

Exhibit A

UNIVERSITY OF THE VIRGIN ISLANDS

STUDENT CODE OF CONDUCT

(This Student Code has been developed with extensive reference to materials developed by Edward N. Stoner and his Model Code, www.edstoner.com. Mr. Stoner served as a consultant to the University)

INTRODUCTION

Students enrolled at the University of the Virgin Islands (UVI) are assumed to be of good moral character and are expected to exhibit acceptable standards of conduct both on and off campus. The policies and regulations of the University are based on the expectations that students will be responsible for their own behavior during their years at the University. In all cases, it is expected that students will be governed by a respect for the rights of others and for the commonly accepted standards and morals of our society. Thus, the University's Student Code of Conduct ("Student Code") is designed not only to maintain order but also to foster positive student development at UVI by establishing behavioral standards conducive to a higher educational learning environment.

The goals of the Student Code are:

- a) To maintain order and to ensure the freedom, due process, and privacy of all members of the UVI community;
- b) To maintain a way of life that is physically and psychologically healthy;
- c) To provide an atmosphere in which students can achieve their educational objectives.

UVI students are members of both the University community and the wider Virgin Islands community. Thus, a student's conduct may be subject to concurrent review both by the University community and by local law enforcement authorities. A student whose conduct violates the UVI Student Code also may be held responsible for the same conduct in civil court or in criminal court (if the conduct violates existing local and/or federal law). Therefore, it is important for students to become familiar with both the Student Code and local laws that govern their behavior while attending the University.

ARTICLE I: DEFINITIONS

- A. The term "UVI" means the University of the Virgin Islands.
- B. The term "student" includes all persons taking courses at UVI, either full-time or part-time, pursuing undergraduate, graduate, or professional studies. The term "student" includes:
 1. Persons who graduate, withdraw, or leave after allegedly violating the Student Code (thus allowing the completion of the Student Code process);
 2. Persons who are not officially enrolled for a particular term but who have a continuing relationship with UVI;
 3. Persons who have been notified of their acceptance for admission; and
 4. Persons who, with the permission of UVI, are living in UVI residence halls, though they are not enrolled in UVI. (Students who are attending a camp are subject primarily to the rules and regulations of their respective program but must also comply with the rules under this Student Code, while the process applicable to any misconduct is as specified by their respective program; e.g., 4-H, Upward Bound.)

- C. The term “faculty member” means any person hired by UVI to conduct classroom or teaching activities or who is otherwise considered by UVI to be a member of its faculty.
- D. The term “UVI official” includes any person employed by UVI, performing assigned administrative or professional responsibilities.
- E. The term “member of the UVI community” includes any person who is a student, faculty member, UVI official, business invitee or licensee or any other person employed by UVI. A person’s status in a particular situation shall be determined by the Student Affairs Administrator, for either UVI Campus, as is appropriate.
- F. The term “UVI premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by UVI (including adjacent streets and sidewalks).
- G. The term “organization” means any number of persons who have complied with the formal requirements for UVI recognition.
- H. The term “Student Conduct Board” means any person or persons authorized by the Student Affairs Administrator on either UVI Campus to determine whether a student has violated the Student Code and to recommend sanctions to be imposed as a result.
- I. The term “Student Affairs Administrator” means a UVI official authorized on an academic year, case-by-case, or other basis by this Student Code or by the UVI President, if he wishes to modify the arrangement set forth in the Student Code, to impose sanctions upon any student(s) found to have violated the Student Code and to administer the operation of the Student Code processes set forth in this Student Code. Unless changed by the President, the Student Affairs Administrator for all matters involving conduct by accused students at the Albert A. Sheen, Sr. campus shall be the Associate Campus Administrator for Student Affairs-St. Croix and the Student Affairs Administrator for all matters involving conduct by all other accused students shall be the Associate Campus Administrator for Student Affairs-St. Thomas. The Associate Campus Administrator for Student Affairs-St Thomas is responsible for the overall administration of the Student Code.
- J. The term “Appellate Reviewer” means any person (or, in unusual cases, persons) authorized by the UVI President to consider an appeal from a Student Conduct Board’s determination as to whether a student has violated the Student Code or from the sanctions imposed by the Student Affairs Administrator (or by the President, in case of a sanction of Revocation of Degree). If there is more than one appeal from the same matter, all appeals shall be considered together. The UVI President may appoint an Appellate Reviewer on a case by case basis or for a longer period, such as serving for an academic year. Unless otherwise designated by the UVI President, the Appellate Reviewer for matters involving accused students at the Albert A. Sheen, Sr. campus shall be the Student Affairs Administrator and the Appellate Reviewer for matters involving all other accused students shall be the Student Affairs Administrator on the St. Thomas campus, or an individual designated by the President.
- K. The term “shall” is used in the imperative sense.
- L. The term “may” is used in the permissive sense.
- M. The term “policy” means the written regulations of UVI as found in, but not limited to, the Student Code, Residence Life Handbook, the UVI web page, the UVI Acceptable Use policy, the Graduate Bulletin, and the Undergraduate Catalog.
- N. The term “cheating” includes, but is not limited to: (1) use of any unauthorized assistance in taking quizzes, tests, or examinations; (2) use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; (3) the

acquisition, without permission, of tests or other academic material belonging to a member of the UVI faculty or staff (4) engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion; (5) gaining access, without authorization, to UVI's electronic system such as for the maintenance of grade and transcript information or the manipulation of same.

