switchblades, knives, slingshots, metal knuckles, blackjacks, clubs, explosive devices, and all other weapons as described in Virginia Code 18.2-308(a), as amended. Any item used or possessed for the purposes of use as a weapon will be considered a weapon for this policy.

Jurisdiction

EVMS jurisdiction and discipline shall be limited to conduct that occurs on institutional premises, at any official EVMS function or activity regardless of location, or such action that adversely affects the EVMS community's pursuit of its education or other legitimate objectives. Engaging in activities that are inconsistent with values expressed in institutional policy and/or the articulated expectation of student conduct, regardless of the location of the activity, may be addressed as potential violations of the Code of Student Conduct.

Student Affairs administers the Code of Student Conduct. Student Affairs fosters student growth by promoting students' awareness and understanding of their rights and responsibilities as community members. It addresses student behavior and creates developmental learning opportunities in an effort to engage students in ethical decision-making. Any questions regarding the student conduct process should be directed to the Director of Student Rights and Responsibilities.

Scope

As members of the EVMS community, students have the right to be treated with respect and consideration, have freedom of inquiry, and have reasonable use of services and facilities. EVMS embraces and strives to uphold the freedoms of expression and speech guaranteed by the First Amendment of the United States Constitution and the Constitution of Virginia. EVMS has the right under appropriate circumstances to regulate the time, place, and manner of exercising these and other constitutionally protected rights.

The Code of Student Conduct pertains to all students at EVMS, whether registered for an academic course, visiting from another academic program, or rotating to EVMS for a clinical activity. All students are responsible for conducting themselves in a manner that helps enhance an environment of learning in which the rights, dignity, worth, and freedom of each member of the academic community are respected. Upon acceptance of admission to EVMS, students agree to abide by the policies of the institution and to conduct themselves on- and off-campus in a manner consistent with its educational mission. Student conduct occurring before classes begin, including orientation, or after classes end, during the academic year, and during periods between terms of enrollment is governed by the Code of Student Conduct.

Students have a responsibility to review the Code of Student Conduct and other policies and to seek clarification if necessary from Student Affairs. The Code of Student Conduct and related policies and procedures are available online. Upon request, printed copies are available in Student Affairs located on the first floor of Lewis Hall.

In addition to the consequences outlined in this policy, students who represent units within the EVMS community might be subject to additional behavioral consequences under the standards set by those units.

Responsibility for Reporting Violations

All students have a duty to report known or suspected activities that would be in violation of the Code of Student Conduct. In order for EVMS to quickly address any violations of this Policy, it is essential that reports be made to the Director of Student Rights or Responsibilities in a timely manner.

Students may also utilize the [EVMS Ethics and Compliance Hotline](#) (phone: 800.461.9330 or online at the above link) to make reports, including anonymous reports.

Respondent Rights

1. The right to objective and impartial evaluation of complaint.
2. The right to receive written notification of any alleged violation.
3. The right to be present during the meeting with a conduct administrator or during a conduct hearing.
4. The right to reasonable access to all information gathered throughout the investigation of the alleged violation.
5. The right to present information relevant to the alleged violation, including inviting witnesses.
6. The right to respond to information presented against him/her.
7. The right to a separate meeting with a conduct administrator or conduct hearing in cases involving multiple respondents.

8. The right to choose what information to share with the institution with the understanding that EVMS will make a determination without the respondent's information.
9. The right, after receiving written notice of the outcome, to review the decision, including an appeal.
10. The right to challenge a member of the Student Progress Committee if the respondent believes that a member of the committee has a conflict with, bias about, or an interest in a case that may unduly influence the decision making either positively or negatively.
11. The right to be informed of pertinent EVMS-based support services.

Respondent Responsibilities

1. The responsibility to be honest and direct in communication with individuals involved in the conduct process.
2. The responsibility to review pertinent conduct process policies and procedures and to seek clarification if necessary.
3. The responsibility to respond in a timely manner to institutional requests for information, to promptly schedule meetings when requested, and to arrive on time for scheduled meetings.
4. The responsibility to provide the institution with pertinent information that the respondent would like considered in the review of the alleged violation.
5. The responsibility to participate in the conduct process in a manner that is civil and respectful.
6. The responsibility to update personal contact information with the Registrar's Office as soon as it changes and to consistently monitor their EVMS e-mail account and telephone voicemail, as EVMS frequently communicates through these modes. U.S. Post letters will be sent to the local address provided by the student in the online student system or to the permanent address if attempted contact with the student through other means is unsuccessful.

