

FALL 2020 PUBLIC-HEALTH GUIDELINES AND REQUIREMENTS: STUDENT CONDUCT'S EDUCATION AND ENFORCEMENT STRATEGIES

Guiding Philosophy

By welcoming students back to campus, the university commits to providing them a robust academic, residential, and co-curricular experience. This commitment includes supporting differing perspectives and educating students (particularly those traditionally-aged undergraduates) as they learn to live and make decisions independently. It also includes upholding community values and prioritizing safety through the lens of *Ut Prosim*—namely, that taking individual responsibility for abiding by public-health guidelines is service to others. Therefore, we must approach the enforcement of public-health requirements and guidelines using a developmental and educational lens and a range of intervention options and in partnership with students, faculty, staff, and the broader community.

Guiding Assumptions

- Public-health directives from Governor Northam, including Executive Order 63 and Phase III guidelines for all locations and individuals include the following: 1) wearing a face covering inside public spaces, 2) physical distancing, 3) limited occupancy of physical space.
- The [Community Wellness Agreement](#) expresses the community's shared commitment to mitigating health risks by committing to specific measures, including wearing face coverings/masks, practicing social distancing and good hygiene, following public-health guidelines and medical recommendations for testing and self-isolation, etc.
- [The Residential Life COVID-19 Health and Wellbeing Commitment](#), signed by all on-campus residents, requires students to wear masks in a residence hall, with some exceptions; to practice physical distancing; to engage in preventative hygiene practices; to avoid public spaces if they have symptoms of COVID-19 and to contact a medical provider; and to self-isolate as directed by a medical professional.
- Housing and Residence Life will provide personal protective equipment (PPE) and isolation spaces, when necessary.
- Students who indicate that they have a medical condition that precludes them from wearing a mask cannot be held accountable for non-compliance, nor do they have to have documentation or accommodations from SSD. However, staff may explore other options with them (e.g., face shields, loose scarves, etc.).
- Additional university guidance outlines additional requirements for student participation in and hosting of events on campus.
- Guidance/requirements are subject to change in response to the dynamic environment and public-health directives.

Intervention Guidelines

This document outlines a strategy for addressing concerns that arise on university property, as well as off campus. The approach and type of intervention may vary by location, as outlined in the two sections below (i.e., on-campus and off-campus concerns), given that there may be some policies or requirements on campus that do not extend off campus. Student Conduct will collaborate with the Dean of Students and other campus and community partners to address those issues and support individual and community wellbeing.

The following scenarios may necessitate intervention to correct students' behavior, to provide support or assistance, and—in situations involving repeated violations of public-health directives, associated disruptions, or behavior that places other people in immediate danger—to hold students' accountable for violations of the Student Code of Conduct.

A student...

- Fails to wear or removes a face covering and/or to practice social distancing in locations or situations covered by local, state, or university's directives.
- Hosts a gathering that violates rules governing the number of people allowed at an event, as determined by local, state, or university directives.
- Causes a significant disruption or issues threats when approached about non-compliance.
- Fails to follow self-isolation directives of medical professionals.
- Fails to avoid public spaces when exhibiting symptoms of COVID-19 or to contact a medical professional for testing and/or guidance
- Intentionally attempts to transmit the virus to others (e.g., spitting or breathing on people when exhibiting symptoms or testing/presumed positive for COVID-19).
- Violates other policies in the *Student Code of Conduct* (e.g., the Alcoholic Beverage policy) in tandem with any of the behaviors listed above.

Considerations for Intervention

Responding to concerns and educating students about their role in preventing the spread of COVID-19 is a shared responsibility. Specifically, faculty, staff, community members, and other students must be willing to challenge students who do not uphold standards and, when possible, to engage in dialogue about the issue. While Student Conduct can provide a more formal university response, bystanders may hold more power to influence behavioral changes.

Given the complex and changing environment, the newness of some of the required behaviors for many students, and the varying levels of risk behaviors may pose, we recommend a tiered intervention strategy:

1. Ask the student to change their behavior: remind the student of the relevant regulation and give them the opportunity to correct their behavior.
 - If they refuse or express an inability to comply in the moment, ask if they need assistance to comply (e.g., need a mask, etc.), listen to what other factors may be contributing to their behavior, and offer appropriate resources and support
 - Note: If a student discloses that they have a medical condition that prevents them from wearing a mask, federal law says that we may NOT ask them questions about the disability, nor can we require documentation. In addition, we may not require them to request accommodations through SSD, as SSD is not handling mask-related accommodations. However, we may inquire about what other protective measures they may be able to take, such as wearing a face shield, a loose scarf, etc. Consult with SSD for guidance if you're not sure what is appropriate.
 - Ask them to remove themselves from a space, if necessary

- Follow-up, as appropriate, for a discussion about individual and community responsibility or to provide educational resources
2. **Refer to Student Conduct:** Students who repeatedly violate public-health requirements, cause disruptions, or create environments that increase potential risk (e.g., hosting gatherings or events that violate requirements) may be referred to Student Conduct for a more formal intervention. Student Conduct will review the referral and determine an appropriate response, using a tiered approach that considers the nature and context of the behavior.