- O. The term "plagiarism" includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.
- P. The term "Complainant" means any member of the UVI community who submits a written complaint stating that a UVI student violated this Student Code. When a student believes that s/he has been a victim of another student's misconduct, the student who believes s/he has been a victim will have the same rights under this Student Code as are provided to the Accused Student, even if another member of the UVI community submitted the initial complaint.
- Q. The term "Accused Student" means any UVI student who is alleged to have violated this Student Code.
- R. The term "Student Impact Statement" means a written statement, prepared by a student (with the assistance of another person, if the student wishes), that explains how her/his experience as a student has been impacted by the situation. The impact statement may be submitted during the hearing or prior to it (but not after it is over). The hearing panel may ask the student to read the statement, as well, and may ask the student questions about the student impact statement. A student impact statement may be submitted by a student who believes he/she was a victim of another's misconduct or by the accused student.

ARTICLE II: STUDENT CODE AUTHORITY

- A. Each of the Student Affairs Administrators shall determine the composition of Student Conduct Boards on her/his respective campus. The designation of persons eligible to serve on a Student Conduct Board will be made annually for the Academic Year (more frequently if necessary). Each Student Conduct Administrator will appoint a pool of persons eligible to serve on Student Conduct Boards that hold hearings on either the St. Thomas or the Albert A. Sheen campus.
 - 1. The Pool on each campus will each include both student and faculty members. The SGA President from each campus shall recommend possible student members to serve in the Campus Pool for that campus; the Provost shall recommend possible faculty members to serve in the Campus Pool for their campus. In each case, the recommendations are transmitted to the President for approval. One pool will include students and faculty from the Albert A. Sheen, Sr. campus and its members will be available to hear cases involving accused students who attend the Albert A. Sheen, Sr. campus. The other pool will include students and faculty from the St. Thomas campus and its members will be available to hear cases involving all other students.
 - 2. When a hearing is to be scheduled, the Student Affairs Administrator for the appropriate campus will designate a Student Conduct Board, selected from the larger appropriate campus pool, to hear the case. The Student Conduct Board appointed shall include both student and faculty members and shall include seven members of which a majority is to be students. It is a goal, but not a requirement, for each appointed Student Conduct Board to have, among its student members, one student from each class (Freshman, Sophomore, Junior, Senior).
 - 3. The Student Conduct Administrator will designate one person to serve as a Chair for each Hearing. It is expected that many UVI community members will know each other. Thus, a person shall not be disqualified from serving in any capacity under the Student Code because she/he knows one or more of the students or witnesses involved as long as she or he is comfortable that she/he is able to serve impartially (no one shall serve on a Student Conduct

Board if she/he is a witness in the matter or is related by blood or marriage to one of the students or witnesses involved).

- B. The Associate Campus Administrator for Student Affairs-St Thomas and her/his designees may develop policies for the administration of the student conduct system and/or procedural rules for the conduct of Student Conduct Board hearings that are not inconsistent with provisions of the Student Code.
- C. Decisions made by a Student Conduct Board and/or Student Affairs Administrator (and President, in the event of the Revocation of a Degree) shall be final, pending the normal appeal process.
- D. Whenever this Student Code states that a person holding a certain title is to perform a function, she/he may designate an appropriate person to do that task as a designee and, if the job is vacated or its title has changed, the President may name the designee.

ARTICLE III: PROSCRIBED CONDUCT

A. Jurisdiction of the UVI Student Code

The UVI Student Code shall apply to conduct that occurs on UVI premises, at UVI sponsored activities, and to off-campus conduct that adversely affects another member of the UVI Community. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree. Thus, the UVI Student Code applies to such conduct even if it occurs before classes begin or after classes end, as well as during the academic year, and during periods between terms of actual enrollment (and even if the conduct is not discovered until after a degree is awarded). The Student Code shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending, thus allowing for the completion of the Student Code process.