Interim Actions

Student Affairs, in conjunction with appropriate EVMS administrators, may take interim action pending the resolution of a conduct case in order to preserve the safety and well-being of the EVMS community and its members. These actions include, but are not limited to, restriction of access or privileges, no-contact order, and interim restriction from campus and/or EVMS functions.

If the circumstances permit, the Assistant Dean of Students will meet with the student to be placed on an interim restriction from campus to explain the allegation and to give the student an opportunity to respond. The student will be provided with written notice of the restriction. A student on an interim restriction has a right to appeal this administrative action within five (5) calendar days to the Associate Dean for Student Affairs. While the Associate Dean for Student

Affairs is reviewing the appeal, the student shall remain restricted from campus.

In order for an interim restriction to be modified the student must show that there was a procedural error, or that there is substantial new information mitigating the situation. The Associate Dean for Student Affairs will review whether or not the conduct and surrounding circumstances reasonably indicate that the continued presence of the student poses a substantial threat to others, to property, or to the stability and continuance of normal EVMS functions; and/or whether or not the student has complied with the directives of the conduct administrator placing the student on administrative suspension. The decision of the Associate Dean for Student Affairs shall be final.

Students who are placed on interim restriction are entitled to participate in the EVMS conduct process while separated from the institution.

Hearing

Code of Student Conduct hearings are initiated when a complaint is filed with Student Affairs. Reports can be submitted using the online reporting form, email, or as a hard copy through campus mail. Although there is no statute of limitations for reporting violations, individuals should submit alleged conduct violations as soon as possible.

When a report is received, the Director of Student Rights and Responsibilities shall conduct a preliminary investigation to determine if any behavior articulated in the report violates the Code of Student Conduct. If the incident rises to the threshold, the respondent will be contacted in writing including the date, time, and location of the alleged incident. The respondent has three (3) business days to schedule an introductory meeting with the hearing officer. If the respondent fails to schedule a meeting, they forfeit the right to share his or her perspective of the incident. The hearing officer will determine all assigned charges based on the information on hand.

The introductory meeting will be a one on one meeting between the accused student and the hearing officer. During the meeting, the director will inform the accused student of a detailed account of the accusation. The hearing officer will also review the Code of Student Conduct process, provide the accused student with resources, and take an initial statement from the student. The student will have the opportunity to amend the summary to ensure it accurately reflects his or her perspective. Once the student approves the content of the summary, he or she will sign it.

The hearing officer will be responsible for gathering all of the relevant information about the alleged incident. The director will interview all parties, gathering signed, written statements from all interviewed persons in respect to the allegations.

Once the preliminary investigation is complete, the hearing officer will review the evidence and determine if there is sufficient evidence to proceed with charging the student. The student will be notified of the outcome of the preliminary investigation in writing. If the decision is made to not charge the student the case will be considered closed.

If it is determined that charges are warranted the accused student will be contacted in writing including the date, time, and location of the alleged incident in addition to the charges, based on the information found during the preliminary investigation. This notification will also include the date, time, and location of the one on one conduct meeting with the hearing officer. This notification will also include a file including all relevant documentation collected during the preliminary investigation.

During the one on one conduct meeting, the accused student will be required to identify if they are responsible or not responsible. The accused student will also have the opportunity to share additional evidence.

After meeting with all the individuals involved with the incident, including identified witnesses, the hearing officer will determine whether the respondent has violated the Code of Student Conduct based on the preponderance of the evidence. The hearing officer will then provide written notification of the outcome to the respondent with a copy to the respondent's program, progress committee or supervisor, as applicable. The outcome notification will include determination of responsibility, assigned sanctions with instructions for completion (as appropriate), and information on appeal procedures. Students who receive recommended sanctions can appeal the hearing officer's determination of responsibility following the Appeal procedures outlined below.