Potential responses by Student Conduct include the following:

- Conflict resolution (i.e., facilitated conversations, conflict coaching)
- Sending a letter to the student, reminding them of the requirements and stating that any additional referrals will result in a conduct meeting.
- Holding an educational conversation to address the behavior (this may be done in collaboration with university and/or community partners)
- Engaging the student in an agreed-resolution meeting, which includes identifying potential policy violations and sanctions
- Holding a formal hearing, which includes determining whether a student is responsible for violating policy and issuing appropriate sanctions

Relevant Policies in the [Student Code of Conduct](#)

The following university policies may apply in some situations, as determined by Student Conduct. The *Student Code of Conduct* applies to students both on and off campus.

- **Failure to Comply with University Official:** Failure to comply with a request and directives of university officials acting within the scope of their authority, including but not limited to the following: failure of a student to present their university identification card, failure to keep or attend a required meeting, and failure to leave an area when requested by an authorized university official. Upon the request of the student questioned, university officials must identify themselves and state the source of their authority.
- **Failure to Observe Rules and Regulations:** Failure to observe rules and regulations issued by the university that are not listed specifically as “Prohibited Conduct” in the document, including but not limited to regulations linked above in the “[Additional University Policies for which Students are Responsible](#)” and “[Additional Community Specific Regulations](#)” sections.
- **Disorderly or Disruptive Conduct:** Engaging in disorderly or disruptive conduct that interferes with university, community, or individual activities, including but not limited to studying, teaching, research, and university administration.
- **Endangerment:** Actions that intentionally or recklessly endanger the health, safety, or well-being of oneself or another person or group.
- **Involvement in a University Violation:** Presence during any violation of the Student Code of Conduct and/or other university policies in such a way as to condone, support, or encourage that violation. Students who anticipate or observe a violation of university policy are expected to remove themselves from participation and are encouraged to report the violation.

- **Visitation/Guest Policies:** Students or student organizations will be held responsible for the conduct of their guests and are expected to inform them of all university regulations, including but not limited to [Housing and Residence Life](#) policies.
- **Abusive Conduct:** The use of physical force against an individual or any acts that cause physical harm; threats, including words or actions, that may cause a person reasonable apprehension of imminent physical harm.

Sample On-Campus Scenarios and Potential Intervention Strategies

The following scenarios offer examples of how potential violations of public-health guidelines on campus will be resolved. While the scenarios are set in residence halls, classroom, or common spaces, the same processes apply to other on-campus locations.

Scenario 1: First-time violation of Safe Practices

- **Residence Hall or Common-Space Setting:** Student in a residence hall or student center is not wearing a mask or fails to practice social distancing in a common area. An employee reminds them of the requirement and asks about any needs they may have (e.g., do they need a mask?). The student complies by either putting on a mask or returning to their room/leaving the common space.
 - Situation resolved
- **Classroom Setting:** Student in a classroom is not wearing a mask or practicing social distancing. The instructor reminds them of the requirement and asks about needs they may have. The student complies, or if they are unable to comply because they don't have a mask with them, they leave the classroom.
 - Situation resolved

Scenario 2: Repeated Behavior

- **Residence Hall or Common-Space Setting:** Later in the week, the student is again seen not wearing a mask, or they are not practicing social distancing, etc. The staff member reminds them again and documents the interaction, noting that it is the second time. They may decide at this time to refer the matter to Student Conduct.
 - Student Conduct sends a letter to the student or holds an educational conversation, depending on the behavior(s) or the student's response or level of resistance during their conversation with the staff member.
- **Classroom Setting:** At a subsequent class, the student again fails to wear a mask or to practice social distancing, etc. The faculty reminds them again and sends a referral to Student Conduct (at the faculty member's discretion), noting that it is the second interaction.
 - Student Conduct holds an educational conversation or agreed-resolution meeting with the student, depending on the behavior(s), the student's response or level of resistance, and the degree to which the class was disrupted.
 - Potential policy violations in the case of an agreed resolution: Failure to Follow Rules and Regulations, Disorderly or Disruptive Conduct, Failure to Comply with a University Official

Scenario 3: Unsafe Environment

- **Residence Hall or Common-Space Setting:** Student(s) hosts a gathering in their room (or a student organization hosts an event on campus) above the allowable number of people, and

some students present are also not practicing social distancing or wearing masks. Staff may refer the matter to Student Conduct.