B. Conduct—Rules and Regulations

Any student found to have committed, to have attempted to commit, or to have conspired to commit the following misconduct is subject to the disciplinary sanctions outlined in Article IV:

1. Acts of dishonesty, including but not limited to the following:
 - a. Most acts of cheating, plagiarism or other forms of academic dishonesty are covered under the UVI Academic Integrity Policy; only such acts not covered under the UVI Academic Integrity Policy are covered by this Student Code.
 - b. Furnishing false information, in writing or orally, to any UVI official, faculty member, or office.
 - c. Forgery, alteration, or misuse of any UVI document, record, or instrument of identification.
 - d. Possessing, receiving, or storing property on or about UVI premises known to have been wrongfully taken from UVI or from any person or group.
 - e. Giving a worthless check to any unit within UVI or failure to promptly redeem such a worthless check.
2. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, graduation, UVI sporting events or other UVI activities, including its public service functions on or off campus, or of other authorized non-UVI activities when the conduct occurs on UVI's premises.
3. Physical abuse, fighting, inflicting or threatening to inflict bodily harm, restraining any person while on or about the premises of UVI and/or other conduct which threatens bodily harm or endangers the health or safety of any person. This includes helping or encouraging another

person to engage in the above mentioned behavior violations. A student present during the commission of an act(s) by another which constitutes those kinds of behavior violations mentioned above must report such act(s) to the proper UVI authorities, such as the Student Affairs Administrator (otherwise, such conduct of “no reporting” would violate this rule).

4. Unsafe conduct. This includes, but is not limited to, conduct that:
 - a. Causes bodily harm to any person on or about UVI premises;
 - b. Creates a substantial risk of bodily harm to a person on or about UVI premises; or
 - c. Causes or creates a substantial risk of damage, defacement, destruction, theft or loss of property belonging to UVI or to any person or group on or about UVI premises.
5. Sexual Misconduct including sexual assault, unwanted sexual contact of any kind, unwanted sexual advances, requests for sexual favors or visual, verbal, or physical contact of a sexual nature, the threat of such contact and/or any physical abuse. Sexual conduct shall be considered “unwanted” or without consent if no clear consent is freely given, if inflicted through force, threat of force, or coercion or if inflicted upon a person who is unconscious or who is otherwise without the physical or mental capacity to consent. If sexual contact is inflicted on someone who is intoxicated or impaired in the exercise of their judgment by alcohol or drugs, it shall be considered without consent. Violations of this provision shall be determined in accordance with and governed by the University’s Sexual Harassment Policy, not under the Student Code.
6. Theft of and/or damage to property of UVI or property of a member of the UVI community or other personal or public property, on or off campus (including helping or encouraging another person to engage in such conduct). Unauthorized use of, misuse of, or interference with any UVI service including, but not limited to, duplication equipment, computers, printers, fax machines, etc.
7. Harassment-- conduct of any sort directed at another that is severe, pervasive and persistent, with the intent of causing substantial emotional distress and undermining a person’s ability to work, study, or participate in his or her regular life activities or participate in the activities of UVI. Engaging in such conduct by any combination of telephone calls, emails, social network posts, or other communication or physical activity is covered by this rule and includes behavior commonly known as “stalking.”
8. Hazing-- any act that endangers the mental or physical health or safety of a student, or which destroys, damages or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization. The express or implied consent of the victim shall not be a defense. Apathy or acquiescence in the presence of hazing is not a neutral act; it is a violation of this rule. Hazing includes, but is not limited to, the following examples:
 - a. Interfering with a student’s academic performance by denying sufficient time for class, study or other academic activities;
 - b. Compelling ingestion of any substance;
 - c. Compelling participation in physical activities such as calisthenics, exercise or other games or activities requiring physical exertion;
 - d. Compelling exposure to weather elements or other physically or emotionally uncomfortable situations;
 - e. Compelling excessive fatigue from sleep deprivation, physical activities, or exercise;
 - f. Committing any act of physical brutality against another including but not limited to paddling, striking with fists, open hands or objects, and branding;
 - g. Kidnapping or transporting another, including doing so with the intent of stranding her or him;
 - h. Compelling conduct that can be reasonably expected to embarrass or adversely affect the

