

MEMORANDUM

RECEIVED

SEP 18 2009

OFFICE OF STUDENT CONDUCT

TO: Frances Keene, Director of Student Conduct

FROM: Byron Hughes, Assistant Director of Student Conduct ^{BH}

RE: Potential violations of Student Code of Conduct by Men's Club Rugby

DATE: September 18, 2009

Today I met with [REDACTED] stemming from a party [REDACTED]. During the incident it was described [REDACTED] had consumed alcohol at a rugby party. [REDACTED] all [REDACTED] were asked to [REDACTED] shared collectively [REDACTED].

- At the conclusion of [REDACTED] practice, [REDACTED] were invited to a party [REDACTED] where they were told they would simply be hanging out for the night.
- Once at the residence they were provided alcohol.
- At a certain point [REDACTED] were told to get into a closet with a "handle" of Bourbon and told that most of it needed to be consumed before they were let out of the closet.
- The first [REDACTED] out of the closet had to bong a beer, and each [REDACTED] was let out of the closet individually and had to "chug race" [REDACTED]. The "chug race" was described as [REDACTED] attempting to chug a beer before the other one could.
- Various other drinking activities took place over the next few hours, including a "boat race" in which three people [REDACTED] sat on the ground (one behind the other) and each [REDACTED] would chug a beer right after the other in competition [REDACTED].
- [REDACTED] described that [REDACTED] were not the only [REDACTED] consuming alcohol at the party which was hosted by [REDACTED] the team.
- [REDACTED] were the only students at the party inside of the closet attempting to finish the "handle" of Bourbon.
- [REDACTED] students were returned to campus by a designated driver.
- [REDACTED] indicated that club officers were not present, nor was any alcohol [REDACTED].

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paid for by team dues.

[REDACTED], I recommend that the men's club rugby team be charged with violations of the Student Code of Conduct.

MEMORANDUM

To: [REDACTED] Men's Club Rugby
From: Nannette Jimenez, Office of Student Conduct
Date: September 23, 2009
Subject: Men's Club Rugby Conduct Referral [REDACTED]

I have received a conduct referral alleging your organization's involvement in a violation of the Student Code of Conduct published in the **Hokie Handbook**. Based on the information outlined in the report, it appears that your organization may have been in violation of the university policies outlined below. Please consult the **Hokie Handbook** for additional information about the Student Code of Conduct and the University Conduct System. The Hokie Handbook and other resources can also be found online at www.studentconduct.vt.edu.

Hazing: Hazing is a criminal offense in the Commonwealth of Virginia. Hazing is prohibited in all forms. This policy is based on the proposition that students are entitled to be treated with consideration and respect at all times. It applies to all student organizations and individuals. Specifically, hazing is defined as any mental or physical requirement, request, or obligation placed upon any person which could cause discomfort, pain, fright, disgrace, injury, or which is personally degrading, or which violates any federal, state, local statute or university policy, the willingness of an individual to participate in such activity notwithstanding. Concurrently, the national Interfraternity Conference, the National Panhellenic conference, and the National Panhellenic council state unequivocally that hazing has no place in the collegiate fraternity and sorority system. In addition, the members of the Corps of Cadets are subject to the Virginia Tech Corps of Cadets Regulations Manual. In determining whether a specific behavior violates the hazing policy, consideration will be given to how the behavior relates to the university's mission and purpose.

Alcoholic Beverage: Students are expected to comply with the alcohol regulations of the Commonwealth of Virginia and the university. In order to maintain conditions conducive to a learning environment, all state laws apply to Virginia Tech students. Members of the university community are accountable for their decisions regarding their use of alcohol as well as their behavior which occurs as a result of those decisions. For the complete Alcohol Beverage policy, please refer to the Student Code of Conduct section of the Hokie Handbook.

Failure to Observe Rules/Regulations: Failure to observe rules and regulations issued by the university, including all publications and notices pertaining to student life and student services. Publications for which students are accountable include the Hokie Handbook, parking and traffic regulations, telecommunications and computer use policies, and any written policies distributed to affected students by the university. In addition, residence hall students are accountable for the housing contract, cadets are accountable for cadet regulations, directives, and policies, and affected fraternities/sororities are accountable for the Fraternity and Sorority Life Manual.

Involvement in a University Violation: Presence during any violation of university policy in such a way as to condone, support, or encourage that violation. Students who participate or observe a violation of university policy are expected to remove themselves from participation and are encouraged to report the violation.