- Student Conduct holds an agreed resolution with the student(s)--(note: if other potential policy violations are involved, such as underage drinking, the sanction imposed will be more significant)
- Potential policy violations: Endangerment, Failure to Follow Rules and Regulations, Disorderly or Disruptive Conduct, Failure to Comply with a University Official, Involvement

Scenario 4: Disruptive Environment

- **Residence Hall or Common-Space Setting:** Student becomes disruptive or threatening when confronted about wearing a mask or social distancing.
 - Student Conduct will hold an agreed resolution or formal hearing with the student, depending on the context and circumstances.
 - Potential policy violations: Failure to Follow Rules and Regulations, Disorderly or Disruptive Conduct, Failure to Comply with a University Official
- **Classroom Setting:** Student refuses to comply with faculty's request to wear a mask (in the absence of a disability) or to socially distance, or they cause a scene—causing the faculty to end the class.
 - Student Conduct will hold an agreed resolution or formal hearing with the student, depending on the context and circumstances.
 - Potential policy violations: Failure to Follow Rules and Regulations, Disorderly or Disruptive Conduct, Failure to Comply with a University Official

Scenario 4: Potential Community Exposure

- **All Settings:** Student has symptoms of COVID-19 and attends class or otherwise does not avoid public spaces or self-isolation procedures, as mandated by medical professionals (unless under extraordinary circumstances).
 - Assistant Vice President for Student Affairs may impose an interim suspension; Student Conduct will hold an agreed-resolution or formal hearing (most likely), depending on the context and circumstances of the situation.
 - Potential policy violations: Endangerment, Failure to Follow Rules and Regulations, Disorderly or Disruptive Conduct, Failure to Comply with a University Official
- **All Settings:** Student is exhibiting symptoms or has tested or is presumed positive for COVID-19 and intentionally tries to transmit the virus through spitting, breathing on others, etc.
 - Assistant Vice President for Student Affairs may impose an interim suspension; Student Conduct will hold a formal hearing, depending on the context and circumstances of the situation.
 - Potential policy violations: Endangerment, Abusive Conduct, Failure to Follow Rules and Regulations, Disorderly or Disruptive Conduct, Failure to Comply with a University Official

Sample Off-Campus Scenarios and Potential Intervention Strategies

For concerns that arise off campus, Student Conduct will collaborate with the Dean of Students and other campus and community partners, including law enforcement, to address reports and support individual and community wellbeing.

The following scenarios offer examples of potential community concerns:

- Students gathering at an off-campus residence who do not appear to be following state or local public-health directives.
- Social gatherings hosted or attended by students at an off-campus location that may exceed limits on the number of people allowed to attend and/or violating other state or local public-health directives.
- Students who cause a disruption or behave in a threatening manner when confronted about a real or perceived lack of compliance with public-health directives.
- Roommates who hold different expectations for behavior related to public health, resulting in conflict.

When the university receives a report from the community regarding student(s) behavior off campus, Student Conduct and the Dean of Students will collaborate to identify an appropriate response. Using the following steps, we will determine whether the report can be substantiated and, if so, whether it represents a conflict; a pattern of behavior; a significant disruption; or a potential violation of university policy, state or federal law, or local ordinances. This determination will inform the type of intervention strategy, as outlined on page 3.

Steps for gathering information include:

- Identifying what is known about event or behavior, the location, and the student(s) involved (note: off-campus concerns often do not include specific information about involved parties or addresses at which the event may have occurred).
- Gathering information from Blacksburg and/or Virginia Tech Police about the reported incident and any previously reported behavior.
- Contacting the reporting party, if possible, to learn more about the situation and their desired action or resolution.
- Contacting the students alleged to have engaged in the reported behavior to learn more.
- Working with campus or community partners who can help address potential issues, such as landlords, organization advisors, university departments, etc.

Similarly to the on-campus scenarios above, the formality of interventions and their potential consequences will reflect the nature of the incident and the potential level of disruption or harm caused. These interventions could include conflict resolution; letters of warning or educational conversations with Student Conduct, the Dean of Students, or other partners; as well as informal (agreed resolutions) or formal hearings to determine if university policies were violated.