- dignity of another, including the performance of public stunts and activities such as scavenger hunts;
- i. Intentionally creating work or labor for another;
 - j. Compelling another to commit any sexual act or to engage in lewd behavior;
 - k. Compelling any act that results in the destruction, defacement or removal of private or public property.
9. Failure to comply with directions of UVI officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so; loaning, transferring, altering, borrowing or otherwise misusing official University identification materials, including the UVI logo and/or Emblem.
 10. Misconduct relating to Emergencies:
 - a. Initiating or causing to be initiated any false report, warning or threat of impending fire, explosion or any other emergency.
 - b. Causing the evacuation of any UVI building for reasons known to be false.
 - c. Obstructing or hindering the maintenance, provision or function of such emergency services as fire department, police department, security personnel, first aid rescue on or coming into or about UVI premises.
 - d. Obstructing or hindering emergency evacuation or similar procedures announced for any building or facility on UVI premises.
 - e. Tampering with, misusing, abusing, or altering any safety equipment or devices, including but not limited to fire extinguishers, elevators on or about UVI premises.
 11. Unauthorized possession, duplication or use of keys to any UVI premises; or unauthorized entry, or attempted entry, to or use of any building, room, locker or facility on UVI premises.
 12. Violation of any UVI policy, rule, or regulation published in hard copy or available electronically on the UVI website, including, but not limited to, the Sales, Public Communication, and Solicitations Policies; the Animals Policy; and the Policies Concerning Demonstrations and Use of Sound Amplifying Equipment; Residence Halls Policies; Cafeteria Policies; Student Housing Policies, including: Quiet Hours, Defacements, Visitation Policy, Pets, Smoking, Improper Maintenance, Alcoholic Beverages, Cafeteria Decorum, Unauthorized Moves; Sexual Harassment Policy; and the Acceptable Use Policy.
 13. Use, possession, manufacturing, cultivation, distribution or sale of marijuana, heroin, narcotics, or other controlled substances except as expressly permitted by law or any other violation of the UVI Drug and Alcohol Policy.
 14. Serving, giving or selling alcohol to anyone who is not legally able to possess or consume alcoholic beverages, including beer, under the laws of the U.S. Virgin Islands; use or service of alcoholic beverages, including beer, in restricted areas of UVI.
 15. Possession of or storage of any firearms, pellet gun, illegal knife, slingshot, ammunition, dangerous chemical or explosive device or other dangerous weapon or substance of any kind.
 16. Participating in an on-campus or off-campus demonstration, riot or activity that disrupts the normal operations of UVI and/or infringes on the rights of other members of the UVI community, or that disrupts scheduled and/or normal activities within any campus building or area.
 17. Obstruction of the free flow of pedestrian or vehicular traffic on UVI premises or at UVI sponsored or supervised functions.

18. Conduct that is disorderly or a breach of peace on UVI premises or at functions sponsored by, or participated in by, UVI or members of the academic community.
19. Invading the privacy of another: Any unauthorized use of electronic or other devices to make an audio or video record of any person while on UVI premises without his/her prior knowledge, or without his/her effective consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, rest room, showers, residence hall room or Wellness Center.
20. Misbehavior at UVI Events:
 - a. Throwing any article into a crowd or onto a playing field, court, or a stage.
 - b. Alcoholic beverages of any kind are prohibited at UVI sponsored events, unless permitted in advance in writing by the Student Conduct Administrator or, in the case of athletic events, the Athletics Director.
 - c. A student may not display a sign in the Wellness Center, BUCS Fitness Club, Sports and Fitness Center, softball field, soccer field, cafeteria or Reichhold Center for the Arts, Evans Center, Great Hall, or anywhere else on campus unless the sign is approved in advance for size and placement by the Athletics Director for athletics events by the Reichhold Center Director or Wellness Center Director for other event and the Student Activities Supervisor on the respective campus. Lewd or obscene language is not permitted on signs. All signs must be approved by the Student Activities Supervisor on the respective campus where the sign is to be displayed.
21. Abuse of the Student Conduct System, including but not limited to:
 - a. Failure to obey the notice from a Student Conduct Board, or from any UVI official to appear for a meeting or hearing as part of the Student Conduct System.
 - b. Disruption or interference with the orderly conduct of a Student Conduct Board proceeding.
 - c. Failure to comply with the sanction(s) imposed under the Student Code.
 - d. Retaliation against any person who has filed a complaint under this Student Code, or retaliation against any person who has participated in any proceedings or investigation as a result of a matter being handled under this Code.
22. Theft or other abuse of computer facilities and resources, including but not limited to:
 - a. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
 - b. Unauthorized transfer of a file.
 - c. Use of another individual's identification and/or password.
 - d. Use of computing facilities and resources to interfere with the work of another student, faculty member or UVI Official.
 - e. Use of computing facilities and resources to interfere with normal operation of the UVI computing system or in any other manner disrupting or interfering with the normal use of computers, computer related equipment, data, or programs of individuals and UVI.
 - f. Use of computing facilities and resources in violation of copyright laws.
 - g. Attempts to breach or actual breaches in computer security in any manner.
 - h. Use of UVI computer related equipment to violate any other UVI rule or policy.
 - i. Any violation of the UVI Acceptable Use Policy.
23. Violation of any federal or local law.

C. Violation of Law and UVI Discipline

1. UVI disciplinary proceedings may be instituted against a student charged with misconduct that potentially violates the Student Code, or both the criminal law and the Student Code (that is, if

both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. In such situations, the presumption is that UVI proceedings will go forward with usual promptness even if other related criminal or civil trials are occurring simultaneously or may occur in Court at later times. In any event, in each case, the Student Affairs Administrator on each campus shall determine, in his/her sole discretion, keeping in mind UVI's obligations to proceed promptly in all cases, whether proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. Determinations made or sanctions imposed under this Student Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were later dismissed, reduced, or resolved in favor of or against the criminal law defendant or because a civil lawsuit relating to the same facts was later resolved in a particular manner.