Sanctions

Sanctions determined by the Hearing Officer are imposed by the appropriate institutional representatives based on the nature of the violation. Sanctions, which serve as the institution's response to misconduct in violation of the institution's policies, will be determined and imposed by institution administrators pursuant to the processes established in this policy, and are not influenced by program, departmental, or organizational action. Possible sanctions for misconduct include the following:

1. *Educational or Developmental Experience*: Active remedies, such as research or reflection papers, projects, or participation in meetings, classes, assessments, programs, modules, or workshops.
2. *Community Service*: A specified number of community hours in which a student or student organization must perform service to a non-profit organization, designated by the institution.
3. *Restitution*: Reimbursement to the person or entity harmed by the violation.

4. *No Contact Order*: A ban requiring the respondent to have no contact with a designated individual, including, but not limited to verbal, written, digital, and/or physical contact or contact by a third party.
5. *Loss of Privileges*: Denial or restriction of privileges for a designated period of time, including, but not limited to, restriction or exclusion from EVMS premises or EVMS activities.
6. *Monitoring*: Meeting periodically with a member of Student Affairs to check the progress of completing a required educational or developmental experience. Students who are found in violation of the Inappropriate Use of Alcohol and Possession or Use of Drugs, Drug Paraphernalia, and Other Controlled Substances charges while in a clinical setting will be required to complete this sanction.
7. *Deferred Sanction*: Deferral of sanction for a specified period. Should the student be found in violation of any institutional policy during the stated period, the deferred sanction shall be imposed without further review, in addition to any disciplinary action appropriate to the new violation.
8. *Recommendation of Probation or Dismissal*: If the hearing officer determines that the violation warrants a recommendation of probation or dismissal, the hearing officer shall notify the respondent's Program Director and/or the SPC and the respondent will be required to appear in front of the Program/SPC for sanctioning. The respondent will be contacted by the Program Director or the SPC in accordance with the procedures of the Program or the SPC.
9. *Revocation of Degree*: If the hearing officer determines that the violation warrants a recommendation of revocation if degree, the hearing officer shall notify the President.

Appeal

Request for Appeal

The respondent may file a request for appeal of the outcome to the Assistant Dean for Student Affairs' determination within five (5) days of the delivery of the notice of outcome to the respondent.

Grounds for Appeal

Appeals are limited to the following grounds:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Hearing Officer had a conflict of interest or bias that affected the outcome of the matter.

If any of the grounds in the Request for Appeal do not meet the grounds as set forth above the Appeal will be denied and the respondent will be notified accordingly.

Appeal Consideration and Determination

1. Appeals granted are not intended to provide for a full re-hearing of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
2. The Assistant Dean for Student Affairs may consult with the Hearing Officer on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
3. Within ten (10) business days of appeal acceptance, the Assistant Dean for Student Affairs will notify the respondent of the outcome of the appeal to the respondent's EVMS-issued email or otherwise approved account.
4. Once an appeal is decided, the student has the right to file a formal student grievance. All formal grievances will be resolved using the Student Non-Academic Complaint and Grievance Policy.

Sanction Status during Appeal

1. Any sanctions, except those imposed for the safety of the campus, as a result of the Hearing Officer's decision are stayed during the appeal process.
2. EVMS may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

Records

All Code of Student Conduct documentation will be maintained in the Student Affairs office in accordance with the Family Educational Rights and Privacy Act (FERPA) and EVMS Records Retention Policies. Students have the right to inspect and review their hearing record. For information on how to request a record, please contact the Registrar, 757.446.8946, registrar@evms.edu.

Transcript Notations

A student who is assigned a sanction of dismissal will have a notation added to his or her transcript.

VII. RELATED DOCUMENTS

EVMS Code of Conduct
EVMS Compliance Reporting/Anti-Retaliation Policy
Drug and Alcohol Abuse Prevention Policy
Non-Discrimination and Anti-Harassment Policy
Social Media Policy
Student Complaint Processes (per individual programs' handbooks)
Student Non-Academic Complaint and Formal Grievance Policy

Title IX and Title IX-Sex Discrimination Reporting and Grievance Process
Weapons Policy

VIII. HISTORY OF APPROVALS AND UPDATES

On September 15, 2020, the Board of Visitors approved this policy.