Before the hearing, you have the right to obtain an advisor, who may attend the hearing with you, but may not participate in the hearing. At the hearing, you have the right to challenge, with cause, the participation of any conduct officer or committee member. You have the right to remain silent and will not be forced to answer questions. You may testify on your own behalf, present your own witnesses, and hear, question, or rebut any and all information presented. Finally, you have the right to appeal the decision reached by the university hearing authority. Should you decide not to attend the hearing, it may be held in your absence. A hearing will be scheduled for your organization with either an administrative hearing officer or student conduct committee. If you like to request either an administrative or committee hearing, please provide your decision in writing to me. The deadline to make this decision is **Thursday, September 24, 2009 by 5:00 p.m.**

As the Case Coordinator, I hope to assist you prepare for your organization's impending conduct hearing and about the student organization conduct process. Should you have any questions prior to the hearing, do not hesitate to contact me njimenez@vt.edu or at (540) 231-3790.

cc: Dr. Frank Shushok, Associate Vice President for Student Affairs
Department of Recreational Sports
Men's Club Rugby Coaching Staff
File

October 1, 2009

[Redacted]

Men's Club Rugby

Case Number: [Redacted]

Dear [Redacted]

Yesterday your organization attended a conduct hearing to discuss your alleged involvement in violations of the 'Student Code of Conduct' outlined in the **Hokie Handbook**. This letter serves to clarify the sanctions discussed at the conclusion of the hearing.

Below is the outcome for the following **Student Code of Conduct** charges.

Description	Outcome
<ul style="list-style-type: none"> ● 2009.A.16 Alcoholic Beverage Students are expected to comply with the alcohol regulations of the Commonwealth of Virginia and the university. In order to maintain conditions conducive to a learning environment, all state laws apply to Virginia Tech students. Members of the university community are accountable for their decisions regarding their use of alcohol as well as their behavior which occurs as a result of those decisions. For the complete Alcohol Beverage policy, please refer to the Student Code of Conduct section of the Hokie Handbook. 	Responsible
<ul style="list-style-type: none"> ● 2009.A.25 Failure to Observe Rules/Regulations Failure to observe rules and regulations issued by the university, including all publications and notices pertaining to student life and student services. Publications for which students are accountable include the Hokie Handbook, parking and traffic regulations, telecommunications and computer use policies, and any written policies distributed to affected students by the university. In addition, residence hall students are accountable for the housing contract, cadets are accountable for cadet regulations, directives, and policies, and affected 	Responsible

fraternities/sororities are accountable for the Fraternity and Sorority Life Manual.

● 2009.A.36 Hazing - Group Behavior Hazing is a criminal offense in the Commonwealth of Virginia. Hazing is prohibited in all forms. This policy is based on the proposition that students are entitled to be treated with consideration and respect at all times. It applies to all student organizations and individuals. Specifically, hazing is defined as any mental or physical requirement, request, or obligation placed upon any person which could cause discomfort, pain, fright, disgrace, injury, or which is personally degrading, or which violates any federal, state, local statute or university policy, the willingness of an individual to participate in such activity notwithstanding. Concurrently, the national Interfraternity Conference, the National Panhellenic conference, and the National Panhellenic council state unequivocally that hazing has no place in the collegiate fraternity and sorority system. In addition, the members of the Corps of Cadets are subject to the Virginia Tech Corps of Cadets Regulations Manual. In determining whether a specific behavior violates the hazing policy, consideration will be given to how the behavior relates to the university's mission and purpose.

Responsible

● 2009.A.37 Involvement in University Violation Presence during any violation of university policy in such a way as to condone, support, or encourage that violation. Students who participate or observe a violation of university policy are expected to remove themselves from participation and are encouraged to report the violation.

Not Responsible

The following are the sanctions imposed as a result of your organization's conduct hearing.

● **Loss of recognition:** As discussed at the post-hearing meeting, Men's Club Rugby will lose recognition from Virginia Tech starting this current, Fall 2009 semester through Spring 2010 (5/15/2010) semester. This means that the organization must cease all operations and activities in the Organization's name including but not limited to, any competitive play on or away from campus, any recruitment of members, any social activities, correspondence or communication, and any financial transactions. We expect that the organization will follow the letter and spirit of this sanction. Thus, alter-egos of a similar name and function of the organization are prohibited. You can not use any aspect of the name of the university in your name; this includes

but is not limited to, Virginia Tech, VPI&SU, VT, Va Tech, or Virginia Polytechnic Institute and State University. It should be noted that this does not preclude members of this group from forming an interest group off-campus and off the premises of Virginia Tech. Violations of this sanction or the spirit of the sanction may negatively impact the re-registration and re-recognition of this organization by the university.

This is in effect from: October 1, 2009 **to:** May 15, 2010

● **Re-instatement Meeting:** The semester the organization plans to return the executive board will need to schedule a re-instatement meeting with the Office of Student Conduct. At this meeting the organization will receive risk management guidance and will work collaboratively with the Office of Student Conduct to set in place risk management procedures for your organization. This session will address relevant risk management policies, new member (rookie) process practices, alcohol laws and policies, and executive board member response to team events that violate such policies. Additionally, any other sanctions listed below will be discussed. Failure to complete this educational assignment may result in a one-semester suspension (loss of recognition) by the university.