2. When a student is charged by federal or local authorities with a violation of law, UVI will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged misconduct is also being evaluated under the Student Code, UVI may advise off-campus authorities of the existence of the Student Code and of how such matters are typically handled within the UVI community. UVI, to the best of our ability, will cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions). Individual students and other members of the UVI community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

ARTICLE IV: STUDENT CONDUCT CODE PROCEDURES

A. Complaint, Notice and Student Conduct Board Hearings

1. Any member of the UVI community may submit a signed complaint stating that a student violated the Student Code. Such a complaint shall be prepared in writing with as much detail as possible, including the names and contact information of all known witnesses to the alleged conduct and it should be directed to the Student Affairs Administrator. Any complaint should be submitted as soon as possible after the event takes place, preferably within 10 working days (although later complaints will be accepted). If a complaint is submitted more than 10 working days following the incident, it is suggested that the reasons for the delay should be submitted.
2. The Student Affairs Administrator or her/his designee may conduct a preliminary investigation to determine the nature of the matter, likely witnesses and relevant documents, whether the complaint may have merit and/or if it can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the Student Affairs Administrator (such as by the student accepting responsibility and sanctions, by mediation, or by such other approaches as may fit the situation). Such disposition shall be final and there shall be no subsequent proceedings. If the matters complained of are not admitted and/or cannot be disposed of by mutual consent, the Student Affairs Administrator may later serve in the same matter as the person who assigns sanctions if a Student Code violation is determined to have occurred. If the student admits violating institutional rules, but sanctions are not agreed to, subsequent process, including a hearing if necessary, shall be limited to determining the appropriate sanction(s). The normal expectation is that this preliminary investigation and related actions will be completed within 10 working days of receipt of the complaint, but this is a guideline, not a requirement.
3. If the matter is not resolved by the Student Affairs Administrator after the preliminary investigation and it appears to the Student Affairs Administrator that the complaint may have merit, the conduct shall be presented to the Accused Student in a brief written Notice. The Notice will also state the campus rules that may have been violated. The Notice will set a time and place for a Student Conduct Board Hearing, neither less than 72 hours nor more than

fifteen working days after the Accused Student has been given Notice. Maximum time limits for scheduling of Student Conduct Board Hearings may be extended at the discretion of the Student Affairs Administrator. If a student does not accept the Notice, time periods shall run from the date of the attempt to deliver such Notice.

4. If alleged student misconduct occurs during the Summer (that is, after Spring examinations and before classes begin in the Fall) and a Hearing is required, the Student Affairs Administrator has several options:
 - a. The Student Affairs Administrator may follow the usual procedure for appointing a Student Conduct Board; or
 - b. The Student Affairs Administrator may choose, instead, to appoint one or more staff members or administrators to serve in the place of one or more faculty members; or
 - c. The Student Affairs Administrator may elect to hold the matter for the beginning of the Fall semester.

(Note: These options are also available to the Student Conduct Administrator when the alleged misconduct occurs during the Spring semester but where the Hearing would be scheduled after Spring examinations.)

5. Student Conduct Board Hearings shall be conducted by a Student Conduct Board according to the following guidelines:
 - a. Student Conduct Board Hearings normally shall be conducted in private.
 - b. The Complainant (or Victim Student, if different), Accused Student, and their advisors, if any, shall be allowed to attend the entire portion of the Student Conduct Board Hearing at which information is received (excluding deliberations). Admission of any other person to the Student Conduct Board Hearing shall be at the discretion of the Student Conduct Board and/or its Student Affairs Administrator. Students and faculty members who are selected for a Campus Pool to serve on Student Conduct Boards may attend a Hearing(s) (but not the deliberations) as a silent observer as part of their training.
 - c. In Student Conduct Board Hearings involving more than one Accused Student, the Student Affairs Administrator, in his or her discretion, may permit the Student Conduct Board Hearings concerning each student to be conducted either separately or jointly.
 - d. The Student Affairs Administrator or her/his designee shall organize materials and logistics for the Hearing and shall be available to perform recordings or other related functions.
 - e. The Complainant (or Victim Student, if different) and the Accused Student have the right to be assisted by an advisor they choose. The advisor must be a member of the UVI community and may not be an attorney. The Complainant (or Victim Student, if different) and the Accused Student are separately responsible for presenting their own information and, therefore, advisors are not permitted to speak or to participate directly in any Hearing before a Student Conduct Board. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the Student Conduct Board Hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor.
 - f. The Complainant (or Victim Student, if different), the Accused Student and the Student Conduct Board may arrange for witnesses to present pertinent information to the Student Conduct Board. Both the Complainant (or Victim Student, if different) and the Accused Student shall have an opportunity to be heard by the Student Conduct Board and to offer witnesses, subject to reasonable limitations established by the Board Chair. UVI will try to arrange (but UVI cannot guarantee) the attendance of possible witnesses who are members of the UVI community, if reasonably possible, and who are identified by the Complainant (or Victim Student, if different) and/or Accused Student at least two workdays prior to the Student Conduct Board Hearing. Witnesses will provide information to and answer questions from the Student Conduct Board. Questions may be submitted, through the Board Chair, by the Accused Student and/or Complainant (or

appointed by the President: a faculty member, a member of the UVI staff, and a UVI Student Affairs staff member, who serves as the Chair. The same UVI Student Affairs staff member who serves as the Chair will also serve at the Student Affairs Administrator who assigns sanctions, if any violation is found. A separate RHSCC may be appointed for residence halls on each campus.

- b. If the RHSCC is unable, for any reason, to hear a matter promptly, the Student Affairs Administrator may determine to have it heard by the regular Student Conduct Board.

B. Sanctions

1. The following sanctions may be imposed upon any student found to have violated the Student Code:
 - a. Warning—A notice in writing to the student that the student is violating or has violated institutional regulations. Repeated infractions, after a warning, may result in more severe sanctions. A record of the warning will be maintained by the Student Affairs Administrator.
 - b. Probation—A written reprimand for violation of specified regulations. Probation is for a designated period of time, not to exceed one academic year, and includes the probability of more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during the probationary period.
 - c. Loss of Privileges—Denial of specified privileges for a designated period of time. This may include not being allowed to use University facilities and/or not being allowed to represent UVI in any extracurricular activity such as intercollegiate athletics, debate teams, University theatre, UVI band (intramural and other informal recreational privileges would not be denied.)
 - d. Fines— Previously established and published fines may be imposed.
 - e. Restitution—Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
 - f. Discretionary Sanctions—Work assignments, essays, service to the UVI community, development of a program of self-development or other related discretionary assignments.
 - g. Residence Hall Suspension—Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
 - h. Residence Hall Expulsion—Permanent separation of the student from the residence halls.
 - i. UVI Suspension—Separation of the student from UVI for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. During a suspension, the person is barred from attending UVI classes, taking part in any UVI activities, and from coming onto or using UVI property and facilities without the express written consent of the Student Affairs Administrator. Violations of UVI rules during the period of suspension may result in additional sanctions under this Student Code. Notification of disciplinary sanctions will appear on the student's official electronic record until the expiration of the sanction. Near the end of the suspension period, a student suspended under this Student Code (that is, not for academic reasons) who wishes to return to UVI must obtain from the Student Affairs Administrator the conditions applicable to the resumption of enrollment. The Student Affairs Administrator may recommend a denial for readmission in those instances where the suspended student fails to demonstrate a positive change in behavior which indicates that the suspended student is now prepared to become, again, a responsible member of the UVI community.
 - j. UVI Expulsion—Permanent separation of the student from UVI. Expulsion as a sanction under this Student Code is the termination of all student rights, including any remaining right or privilege to receive some benefit or recognition or certification. Only under very unusual circumstances would an expelled student be readmitted. An appeal seeking readmission upon conditions set by UVI should be directed to the Associate Campus Administrator for Student Affairs on the appropriate campus, no sooner than one

complete calendar year from the date that the expulsion became effective. (An appeal seeking readmission after an expulsion for academic reasons -- not Student Code reasons -- should be directed to the Provost.) During an expulsion the person is barred from coming onto or using UVI property and facilities. A record of the action will appear on the student's official electronic record after all appeals, if any, have been concluded.