This sanction is due by: August 15, 2010

● **Risk Management Review:** Men's Club Rugby, in conjunction with the Campus Alcohol Abuse Prevention Center will coordinate a comprehensive review of all applicable university policies, campus recreation policies, and state laws by 10/1/2010. Your organization must document 90% team attendance and provide a signed roster (along with a complete and accurate team roster) of all members present, in addition to the signatures of the executive board members. An agenda must be submitted, the required speakers must sign the roster, indicating their presence and participation at the meeting. This required documentation must be completed and delivered to the Office of Student Conduct by 10/8/2010. Failure to complete the educational assignment may result in a one-semester suspension by the university.

This sanction is due by: October 1, 2010

While it is likely that the actions [REDACTED] may have been planned and implemented without the knowledge of team officers, the [REDACTED] impacted by his decisions more likely than not saw these drinking activities (rituals) as customary and a typical rite of passage [REDACTED]. It is unfortunate that these actions impacted the competitive interests of the team as a whole, and hopefully this incident will encourage you all to carefully consider your recruitment practices. Even though membership on a club team is available to any enrolled student willing to pay team dues, it is possible to deny membership to individuals whose behavior would be detrimental to your team and the reputation of this university.

According to *University Student Conduct System*, your organization can appeal this action within seven business days from notification. The appeal period begins once the hearing officer

determines the decision and that day is considered the first day of your appeal period. The date for a written appeal to be received is 5:00 PM on October 09, 2009. An appeal meeting must be scheduled at least 24 hours in advance of the above deadline at which time the appropriate forms will be given to you. Your written appeal should be directed to the Office of Student Conduct and will then be reviewed along with your entire student conduct file by an Associate Vice President for Student Affairs or his designee. Conduct sanctions are set aside pending the outcome of the appeal. Additionally, you are reminded that failing to complete an educational assignment by the specified date and time may result in a **ONE SEMESTER SUSPENSION** from the university.

Case materials are filed in the student organization's conduct folder, which is retained in the Office of Student Conduct. Case folders are destroyed five years from the date of the incident.

Your cooperation in resolving this matter is appreciated. If I can be of assistance to you, please contact me.

Sincerely,



Byron Hughes

Assistant Director

Office of Student Conduct

CC: Dr. Frank Shushok, Associate Vice President for Student Affairs
Department of Recreational Sports
Men's Club Rugby Coaching Staff
File

October 15, 2009

Virginia Tech Rugby Team
[REDACTED]

Dear [REDACTED] Members of the Virginia Tech Rugby Team:

Dr. Frank Shushok, Associate Vice President for Student Affairs has designated me to coordinate and respond to disciplinary appeals. Accordingly, I have now reviewed all of the information and materials which you submitted in your judicial appeal which was received October 9, 2009 and all of the information and materials pertaining to your judicial hearing. The following is an analysis of my findings with respect to your appeal.

You appealed on the basis of your belief that the sanction is unduly harsh or arbitrary. In determining a sanction, the hearing officer must always take into consideration the facts of the alleged incident and determine the severity of that incident. Before I discuss my decision, I will summarize the grounds of your appeal. Your appeal argues that the actions of some Rugby team members should not place accountability on your entire organization. Other materials submitted with your appeal suggest that the actions on the night in question were organized, attended, and run by members of your Division [REDACTED] team. I will address each of these points in my response.

I disagree with the assertion that the event in question does not meet the definition of an organizational event outlined in the student code of conduct and the University Policies for Student Life, contained in the Hokie Handbook. The party was mentioned at practice [REDACTED] so everyone on that team was aware of the gathering. Plus, the information about the party was translated to new members of the team, suggesting more than a casual invitation in passing. Furthermore, there were members of the Division [REDACTED] and Division [REDACTED] present at the event. Both of these facts refute your assertion that the majority of the organization did not know about the event. If only mentioned casually after one practice, how did members of other teams know about the event? Additionally, there were enough members of the Rugby team for the newest members to associate the event with the team. Therefore, I do not find any basis to your argument that this was not a Rugby event. As leaders of student organizations, it is critical to address with all members how the actions of a few can involve the organization directly.

Per your second point in your appeal and from the hearing with Mr. Hughes, you assert that Division [REDACTED] members are responsible along with a few [REDACTED] players. However, as your roster suggests, members of the Division [REDACTED] and Division [REDACTED] were also present at the event. The Rugby team is recognized as one USLP and I would suggest that you work

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with Alan Glick and Chris Wise in Recreational Sports to determine the best way to reorganize your group for the Fall 2010.

I do not find the decision to deny the Rugby team's recognition as a University Student Life Program (USLP) for two semesters to be unduly harsh or arbitrary, but rather expected and in line with established and announced University policy and case precedent. Accordingly, my decision is to uphold the original decision of the hearing officer. I am allowing you to hold the Rugby matches scheduled for this weekend (October 17th) but all Rugby events scheduled after Sunday, October 18th must cease. This, then, is the final University decision in this case. Should you have any remaining questions, please contact the Office of Student Conduct.

Sincerely,



Frances B. Keene
Director of Student Conduct

cc: Office of Student Conduct
Dr. Frank Shushok, Associate Vice President for Student Affairs
Chris Wise, Director, Recreational Sports
Dr. Ed Spencer, Vice President for Student Affairs