- k. Revocation of Admission and/or Degree – Admission to or a degree awarded from UVI may be revoked for fraud, misrepresentation, or other violation of UVI standards in obtaining the degree, or for other serious violations committed by a student prior to graduation. As provided below, the sanction of Revocation of Degree may be imposed only by the President following a review by the Student Conduct Board and Provost. However, the President may take such action whether or not such action is recommended by the Student Conduct Board and/or the Provost.
 - l. Withholding Degree – UVI may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Conduct Code, including the completion of all sanctions imposed, if any.
2. More than one of the sanctions listed above may be imposed for any single violation.
 3. In determining and specifying the sanction(s) after a violation has been determined to have occurred, the Student Affairs Administrator (or President, in the case of a sanction of Revocation of Degree) may take into account the accused student's prior conduct record at UVI.
 4. Other than UVI expulsion or revocation or withholding of a degree, disciplinary sanctions shall not be made part of the student's permanent academic record but shall become part of the student's disciplinary record.
 5. In situations involving both an Accused Student(s) (or group or organization) and a student(s) claiming to be the victim of another student's conduct, the records of the process and of the sanctions imposed, if any, shall be considered to be the education records of both the Accused Student(s) and the student(s) claiming to be the victim because the educational career and chances of success in the academic community of each may be impacted.
 6. The following sanctions may be imposed upon groups or organizations:
 - a. Those sanctions listed above as sanctions (a)–(f).
 - b. Loss of selected rights and privileges for a specified period of time, as designated by the Student Affairs Administrator. This could include, by example, loss of the right to representation on other UVI organizations (such as Student Government) and loss of representation in the Student Handbook, Student Leaders directories or other UVI publications.
 - c. Deactivation. Loss of all privileges, including UVI recognition, for a specified period of time.
UVI also reserves the right to establish contact with and to make recommendations to the organization's regional or national office.
 7. In each case in which a Student Conduct Board determines that a student and/or group or organization has violated the Student Code, the sanction(s) (other than Revocation of a Degree) shall be determined and imposed by the Student Affairs Administrator. The recommendation of the Student Conduct Board shall be considered by the Student Affairs Administrator in determining and imposing sanctions. The Student Affairs Administrator is not limited to sanctions recommended by the Student Conduct Board.
 8. In the event that the Accused Student has graduated and the Student Conduct Board, after finding the Accused Student responsible for violating the Student Code, recommends revocation of a degree as a sanction, such recommended sanction(s) shall go to the Provost,

rather than to the Student Affairs Administrator. The Provost would then recommend to the President whether the sanction of Revocation of a Degree should be imposed, or not. Thereafter, the President would determine whether to impose the sanction of revocation of a degree. Any appeal from the determination of violations by the Student Conduct Board (but not including the sanction imposed by the President) would be considered by the Appellate Reviewer using the regular Appeal process in this Student Code.

9. Following the Student Conduct Board Hearing, the Student Affairs Administrator (together with the President in a case involving a sanction of Revocation of Degree) shall advise the Accused Student, group and/or organization (and a student who believes s/he was the victim of another student's conduct) in writing of its determination and of the sanction(s) imposed, if any. The Accused Student and Victim Student will have the opportunity to be advised of the results in the same manner, in the same detail and with equal promptness.

C. Interim Suspension

In certain circumstances, the Associate Campus Administrator for Student Affairs on the appropriate campus (or the President or Provost) may impose a UVI or residence hall suspension prior to the Hearing before a Student Conduct Board.

1. Interim suspension may be imposed only: (a) to ensure the safety and well-being of members of the UVI community or preservation of UVI property or property of UVI community members; or (b) if the student poses an ongoing threat of disruption of, or interference with, the normal operations of UVI.
2. During the interim suspension, a student shall be denied access to the residence halls and/or to the campus (including classes) and/or all other UVI activities or privileges for which the student might otherwise be eligible, as the Associate Campus Administrator for Student Affairs on the relevant campus may determine to be appropriate.
3. The interim suspension does not replace the regular process, which shall proceed on the normal schedule, up to and through a Student Conduct Board Hearing, if required.

D. Appeals

1. A decision reached by the Student Conduct Board (including the RHSCC) and/or a sanction imposed by the Student Affairs Administrator may be appealed by the Accused Student(s) or Complainant(s) (or Victim Student, if different) to the Appellate Reviewer within seventy two (72) hours of notice of the decision. Such appeals shall be in writing explaining the reasons for the appeal and shall be delivered to the Student Affairs Administrator or his or her designee. Sanctions shall not take effect until the appeal process is completed (but conditions imposed as an Interim Suspension may remain in effect until the appeals process is completed). A decision involving the revocation of a degree may be recommended to the President but the President's decision to revoke a degree cannot be reviewed by an Appellate Reviewer; only the Student Conduct Board's decision finding a violation may be appealed in such a case. After any such appeal, a decision reached by the President to impose the sanction of revocation of a degree shall be final.
2. Except as required to explain the basis of new information, on appeal the Appellate Reviewer shall be limited to a review of the verbatim record of the Student Conduct Board Hearing, documents considered by the Board, and the Board's report for one or more of the following purposes:
 - a. To determine whether the Student Conduct Board Hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complaining party (or Victim Student, if different) an opportunity to prepare

and to present information that the Student Code was violated, and giving the Accused Student an opportunity to prepare and to present a response to those allegations. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.

- b. To determine whether the decision reached regarding the Accused Student was based on substantial information, that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of the Student Code occurred.
 - c. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code which the student was found to have committed. (This ground for appeal is not available as to the President's sanctioning decision in the case of a sanction of Revocation of Degree.)
 - d. To consider new information, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original Student Conduct Board Hearing. A person urging this basis for appeal should explain, in his/her written appeal, the alleged information, why the information may be sufficient for a Hearing Board to alter a decision and why the information was not known at the time of the Hearing.
3. The Appellate Reviewer does not hold a new hearing or conduct interviews (formal or informal) with any of the witnesses who testified at the Hearing. (The Appellate Reviewer may hold a Hearing solely to ascertain the basis of an appeal based upon new information; if so, the Complainant (and Victim Student, if different) and the Accused Student shall have the same opportunity to take part.) The Appellate Reviewer accepts the credibility decisions of the Hearing panel and does not attempt to determine what the Appellate Reviewer might have done instead but reviews, on appeal, only the four issues listed above.
 4. When there is an appeal, the other Accused Student(s) or Victim Student (s) will be notified that there has been an appeal and will be given an opportunity to come to the office of the Student Affairs Administrator to review it and to submit for the Appellate Reviewer any written comments they might have within 72 hours after notice, so that the Appellate Reviewer may consider all perspectives at one time (both the comments in the written appeal and comments made in response by others).
 5. If an appeal is upheld by the Appellate Reviewer, the matter shall be returned to the original Student Conduct Board and Student Affairs Administrator for re-opening of Student Conduct Board Hearing to allow reconsideration of the original determination and/or sanctions(s), consistent with the Appellate Reviewer's determination. In an unusual case, the Student Affairs Administrator may assign the matter anew to a new Student Conduct Board to conduct a new hearing. If an appeal is not upheld, the matter shall be considered final and binding upon all involved unless a timely special appeal is made to the President.
 6. An appeal to the President of the Appellate Reviewer's decision shall be allowed only in cases in which a student was given the sanction of expulsion or suspension from UVI. This appeal shall follow the same procedures applicable to the appeal to the Appellate Reviewer, as set forth in paragraphs 7-11. Appeals to the President involving possible violation of the Sexual Harassment Policy of the University shall be determined not by the Student Code process but by the procedures set forth in the Sexual Harassment Policy of the University.
 7. A decision reached by the Appellate Reviewer concerning the decision reached by the Student Conduct Board and/or a sanction imposed by the Student Affairs Administrator in a case in which the sanction imposed was suspension or expulsion from UVI, may be appealed to the President by the Accused Student(s) or Complainant(s) (or Victim Student, if different) within ten business days of notice of the Appellate Reviewer's decision. Such appeals shall be in writing explaining the reasons for the appeal and shall be delivered to the Student Affairs Administrator or his or her designee. Sanctions shall not take effect until the appeal process is completed (but conditions imposed as an Interim Suspension may remain in effect until the

appeals process is completed).

8. Except as required to explain the basis of new information, on appeal, the President shall be limited to a review of the verbatim record of the Student Conduct Board Hearing, documents considered by the Board, the Board's report, the original appeal letter and other written materials considered by the Appellate Reviewer, and the Appellate Reviewer's report for one or more of the following purposes:
 - a. To determine whether the Student Conduct Board Hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complaining party (or Victim Student, if different) an opportunity to prepare and to present information that the Student Code was violated, and giving the Accused Student an opportunity to prepare and to present a response to those allegations. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.
 - b. To determine whether the decision reached regarding the Accused Student was based on substantial information, that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of the Student Code occurred.
 - c. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code which the student was found to have committed.
 - d. To consider new information, sufficient to alter a decision or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original Student Conduct Board Hearing. A person urging this basis for appeal should explain, in his/her written appeal, the alleged information, why the information may be sufficient for a Hearing Board to alter a decision and why the information was not known at the time of the Hearing.
9. The President does not hold a new hearing or conduct interviews (formal or informal) with any of the witnesses who testified at the Hearing. (The President may hold a Hearing solely to ascertain the basis of an appeal based upon new information; if so, the Complainant (and Victim Student, if different) and the Accused Student shall have the same opportunity to take part.) The President accepts the credibility of the decisions of the Hearing panel and does not attempt to determine what the President might have done instead but reviews, on appeal, only the four issues listed above.
10. When there is an appeal to the President, the other Accused Student(s) or Victim Student (s) will be notified that there has been an appeal and will be given an opportunity to come to the office of the Student Affairs Administrator to review it and to submit for the President any written comments they might have within 10 days after notice, so that the President may consider all perspectives at one time (both the comments in the written appeal and comments made in response by others).
11. If an appeal is upheld by the President, the matter shall be returned to the original Student Conduct Board and Student Affairs Administrator for re-opening of Student Conduct Board Hearing to allow reconsideration of the original determination and/or sanctions(s), consistent with the President's determination. In an unusual case, the Student Affairs Administrator may assign the matter anew to a new Student Conduct Board to conduct a new hearing. If an appeal is not upheld, the matter shall be considered final and binding upon all involved.

ARTICLE V: INTERPRETATION AND REVISION

- A. Any question of interpretation or application of the Student Code shall be referred to the Associate Campus Administrator for Student Affairs - St. Thomas or to his or her designee for final determination.
- B. The Student Code shall be reviewed periodically by the Associate Campus Administrator for Student Affairs on both campuses.